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FEDERAL CORRUPT PRACTICES AND
POLITICAL ACTIVITIES

FEDERAL CORRUPT PRACTICES ACT
HATCH POLITICAL ACTIVITIES ACT

SENATOR HOWARD W. CANNON, *Chairman*

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS

OF THE

COMMITTEE ON RULES AND
ADMINISTRATION

UNITED STATES SENATE



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SENATE RESOLUTION 375

IN THE SENATE OF THE UNITED STATES,
Agreed to July 19, 1968.

Resolved, That a revised edition of Senate Document Numbered 68 of the Eighty-eighth Congress, entitled "Federal Corrupt Practices and Political Activities" be printed as a Senate document; and that there be printed four thousand additional copies of such document for the use of the Committee on Rules and Administration.

Attest:

FRANCIS R. VALEO,
Secretary.

FOREWORD

This document is published as a guide and ready reference to certain Federal election laws and miscellaneous related acts and regulations applicable to candidates for Federal office, political committees, political parties, and others seeking or attempting to influence the results of Federal elections.

Especially, it is intended to assist and instruct such candidates, committees, parties, and others concerning campaign contributions and expenditures, financial statements, and other political activities.

HOWARD W. CANNON,
Chairman, Subcommittee on Privileges and Elections.

(III)

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ACQUISITIONS

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FEDERAL CORRUPT PRACTICES ACT, 1925, AS AMENDED

[Approved February 28, 1925; as amended June 25, 1943; and further amended June 20, 1947, June 25, 1948, May 24, 1949, and October 31, 1951]

[Public No. 506, 65th Cong., as amended by Public No. 89, 78th Cong., and further amended by Public Nos. 101 and 772, 80th Cong., Public No. 72, 81st Cong. and Public No. 248, 82d Cong.]

TITLE III.¹—FEDERAL CORRUPT PRACTICES ACT, 1925

Sec. 301. CITATION. (February 28, 1925, ch. 368, sec. 301, 43 Stat. 1070; 2 U.S.C., 1964 ed., sec. 256.)

SEC. 301. This title may be cited as the "Federal title. Corrupt Practices Act, 1925."

Sec. 302. DEFINITIONS. (February 28, 1925, ch. 368, sec. 302, 43 Stat. 1070; 2 U.S.C., 1964 ed., sec. 241.)

SEC. 302. When used in this chapter [2 U.S.C. §§ 241-256] and section 208 of title 18—

(a) The term "election" includes a general or special election,² but does not include a primary election or convention of a political party; Meaning of terms used.
Election.

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected; Candidate.

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization; Political committee.

¹ The Federal Corrupt Practices Act was enacted as title III, sections 301-318 of "An Act reclassifying the salaries of postmaster and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes" (43 Stat. 1070-1074).

Sections 310-313 have been repealed but have been reenacted and codified to appear in title 18, United States Code, and are no longer a part of the Corrupt Practices Act, but are given herewith to retain the continuity of the original act of 1925.

² The words "and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature," were omitted by Presidential Proclamation No. 2695, as authorized by Act July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.

Contribution.	(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;
Expenditure.	(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;
Person.	(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;
Clerk.	(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;
Secretary.	(h) The term "Secretary" means the Secretary of the Senate of the United States;
State.	(i) The term "State" includes Territory and possession of the United States.

Sec. 303. CHAIRMAN AND TREASURER OF POLITICAL COMMITTEES; DUTIES AS TO CONTRIBUTIONS; ACCOUNTS AND RECEIPTS. (February 28, 1925, ch. 368, sec. 303, 43 Stat. 1071; 2 U.S.C., 1964 ed., sec. 242).

Political committee. Officers required.	SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.
Accounts to be kept by treasurer. Receipts.	(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of— (1) All contributions made to or for such committee; (2) The name and address of every person making any such contribution, and the date thereof;
Expenditures.	(3) All expenditures made by or on behalf of such committee; and

NOTE.—Section 591 of title 18, as enacted by Public Law 772, Eightieth Congress, second session, June 25, 1948, defines, for the purposes of sections 597, 599, 602, 609, and 610 of the revised title 18, the terms referred to in paragraphs (a)–(f) and (1) of section 302. Sections 597, 599, 602, and 610 of the new title 18 supersede sections 311, 310, 312, and 313 respectively of the Corrupt Practices Act. See *infra*, notations under these sections. The act of May 24, 1949 (63 Stat. 90, 139, § 9) amended section 591 by elimination from the definition of "election" the reference to the Resident Commissioner from the Philippines. Section 591, as amended, is as follows:

"Sec. 591, Definitions

"When used in sections 597, 599, 602, 609, and 610 of this title—

"The term 'election' includes a general or special election, but does not include a primary election or convention of a political party;

"The term 'candidate' means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

"The term 'political committee' includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State, if such committee association or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

"The term 'contribution' includes a gift, subscription, loan, advance, or deposit, of money or anything of value, and includes a contract, promise, or agreement to make a contribution whether or not legally enforceable;

"The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift,

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

Receipted bills to be kept.

Sec. 304. ACCOUNTS OF CONTRIBUTIONS RECEIVED. (February 28, 1925, ch. 368, sec. 304, 43 Stat. 1071; 2 U.S.C., 1964 ed., sec. 243.)

SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

Contributions to be reported to the treasurer.

Sec. 305. STATEMENTS BY THE TREASURER FILED WITH CLERK OF HOUSE OF REPRESENTATIVES. (February 28, 1925, ch. 368, sec. 305, 43 Stat. 1071; 2 U.S.C., 1964 ed., sec. 244.)

SEC. 305. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

Statements in detail to be filed with the Clerk by treasurers.

Filing dates.

Requirements.

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

List of contributors of \$100 or more.

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

Total from other contributors.

(3) The total sum of all contributions made to or for such committee during the calendar year;

Yearly total of all contributions.

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

List of expenditures, etc., of \$10 or more.

of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable.

"The term 'person' or the term 'whoever' includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

"The term 'State' includes Territory and possession of the United States."

Total of all other expenditures.

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

Yearly total— all expenditures.

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

Statements cumulative during the year.

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Final statement January 1.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

Sec. 306. STATEMENTS BY OTHERS THAN POLITICAL COMMITTEE FILED WITH CLERK OF HOUSE OF REPRESENTATIVES. (February 28, 1925, ch. 368, sec. 306, 43 Stat. 1072; 2 U.S.C., 1964 ed., sec. 245.)

Statements by individuals expending \$50 or more.

SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

Sec. 307. STATEMENTS BY CANDIDATES FOR SENATOR, REPRESENTATIVE, DELEGATE, OR RESIDENT COMMISSIONER FILED WITH SECRETARY OF SENATE AND CLERK OF HOUSE OF REPRESENTATIVES. (February 28, 1925, ch. 368, sec. 307, 43 Stat. 1072; 2 U.S.C. 1964 ed., sec. 246.)

Statements by candidates.

SEC. 307. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

Filing dates.

Requirements.

Contributions received, itemized.

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

Expenditures made— itemized.

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such ex-

penditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated;

Exception
(see p. 6).

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

Promises or pledges of appointments, etc., to public or private position.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

Statements cumulative.

Exception.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate.

Report of total votes at last election to be inclosed.

Sec. 308. STATEMENTS; VERIFICATION; FILING; PRESERVATION; INSPECTION. (February 28, 1925, ch. 368, sec. 308, 43 Stat. 1072; 2 U.S.C., 1964 ed., sec. 247.)

SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

Statement requirements generally.

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

Verification.

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

Transmittal by registered mail.

Duplicates.

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

Preservation by Clerk or Secretary for inspection for 2 years.

Sec. 309. LIMITATION UPON AMOUNT OF EXPENDITURES BY CANDIDATE. (February 28, 1925, ch. 368, sec. 309, 43 Stat. 1073; 2 U.S.C., 1964 ed., sec. 248.)

SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State

Campaign expenses of candidates limited.

in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

Amounts allowed (See State laws).

Senators: \$10,000.
Representatives: \$2,500.

Alternative amount based on total votes at last election.

Senators: \$25,000.
Representatives: \$5,000.

Specified personal expenses not included in limit.

Exception.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

Sec. [310.]³ 599. PROMISE OF APPOINTMENT BY CANDIDATE. (Title 18 U.S.C., 1964 ed., sec. 599, superseding February 28, 1925, ch. 368, sec. 310, 43 Stat. 1073 and 2 U.S.C., sec. 249.)

Promising appointment, etc., to public or private position to procure support of any person, unlawful.
Penalty.

SEC. 599. Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

³ Secs. 310-313 were repealed by Public Law 772, June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure."

Sec. 599 of title 18 quoted in the text above is a consolidation of former sec. 310 and sec. 314 of the Corrupt Practices Act. Changes in arrangement and phraseology were necessary to effect consolidation and the words "or both" were added to conform to the almost universal formula of the punishment provisions of title 18. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

Sec. [311.]⁴ 597. EXPENDITURES TO INFLUENCE VOTING. (Title 18 U.S.C., 1964 ed., sec. 597, superseding February 28, 1925, ch. 368, sec. 311, 43 Stat. 1073 and 2 U.S.C. sec. 250.)

SEC. 597. Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Offering expenditure, etc., to influence a vote, unlawful.

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Soliciting expenditure, etc., also unlawful.

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Penalty.

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

Sec. [312.]⁵ 602. SOLICITATION OF POLITICAL CONTRIBUTIONS. (Title 18 U.S.C., 1964 ed., sec. 602, superseding February 28, 1925, ch. 368, sec. 312, 43 Stat. 1073 and 18 U.S.C., secs. 208 and 212.)

⁴ Secs. 310-313 were repealed by Public Law 772, June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure."

Sec. 597 of title 18 quoted in the text above is a consolidation of former sec. 311 and sec. 314 of the Corrupt Practices Act. Reference to persons causing or procuring was omitted as unnecessary in view of the definition of "principal" in sec. 2 of title 18: "(a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. (b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such."

The punishment provisions of sec. 314 of the Corrupt Practices Act were incorporated at the end of the revised sec. 597 of title 18 upon authority of reference in such section making them applicable to sec. 311 of the same act. The words "or both" are new, being added to sec. 597 to conform to the almost universal formula of the punishment provisions of title 18. (See 80th Cong., 1st sess., H. Rept. 304 on H.R. 3190.)

⁵ Secs. 310-313 were repealed by Public Law 772, June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure."

Sec. 602 is based on former secs. 208 and 212 of title 18, United States Code 1940 ed., and consolidates these sections. Sections 208 and 212 were originally enacted January 16, 1883, as sections 11 and 15 respectively, of the Civil Service Act, also known as the Pendleton Act (22 Stat. 406, 407).

Sec. 602 has been expanded to embrace all officers or persons acting on behalf of any independent agencies or Government owned or controlled corporations by inserting words "or any department or agency thereof," it being the purpose of the inserted language to further what appeared unquestionably to be the intent of Congress; namely to cover all persons acting for the U.S. Government in an official function.

The punishment provision now contained in sec. 602 was taken from former sec. 212 of title 18, United States Code, which, by reference, made the punishment applicable to the crime described in sec. 602. Changes were also made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

Congressmen,
U.S. employees,
etc., soliciting,
receiving as-
sessments, etc.,
from Govern-
ment employ-
ees, unlawful.

Sec. 602. Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than three years or both.

Penalty.

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

NOTE.—Section 603 of title 18, 1953 ed., although not a section of the Corrupt Practices Act, contains a prohibition on the part of persons mentioned in section 602. Section 603 reads as follows:

Sec. 603. (As amended Oct. 31, 1951, ch. 655, sec. 20 (b), 65 Stat. 718.)⁶
Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years or both.

Sec. [313.]⁷ 610. POLITICAL CONTRIBUTIONS AND EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS; PENALTY. (Title 18, U.S.C., 1964 ed., sec. 610, superseding February 28, 1925, ch. 368, sec. 313, 43 Stat. 1074, as amended June 25, 1943, ch. 144, sec. 9, 57 Stat. 107 and further amended June 23, 1947, ch. 120, title III, sec. 301, 61 Stat. 159. Since enactment into positive law on June 25, 1948, as sec. 610 of title 18 this section has been amended May 24, 1949, ch. 139, sec. 10, 63 Stat. 90, and further amended October 31, 1951, ch. 655, sec. 20(c), 65 Stat. 718.)

⁶ 1951 Amendment. Act Oct. 31, 1951, amended section by striking out "from any such person" which followed "purpose".

⁷ Sec. 313 is derived from the Tillman Act of January 26, 1907, ch. 420, 34 Stat. 864, being sec. 83 of the Penal Code of March 4, 1909, 35 Stat. 1103, prohibiting corporations from making money contributions in connection with political elections. Sec. 313 of the Corrupt Practices Act, as amended, was repealed by Public Law 772, June 25, 1948, but was reenacted without change and codified into positive law as sec. 610 of title 18 of the United States Code entitled "Crimes and Criminal Procedure." (See 80th Cong., 2d sess., S. Rept. 1620 on H.R. 3190.)

This section passed February 28, 1925, as section 313 of title III of "An Act reclassifying the salaries of the postal service, etc." (43 Stat. 1053, 1070-1074; ch. 368, sec. 313 [H.R. 11444], Public Law No. 506). The War Labor Disputes Act, known also as the Smith-Connally Anti-Strike Act, made the original section applicable to contributions by labor organizations and added the last sentence (57 Stat. 167, June 25, 1943; ch. 144, sec. 9 [S. 796], Public Law No. 89, being U.S.C., title 50, App. sec. 1509). That amendment was temporary, however, and expired at the end of 6 months following the termination of hostilities of World War II which was proclaimed at 12 o'clock noon of December 31, 1946, by Proclamation No. 2714.

The section was further amended and made permanent legislation in the form given above in the text by the Labor-Management Relations Act, 1947. This act extends the prohibition against contributions, both in the case of corporations and labor unions to include expenditures as well as contributions, and includes primary elections and political conventions within the prohibitions (61 Stat. 159, June 23, 1947; ch. 120, title III, sec. 304 [H.R. 3020], Public Law No. 101).

Act of May 24, 1949, a technical amendment, amended catchline of section 610 by inserting after the word "contributions" the words "or expenditures" (63 Stat. 90).

Act of Oct. 31, 1951, amended second paragraph by inserting after "labor organization as the case may be," the words "and any person who accepts or receives any contribution," and by adding the additional punishment provisions; "and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both" (65 Stat. 718).

SEC. 610. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than \$5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both. For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Contributions or expenditures by national banks or federally organized corporations, unlawful.

Contributions or expenditures by any corporation or labor organization, unlawful.

Includes primary or convention.

Penalty for violation of sec. 610.

Punishment for violation.

Labor organization.

CROSS REFERENCE

For definitions of terms applicable to this section, see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

Sec. 314. GENERAL PENALTIES FOR VIOLATIONS.
(February 28, 1925, ch. 368, sec. 314, 43 Stat. 1074;
2 U.S.C., 1964-ed., sec. 252.)

SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Punishment for violations not specifically covered.

Punishment for
willful viola-
tions.

(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$10,000 and imprisoned not more than two years.

Sec. 315. EXPENSES OF ELECTION CONTESTS. (February 28, 1925, ch. 368, sec. 315, 43 Stat. 1074; 2 U.S.C., 1964 ed., sec. 253.)

Legal expenses
for contests
not affected.

SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

Sec. 316. STATE LAWS NOT AFFECTED. (February 28, 1925, ch. 368, sec. 316, 43 Stat. 1074; 2 U.S.C., 1964 ed., sec. 254.)

State laws,
unless incon-
sistent, not
affected.

SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

Sec. 317. PARTIAL INVALIDITY. (February 28, 1925, ch. 368, sec. 317, 43 Stat. 1074; 2 U.S.C., 1964 ed., sec. 255.)

Invalidity of
any provision
not to affect
remainder of
act.

SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provisions to other persons and circumstances shall not be affected thereby.

Sec. 318. REPEALING CLAUSES. (February 28, 1925, ch. 368, sec. 318, 43 Stat. 1074.)

Laws repealed.

SEC. 318. The following Acts and parts of Acts are hereby repealed: The Act entitled "An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chapter 392, Thirty-sixth Statutes, page 822) and the Acts amendatory thereof, approved August 19, 1911 (chapter 33, Thirty-seventh Statutes, page 25), and August 23, 1912 (chapter 349, Thirty-seventh Statutes, page 360); the Act entitled "An Act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chapter 187,

36 Stat. 822.

37 Stat. 25,
360.

Fortieth Statutes, page 1013); and section 83 of the 40 Stat. 1013.
Criminal Code of the United States, approved March 4, 35 Stat. 1088,
1909 (chapter 321, Thirty-fifth Statutes, page 1088). 1103.

Sec. 319. EFFECTIVE DATE. (February 28, 1925, ch.
368, sec. 319, 43 Stat. 1074.)

SEC. 319. This title shall take effect thirty days after Effective date.
its enactment.

Approved, February 28, 1925.

TABLE 1.—CHRONOLOGY OF THE FEDERAL CORRUPT PRACTICES ACT SHOWING DATE OF ENACTMENT, AMENDMENTS, CODIFICATION, AND DISPOSITION OF EACH SECTION IN THE UNITED STATES CODE¹

Sections	Date of enactment, amendment, or codification	United States Statutes at Large citation				Former United States Code citation	United States Code, 1958 edition	Disposition of section on June 28, 1948, upon revision and enactment into positive law title 18, United States Code, entitled "Crimes and Criminal Procedure"
		Chapter	Section	Volume	Page			
Sec. 301	Feb. 28, 1925	368	301	43	1070	Title 2, sec. 256	Title 2, sec. 256	
Sec. 302	do	368	302	43	1070	Title 2, sec. 241	Title 2, sec. 241	
Sec. 303	do	368	303	43	1071	Title 2, sec. 242	Title 2, sec. 242	
Sec. 304	do	368	304	43	1071	Title 2, sec. 243	Title 2, sec. 243	
Sec. 305	do	368	305	43	1071	Title 2, sec. 244	Title 2, sec. 244	
Sec. 306	do	368	306	43	1072	Title 2, sec. 245	Title 2, sec. 245	
Sec. 307	do	368	307	43	1072	Title 2, sec. 246	Title 2, sec. 246	
Sec. 308	do	368	308	43	1072	Title 2, sec. 247	Title 2, sec. 247	
Sec. 309	do	368	309	43	1073	Title 2, sec. 248	Title 2, sec. 248	
Sec. 310	do	368	310	43	1073	Title 2, sec. 249	Title 2, sec. 249	
Repealed but reenacted and codified in title 18, United States Code.	June 25, 1948	645	1, 21	62	721 [sec. 599] 855		Title 18, sec. 599	Repealed but revised, codified and reenacted into positive law as 18 U.S.C. 599 (new).
Sec. 311	Feb. 28, 1925	368	311	43	1073	Title 2, sec. 250		
Repealed but reenacted and codified in title 18, United States Code.	June 25, 1948	645	1, 21	62	721 [sec. 597] 855		Title 18, sec. 597	Repealed but revised, codified and reenacted into positive law as 18 U.S.C. 597 (new).
Sec. 312 ^a	Feb. 28, 1925	368	312	43	1073	Title 18, sec. 208		Repealed but revised, codified, and reenacted into positive law as 18 U.S.C. 602 (new).
Repealed but reenacted and codified in title 18, United States Code.	June 25, 1948	645	1, 21	62	722 [sec. 602] 855		Title 18, sec. 602	
Sec. 313	Feb. 28, 1925	368	313	43	1074	Title 2, sec. 251		Repealed but revised, codified, and reenacted into positive law as 18 U.S.C. 610 (new).
Amended (temporary)	June 25, 1943	144	9	57	167	Title 2, sec. 251 and title 50 appendix, sec. 1509		
Amended	June 23, 1947	120	304	61	159	Title 2, sec. 251 and title 50 appendix, sec. 1509.		
Repealed but reenacted and codified in title 18, United States Code.	June 25, 1948	645	1, 21	62	723 [sec. 610] 865		Title 18, sec. 610	
Amended	May 24, 1949	139	10	63	90		do	
Do	Oct. 31, 1951	655	20(c)	65	718		do	

Sec. 314.....	Feb. 28, 1925	368	314	43	1074	Title 2, sec. 252.....	Title 2, sec. 252.....	No change. The punishment provisions remained in 2 U.S.C. 252 but were also incorporated in 18 U.S.C. 597 (new), 599 (new), 609 (new).
Affected.....	June 28, 1948	645	1	62	721, 723	Title 2, sec. 252; title 18, secs. 597, 599, 609.		
Sec. 315.....	Feb. 28, 1925	368	315	43	1074	Title 2, sec. 253.....	Title 2, sec. 253.....	
Sec. 316.....	do.....	368	316	43	1074	Title 2, sec. 254.....		
Sec. 317.....	do.....	368	317	43	1074	Title 2, sec. 255.....		
Sec. 318.....	do.....	368	318	43	1074	Repealing clauses; not codified.....		
Sec. 319.....	do.....	368	319	43	1074	Effective date; not codified.....		

¹The Federal Corrupt Practices Act of Feb. 28, 1925, was enacted as title III, secs. 301-319, of ch. 368, 43 Stat. 1070-1074. "An Act reclassifying the salaries of postmasters and employees of the postal service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes."

²Sec. 312 as enacted on Feb. 28, 1925, was an amendment only to original sec. 11 of the Civil Service Act, also called the Pendleton Act, enacted during the 2d sess. of the 47th Cong., effective Jan. 18, 1883, formerly codified as sec. 118 of the Criminal Code of Mar. 4, 1909, 35 Stat. 1110.

**AN ACT TO PREVENT PERNICIOUS POLITICAL
ACTIVITIES, 1939, AS AMENDED**

or

**HATCH POLITICAL ACTIVITIES ACT, 1939, AS
AMENDED**

[Public Law No. 252, 76th Cong., August 2, 1939, ch. 410, sec. 1-11, 53 Stat. 1157; as amended by Public Law No. 753, 76th Cong., July 19, 1940, ch. 640, sec. 1-6, 54 Stat. 767; (and further amended by Public Law No. 507, 77th Cong., March 27, 1942, ch. 199, title VII, sec. 701, 56 Stat. 181, which expired March 31, 1947, under provisions of Public Law No. 475, 79th Cong., June 29, 1946, ch. 526, 60 Stat. 345, Public Law No. 754, 77th Cong., October 24, 1942, ch. 620, 56 Stat. 986; and further amended by Public Law No. 277, 78th Cong., April 1, 1944, ch. 150, title V, sec. 501, 58 Stat. 148-149, as amended by Public Law No. 418, 78th Cong., August 21, 1944, ch. 404, 58 Stat. 727, which expired December 31, 1946, by Proclamation of the President No. 2714); Public Law No. 624, 79th Cong., August 8, 1946, ch. 904, 60 Stat. 937; also cited as United States Code, 1946, title 18, sec. 61-61x, certain provisions of sec. 61h expiring March 31, 1947, under provisions of Public Law No. 475, 77th Cong., June 29, 1946, ch. 526, 60 Stat. 345, and secs. 61v, 61w, 61x expiring December 31, 1946, by Proclamation of the President No. 2714, as amended by Public Law No. 772, 80th Cong., 2d sess., June 25, 1948; as amended by Public Law 732, 81st Cong.; as amended by Public Law 330, 84th Cong.; as amended by Public Law 753, 87th Cong.; as amended by Public Law 554, 89th Cong.]

For disposition of the various sections of the Hatch Political Activities Act by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, see table on page 12.

**Sec. [11]³ 594. INTIMIDATION AND COERCION OF
VOTERS IN ELECTIONS OF CERTAIN OFFICERS.**
(Title 18, U.S.C., 1964 ed., sec. 594, as enacted by
Public Law 772, 80th Cong., 2d sess., superseding secs.
1 and 8 of the Act of August 2, 1939, ch. 410, 53 Stat.
1147, 1148, and formerly 18 U.S.C., secs. 61 and 61g.)

**Sec. 594. Whoever intimidates, threatens, coerces, or
attempts to intimidate, threaten, or coerce, any other
person for the purpose of interfering with the right of**

**Elections of
Federal offi-
cials, including
Presidential
electors.**

³ Former secs. 1-8, 10-11, 13, 17, and 20 of the Hatch Act were repealed by Public Law 772, 80th Cong., 2d sess., June 25, 1948, which act revised, codified, and enacted into positive law title 18 of the United States Code, entitled "Crimes and Criminal Procedure." Secs. 10, 11, and 17 were omitted from the revised title 18 for reasons stated in the notes here under the particular section. Secs. 9, 12, 15-16, 18 and 21 of the Hatch Act have been transferred to title 5, Executive Department, United States Code, where they appear as secs. 1181 to n inclusive. Sec. 9A was repealed but reenacted in substance by Public Law 330, 84th Cong., 1st sess., August 9, 1955. Sec. 14 appears as sec. 118k-3 in 5 U.S. Code 1958 ed.

Sec. 594 of title 18 quoted in the text above is based on former secs. 1 and 8 (former secs. 61 and 61g of title 18, U.S.C.) and consolidates these sections with changes in phraseology only. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

Intimidation or coercion of voters by any person unlawful.

Penalty.

such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and Possessions, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Sec. [2.]^o 595. ADMINISTRATIVE EMPLOYEES OF UNITED STATES OR ANY STATE, USE OF OFFICIAL AUTHORITY TO INFLUENCE ELECTIONS. (Title 18, U.S.C., 1964 ed., sec. 595, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 2 and 8 and incorporating the provisions of secs. 14, 19, and 21 of the Act of August 2, 1939, ch. 410, 53 Stat. 1147, 1148, as amended by the Act of July 19, 1940, ch. 640, 54 Stat. 767; and further amended by the Act of October 24, 1942, ch. 620, 56 Stat. 986 and formerly 18 U.S.C., secs. 61a, 61g, 61n, 61s, and 61u.)

Use of official authority by anyone in administrative position for purpose of interfering with election, unlawful.

Includes District of Columbia employees.

Includes employees of federally financed projects of States and municipalities.

Sec. 595. Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate

^o Sec. 595 quoted in the text above consolidates former secs. 2 and 8 and incorporates secs. 14, 19 and 21 of the Hatch Act. Words "or agency thereof" and words "or any department or agency thereof" were inserted to remove any possible ambiguity as to scope of the new section. Definitions of the terms "department" and "agency" are now found in sec. 6 of title 18, the term "agency" including any department, independent establishment, commission, administration, authority, board, or bureau of the United States or any corporation in which the United States has a proprietary interest unless the context shows that such term was intended to be used in a more limited sense.

Words "or by the District of Columbia or any agency or instrumentality thereof" were inserted upon authority of sec. 14 of the Hatch Act which provides that for the purposes of this section "persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States."

After "State" the words "Territory or possession of the United States" were inserted in two places upon authority of sec. 19 of the Hatch Act which defines "State," as used in this section, as "any State, Territory, or possession of the United States." The punishment provision now found in sec. 595 was derived from former sec. 8 of the Hatch Act, which by reference made the punishment applicable.

The second paragraph of sec. 595 incorporates the provisions of sec. 21 of the Hatch Act.

Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

or Resident Commissioner from any Territory or Possession, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Penalty.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States: or by any recognized religious, philanthropic, or cultural organization. Employees of educational and research institutions, etc.

Sec. [3]¹⁰ 600. POLITICAL ACTIVITY; PROMISE OF EMPLOYMENT, COMPENSATION OR OTHER BENEFIT. (Title 18, U.S.C., 1964 ed., sec. 600, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 3 and 8, of the Act of August 2, 1939, ch. 410, 53 Stat. 1147, 1148, and formerly 18 U.S.C., secs. 61b and 61g.)

SEC. 600. Whoever, directly or indirectly, promises any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Promise of benefit of any person as reward for support of or opposition to a candidate or political party unlawful.
Penalty.

Sec. [4]¹¹ 601. SAME; DEPRIVATION OF EMPLOYMENT, COMPENSATION OR OTHER BENEFIT. (Title 18 U.S.C. 1964 ed., sec. 601, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 4 and 8, of the Act of August 2, 1939, ch. 410, 53 Stat. 1147, 1148, and formerly 18 U.S.C., secs. 61c and 61g.)

SEC. 601. Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisonment not more than one year, or both. Discrimination in work relief, etc., on account of race, creed, etc., unlawful.
Penalty.

¹⁰ Sec. 600 quoted in the text above is based on and consolidates former secs. 3 and 8 of the Hatch Act. Minor changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

¹¹ Sec. 601 quoted in the text above is based on and consolidates former secs. 4 and 8 of the Hatch Act. The words "except as required by law" were used as sufficient to cover the reference to the exception made to the provisions of subsec. (b), sec. 9 of the Hatch Act which expressly prescribes the circumstances under which a person may be lawfully deprived of his employment and compensation therefor. Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

Sec. [5]¹² 604. ASSESSMENTS; CONTRIBUTIONS; SOLICITATION FROM BENEFIT RECIPIENTS. (Title 18, U.S.C., 1964 ed., sec. 604, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 5 and 8, of the Act of August 2, 1939, ch. 410, 53 Stat. 1148, and formerly 18 U.S.C., secs. 61d and 61g.)

Contributions, etc. for political purposes from persons receiving work relief or relief benefit unlawful.

Penalty.

SEC. 604. Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Sec. [6.]¹³ 605. LIST OF BENEFIT RECIPIENTS; FURNISHING. (Title 18, U.S.C., 1964 ed., sec. 605, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 6 and 8, of the Act of August 2, 1939, ch. 410, 53 Stat. 1148 and formerly 18 U.S.C., secs. 61e and 61g.)

Disclosure of lists or names of persons on relief for political purposes unlawful.

Receipt of list unlawful.

Penalty.

SEC. 605. Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Whoever receives any such list or names for political purposes—

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Sec. [7.]¹⁴ 598. APPROPRIATIONS, OFFICIAL AUTHORITY; USE IN COERCING VOTERS. (Title 18, U.S.C., 1964 ed., sec. 598, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 7 and 8, of the Act of August 2, 1939, ch. 410, 53 Stat. 1148 and formerly 18 U.S.C., secs. 61f and 61g.)

¹² Sec. 604 quoted in the text above is based on and consolidates former secs. 5 and 8 of the Hatch Act. Minor changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

¹³ Sec. 605 quoted in the text above is based on and consolidates former secs. 6 and 8 of the Hatch Act. Reference to persons aiding or assisting, contained in words "or to aid or assist in furnishing or disclosing" was omitted as unnecessary as such persons are made principals by sec. 2 of title 18: "(a) Whoever commits an offense against the United States, or aids, abets, counsels, commands, induces, or procures its commission is a principal. (b) Whoever causes an act to be done, which if directly performed by him would be an offense against the United States, is also a principal and punishable as such." Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

¹⁴ Sec. 598 quoted in the text above is based on and consolidates former secs. 7 and 8 of the Hatch Act with changes of phraseology necessary to effect the consolidation. The punishment provision was derived from former sec. 8 of the Hatch Act which, by reference, was made applicable to this section. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

SEC. 598. Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Relief, etc., funds, providing loans for public works projects, use to coerce or restrain voters unlawful.

Penalty.

Sec. [8.]¹⁵ 594, 595, 598, 600, 601, 604, 605. PENALTIES. (Sec. 8, of the Act of August 2, 1939, ch. 410, 53 Stat. 1148 formerly 18 U.S.C., sec. 61g was repealed by Public Law 772, 80th Cong., 2d sess., but was reenacted and consolidated with former sections 1-7 of the Act of August 2, 1939, as title 18, U.S.C., 1964 ed., secs. 595, 598, 600, 601, 604, and 605.)

(Secs. 9, 14, 15, 21)¹⁶ 5 U.S.C. (1966), § 7324. INFLUENCING ELECTIONS; TAKING PART IN POLITICAL CAMPAIGNS; PROHIBITIONS; EXCEPTIONS. (August 2, 1939, ch. 410, sec. 9, 53 Stat. 1148, 1149; as amended July 19, 1940, ch. 640, sec. 2, 54 Stat. 767; and further amended March 27, 1942, ch. 199, title VII, sec. 701, 56 Stat. 176, 181; June 29, 1946, ch. 526, sec. 1, 60 Stat. 345; August 8, 1946, ch. 904, 60 Stat. 937; March 31, 1947, ch. 29, sec. 3, 61 Stat. 34; July 15, 1947, ch. 248, sec. 3, 61 Stat. 321, 322; August 25, 1950, ch. 784, sec. 1, 64 Stat. 475; 5 U.S.C. 1964 ed., sec. 118i; September 6, 1966, Public Law 89-554, 80 Stat. 525, contained in recodification of title 5, United States Code, 5 U.S.C., sec. 7324.)

(a) An employee in an Executive agency or an individual employed by the government of the District of Columbia may not—

¹⁵ For disposition of sec. 8 see secs. [1] 594, [2] 595, [3] 600, [4] 601, [5] 604, [6] 605, and [7] 598.

Sec. 8 of the Hatch Act, providing a penalty for violation of secs. 1 through 7 was repealed by Public Law 772, 80th Cong., 2d sess., but was reenacted as a penalty provision in title 18, U.S.C. 1958 ed., secs. 594, 595, 598, 600, 601, 604, and 605. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

¹⁶ Sec. 9 was enacted August 2, 1939, and formerly appeared as sec. 61h of title 18 U.S. Code, 1940 ed., but was excluded from title 18 and recommended for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190) 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 9 formerly appeared as sec. 118i in title 5, U.S. Code, 1958 ed.

Sec. 14 of the Hatch Act providing that District of Columbia employees be included within the provisions of the act was added July 19, 1940, and formerly appeared as sec. 61n of title 18, U.S. Code in both 1940 and 1946 eds. Sec. 14 was excluded from title 18 and left dangling without recommendation for transfer to title 5 upon the revision and codification of that title by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 14 was omitted from the 1952 ed. of the U.S. Code and formerly appeared as sec. 118k-3 of U.S. Code, 1958 ed., title 5.

Sec. 15 was added July 19, 1940, and formerly appeared as sec. 61o of title 18, U.S. Code, 1940 ed., but was excluded from title 18 and recommended for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 15 formerly appeared as sec. 118l in title 5, U.S. Code, 1958 ed.

Sec. 21 was added October 24, 1942, and formerly appeared as sec. 61u of title 18, U.S. Code, 1940 ed., Supp. V (1941-1946), but was excluded from title 18 and left dangling without recommendation for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 21 formerly appeared as sec. 118k-1 in title 5, U.S. Code 1958 ed.

In the revision of title 18 on June 25, 1948, upon authority of sec. 21 the second paragraph of sec. 595 (new) was inserted. (See note to sec. (2) 595.)

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or

(2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

(c) Subsection (a) of this section does not apply to an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(d) Subsection (a)(2) of this section does not apply to—

(1) an employee paid from the appropriation for the office of the President;

(2) the head or the assistant head of an Executive department or military department;

(3) an employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws;

(4) the Commissioners of the District of Columbia,¹⁷ or

(5) the Recorder of Deeds of the District of Columbia.¹⁸

SECTION 7324

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 118i(a) (1st 2 sentences) (sec. 91(a), Hatch Act).	Aug. 2, 1939, ch. 410, § 9(a) (1st 2 sentences), 53 Stat. 1148. Mar. 27, 1942, ch. 199, § 701, 56 Stat. 181.
	5 U.S.C. 118k-3 (1st 33 words) (sec. 14, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 14 (1st 33 words)", 54 Stat. 771.
	5 U.S.C. 118l (less applicability to 5 U.S.C. 118k) (sec. 15, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 15 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 771.
(b)	5 U.S.C. 118i(a) (3d sentence) (sec. 9(a), Hatch Act).	Aug. 2, 1939, ch. 410, § 9(a) (3d sentence), 53 Stat. 1148. July 19, 1940, ch. 640, § 2, 54 Stat. 767.

¹⁷ Exemption annulled by adoption of Reorganization Plan No. 3, of 1967.

¹⁸ Included by administrative decision within prohibition of Hatch Act.

- (c) 5 U.S.C. 118k-1 (less applicability to 5 U.S.C. 118k) (sec. 21, Hatch Act). Oct. 24, 1942, ch. 620 "Sec. 21 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 56 Stat. 986.
- (d) 5 U.S.C. 118i(a) (4th sentence) (sec. 9(a), Hatch Act). Aug. 2, 1939, ch. 410, § 9(a) (4th sentence), 53 Stat. 1148.
- 5 U.S.C. 118k-3 (less 1st 33 words) (sec. 14, Hatch Act). July 19, 1940, ch. 640, § 4 "Sec. 14 (less 1st 33 words)", 54 Stat. 771.

In subsection (a), the words "July 19, 1940" are substituted for "at the time this section takes effect". The amendment made by the Act of Mar. 27, 1942, is omitted because it expired Mar. 31, 1947, under section 1501 of that Act, as added June 29, 1946, ch. 526, § 1, 60 Stat. 345; 50A U.S.C. 645.

In subsection (c), the reference in the Act of Oct. 24, 1942, to section 2 of the Act of Aug. 2, 1939, is omitted as that section was repealed by the Act of June 25, 1948, ch. 645, § 21, 62 Stat. 867, and is now covered by section 595 of title 18.

In subsection (d), the exception for the President and Vice President of the United States is omitted as unnecessary, as they are not "employees" under the definition in section 2105. In subsection (d)(2), the words "or military departments" are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this subsection, which was in effect in 1949, remained inapplicable to the head or assistant head of a military department by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser's note for section 301. Standard changes are made to conform with the definitions applicable.

(Sec. 9) 5 U.S.C. (1966), § 7325. **PENALTIES.** An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Civil Service Commission finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Commission.

Sec. [9A.]¹⁹ **FEDERAL EMPLOYEES; MEMBERSHIP IN POLITICAL PARTY OR ORGANIZATION ADVOCATING OVERTHROW OF UNITED STATES GOVERNMENT; PROHIBITION; PENALTIES.** (August 2, 1939, ch. 410, sec. 9A, 53 Stat. 1147, 1148; 5 U.S.C. 1952 ed. 118j; repealed August 9, 1955, by clause 2 of sec. 4 of Public Law 330, 84th Cong., 1st sess., ch. 690 but reenacted in substance by clause (2) of sec. 1 of Public Law 330 [H. Rept. No. 1152 and S. Rept. No. 1256 on H.R. 6590, 84th Cong., 1st sess.]; see page 43 herein.)

¹⁹ Formerly sec. 611 of title 18, U.S.C., 1940 ed.

Sec. [10.]²⁰ EFFECT ON EXISTING LAW. (August 2, 1939, ch. 410, sec. 10, 53 Stat. 1147, 1149; as amended, 54 Stat. 767; formerly 18 U.S.C., sec. 61j.)

Sec. [11.]²¹ SEPARABILITY CLAUSE. (53 Stat. 1149; formerly 18 U.S.C., sec. 61k.)

SECTION 7325

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118i(b)	Aug. 2, 1939, ch. 410, § 9(b), 53 Stat. 1148.
	(less last proviso, and less last sentence) (sec. 9(b), Hatch Act).	Aug. 25, 1950, ch. 784, § 1 "Sec. 9(b) (less last proviso, and less last sentence)", 64 Stat. 475.
		Oct. 5, 1962, Pub. L. 87-753, 76 Stat. 750.

The word "removed" is substituted for "removed immediately" because of the provisions of the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which is carried into this title. The words "or office" are omitted as included in "position". The words "by any Act of Congress" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable.

(Secs. 12,²² 15, 18, 19, 21) 5 U.S.C. (1966) § 1501. DEFINITIONS—EMPLOYEES OF CERTAIN STATE OR LOCAL AGENCIES FINANCED BY LOANS OR GRANTS FROM UNITED STATES—INFLUENCING ELECTIONS; OFFICER OR EMPLOYEE DEFINED. (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767; amended June 25, 1948, ch. 646, sec. 32(a), 62 Stat. 991, and further amended May 24, 1949, ch. 139, sec. 127, 63 Stat. 107, and June 11, 1960, Pub. L. 86-507, sec. 1(1), 74 Stat. 200; Title 5

²⁰ Former sec. 10 of the Hatch Act was repealed by Public Law 772, 80th Cong., 2d sess. The section was omitted as unnecessary because in the enactment of the revision of title 18 all old sections included in the new title are on an equal basis and speak as of the date of the enactment under authority of *United States v. Bowen* (100 U.S. 508), construing the Revised Statutes. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

²¹ Former sec. 11 of the Hatch Act was repealed by Public Law 772, 80th Cong., 2d sess. The section was omitted as unnecessary because sec. 18 of the Public Law 772 provides for separability of provision with respect to the entire new title 18. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

²² Formerly sec. 611 of title 18, U.S.C., 1940 ed.

Sec. 15 was added July 19, 1940, and formerly appeared as sec. 61o of title 18, U.S.C., 1940 ed., but was excluded from title 18 and recommended for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 15 appears as sec. 118i in title 5, U.S.C., 1958 ed.

Sec. 18 was added July 19, 1940, and formerly appeared as sec. 61r of title 18, U.S.C., 1940 ed., but was excluded from title 18 and recommended for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 18 formerly appeared as sec. 118n in title 5 U.S.C., 1958 ed.

Sec. 19 of the Hatch Act defining the term "State" was added July 19, 1940, and formerly appeared as sec. 61s of title 18, U.S.C. in both 1940 and 1946 eds. Sec. 19 was excluded from title 18 upon revision and codification of that title by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 19 formerly appeared as sec. 118k-2 of title 5, U.S.C., 1958 ed.

In the revision of title 18, U.S.C., on June 25, 1948, upon authority of sec. 19 the words "Territory or Possession of the United States" were inserted in two places in sec. 595 (new) of title 18. (See note to sec. [2] 595.)

Sec. 21 was added October 24, 1942, and formerly appeared as sec. 61u of title 18, U.S.C., 1940 ed., Supp. V (1941-1946), but was excluded from title 18 and left dangling without recommendation for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 21 formerly appeared as sec. 118k-1 in title 5 U.S.C., 1958 ed.

In the revision of title 18 on June 25, 1948, upon authority of sec. 21 the second paragraph of sec. 595 (new) was inserted. (See note to sec. [2] 595.)

U.S.C., 1964 ed., sec. 118k; September 6, 1966, Public Law 89-554, 80 Stat. 525, contained in recodification of title 5, United States Code, 5 U.S.C., secs. 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508).

For the purpose of this chapter—

(1) "State" means a State or territory or possession of the United States;

(2) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) "Federal agency" means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(4) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization; and

(5) the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

5 U.S.C. 1502. INFLUENCING ELECTIONS; TAKING PART IN POLITICAL CAMPAIGNS; PROHIBITIONS; EXCEPTIONS.

(a) A State or local officer or employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) take an active part in political management or in political campaigns.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a) (3) of this section does not apply to—

- (1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;
- (2) the mayor of a city;
- (3) a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil-service system; or
- (4) an individual holding elective office.

SECTION 1501

Derivation:	United States Code	Revised Statutes and Statutes at Large
(1)	5 U.S.C. 118k-2 (sec. 19, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 19", 54 Stat. 772.
(2), (3)	5 U.S.C. 118k(f) (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(f)", 54 Stat. 770.
(4)	5 U.S.C. 118k(a) (1st 41 words), (e) (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(a) (1st 41 words), (e)", 54 Stat. 767, 770.
	5 U.S.C. 118k-1 (as applicable to 5 U.S.C. 118k) (sec. 21, Hatch Act).	Oct. 24, 1942, ch. 620 "Sec. 21 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 56 Stat. 986.
(5)	5 U.S.C. 118l (as applicable to 5 U.S.C. 118k) (sec. 15, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 15 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 771.

In paragraph (4)(B), the words "or by any Territory or Territorial possession of the United States" are omitted in view of the definition of "State" in paragraph (1).

In paragraph (5), the words "July 19, 1940" are substituted for "at the time this section takes effect".

Standard changes are made to conform with the definitions applicable.

5 U.S.C. 1503. NONPARTISAN POLITICAL ACTIVITY PERMITTED.

Section 1502(a)(3) of this title does not prohibit political activity in connection with—

- (1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or
- (2) a question which is not specifically identified with a National or State political party.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party.

5 U.S.C. 1504. INVESTIGATIONS; NOTICE OF HEARING.

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Civil Service Commission. On receipt of the report, or on receipt of other information which seems to the Commission to warrant an investigation, the Commission shall—

- (1) fix a time and place for a hearing; and
- (2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

SECTION 1502

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(a) (less 1st 41 words (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(a), (less 1st 41 words)", 54 Stat. 767.

In subsection (a), the term "State or local officer or employee", defined in section 1501, is substituted for the first 41 words of former section 118k(a). The words "any part of his salary or compensation" are omitted as included in "anything of value".

Standard changes are made to conform with the definitions applicable.

SECTION 1503

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118n (as applicable to 5 U.S.C. 118k(a)) (sec. 18, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 18 (as applicable to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 772.

Standard changes are made to conform with the definitions applicable.

SECTION 1504

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(b) (1st and 2d sen- tences, and 4th through 17th words of 3d sen- tence) (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(b) (1st and 2d sentences, and 4th through 17th words of 3d sentence)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, § 1(1), 74 Stat. 200.

Standard changes are made to conform with the definitions applicable.

5 U.S.C. 1505. HEARINGS; ADJUDICATIONS; NOTICE OF DETERMINATIONS.

Either the State or local officer or employee or the State or local agency employing him, or both, are entitled to appear with counsel at the hearing under section 1504

of this title, and be heard. After this hearing, the Civil Service Commission shall—

- (1) determine whether a violation of section 1502 of this title has occurred;
- (2) determine whether the violation warrants the removal of the officer or employee from his office or employment; and
- (3) notify the officer or employee and the agency of the determination by registered or certified mail.

SECTION 1505

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(b) (3d sentence, less 4th through 17th words, and 4th sentence) (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(b) (3d sentence, less 4th through 17th words, and 4th sentence)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, § 1(1), 74 Stat. 200.

Standard changes are made to conform with the definitions applicable.

SECTION 1506

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(b) (less 1st 4 sentences) (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(b) (less 1st 4 sentences)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, § 1(1), 74 Stat. 200.

Standard changes are made to conform with the definitions applicable.

SECTION 1507

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(d) (less 1st sentence) (sec. 12, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 12(d) (less 1st sentence)", 54 Stat. 769.

In subsection (a), the word "affirmation" is omitted as included in "oath" on authority of section 1 of title 1, United States Code. The title of the court is changed to conform to title 28.

In subsection (c), the prohibition is restated in positive form. Standard changes are made to conform with the definitions applicable.

5 U.S.C. 1506. ORDERS; WITHHOLDING LOANS OR GRANTS; LIMITATIONS.

(a) When the Civil Service Commission finds—

- (1) that a State or local officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Commission that he has violated section 1502 of this title and that the violation warrants removal; or
- (2) that the State or local officer or employee has been removed and has been appointed within 18 months after his removal to an office or employment in the same State in a State or local agency which does not receive loans or grants from a Federal agency;

the Commission shall make and certify to the appropriate Federal agency an order requiring that agency to withhold from its loans or grants to the State or local agency to which notice was given an amount equal to 2 years' pay at the rate the officer or employee was receiving at the time of the violation. When the State or local agency to which appointment within 18 months after removal has been made is one that receives loans or grants from a Federal agency, the Commission order shall direct that the withholding be made from that State or local agency.

(b) Notice of the order shall be sent by registered or certified mail to the State or local agency from which the amount is ordered to be withheld. After the order becomes final, the Federal agency to which the order is certified shall withhold the amount in accordance with the terms of the order. Except as provided by section 1508 of this title, a determination or order of the Commission becomes final at the end of 30 days after mailing the notice of the determination or order.

(c) The Commission may not require an amount to be withheld from a loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of that amount would jeopardize the payment of the principal or interest on the bonds or notes.

5 U.S.C. 1507. SUBPENAS AND DEPOSITIONS.

(a) The Civil Service Commission may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter before it as a result of this chapter. Any member of the Commission may sign subpoenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths, examine witnesses, and receive evidence. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at the designated place of hearing. In case of disobedience to a subpoena, the Commission may invoke the aid of a court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpoena issued to a person, the United States District Court within whose jurisdiction the inquiry is carried on may issue an order requiring him to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The Commission may order testimony to be taken by deposition at any stage of a proceeding or investigation before it as a result of this chapter. Depositions may be taken before an individual designated by the Commis-

sion and having the power to administer oaths. Testimony shall be reduced to writing by the individual taking the deposition, or under his direction, and shall be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as provided by this section.

(c) A person may not be excused from attending and testifying or from producing documentary evidence or in obedience to a subpoena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpoena issued by it. A person so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.

5 U.S.C. 1508. JUDICIAL REVIEW.

A party aggrieved by a determination or order of the Civil Service Commission under section 1504, 1505, or 1506 of this title may, within 30 days after the mailing of notice of the determination or order, institute proceedings for review thereof by filing a petition in the United States District Court for the district in which the State or local officer or employee resides. The institution of the proceedings does not operate as a stay of the determination or order unless—

- (1) the court specifically orders a stay; and
- (2) the officer or employee is suspended from his office or employment while the proceedings are pending.

A copy of the petition shall immediately be served on the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record on which the determination or order was made. The court shall review the entire record including questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that the additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce this evidence in the hearing before the Commission, the court may direct that the additional evidence be taken before the Commission in the manner and on the terms and conditions fixed by the court. The Commission may modify its findings of fact or its determination or order in view of the additional evidence and shall file with the court the modified findings, determination, or order; and the modified findings of fact, if supported by substantial evidence, are conclusive. The court shall affirm the determination or order, or the modified determination or order, if the court determines that it is in accordance with law. If the court determines that the determination

or order, or the modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make a determination or order determined by the court to be lawful or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court are final, subject to review by the appropriate United States Court of Appeals as in other cases, and the judgment and decree of the court of appeals are final, subject to review by the Supreme Court of the United States on certiorari or certification as provided by section 1254 of title 28. If a provision of this section is held to be invalid as applied to a party by a determination or order of the Commission, the determination or order becomes final and effective as to that party as if the provision had not been enacted.

SECTION 1508

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118k(c)	July 19, 1940, ch. 640, § 4 "Sec. 12(c)", 54 Stat. 768.
	(sec. 12, Hatch Act).	

Sections 346 and 347 of title 28 referred to in former section 118k(c) were repealed by the Act of June 25, 1948, ch. 646, § 39, 62 Stat. 862, and are now covered by section 1254 of title 28. The titles of the courts are changed to conform to title 28.

In the reference to filing a written petition, "written" is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable.

Sec. [13.] 608.²³ FINANCIAL AID TO CANDIDATES—CONTRIBUTIONS. (Title 18, U.S.C., 1964 ed., sec. 608, as enacted by Public Law 772, 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 723; superseding sec. 13, as added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767, 770, formerly title 18, U.S.C. sec. 61m.)

²³ Sec. 608 quoted above in the text is based on former sec. 13 of the Hatch Act. References to "pernicious political activity" were omitted in the revision of title 18, U.S.C., as enacted by Public Law 772, 80th Cong., 2d sess.

The punishment provision of this section, which formerly appeared as first sentence of subsec. (d) of former sec. 13 of the Hatch Act, is set out at the end of the first paragraphs of subsecs. (a) and (b), respectively. Words "or both" were added to the punishment provisions in two places, to conform to the almost universal formula of this title.

To improve style the last sentence of subsec. (a) was made a paragraph and the words "or to similar committees or organizations in the District of Columbia or in any Territory or possession of the United States" were added at the end of it. These words were added upon authority of definition of "State" in subsection (d) of former sec. 13, which described a State as including a Territory or possession, and for the further reason that to omit the District of Columbia would have the effect of prohibiting contributions of more than \$5,000 by the District committee of each major party to their respective national committees but would permit such contributions by similar committees in the Canal Zone, Virgin Islands, or Puerto Rico.

Subsec. (b) of former sec. 13 of the Hatch Act, contained definitions of "person" and "contribution." In this revised section, definition of "person" was omitted as unnecessary in view of substitution of "Whoever" and definition of "whoever" in sec. 1 of title 1, U.S.C., 1940 ed., General Provisions. Inasmuch as the definition of "contribution" in subsec. (b) of former sec. 13 of the Hatch Act was substantially the same as that contained in subsec. (d) of sec. 302 of the Corrupt Practices Act (sec. 241 of title 2, U.S.C., 1940 ed.), such definition is not repeated in this section, but the definition as contained in sec. 591 of title 18 is made applicable by subsec. (d) of this revised section.

Subsec. (e) of former sec. 13, was omitted as unnecessary in the revision. Changes were made in phraseology.

Contribution to candidate or committee, etc., in excess of \$5,000 unlawful.

SEC. 608. (a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of \$5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Penalty.

Contributions to or by State or local committees, etc., excepted.

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

Certain purchases of goods, advertising, etc., unlawful.

(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Penalty.

Noninterference with candidate's business, etc. Violation by partnership, etc.

This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

(c) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

Contribution defined.

(d) The term "contribution," as used in this section, shall have the same meaning prescribed by section 591 of this title.

CROSS REFERENCE

For definition of term "Contribution" see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

(Sec. 14). DISTRICT OF COLUMBIA EMPLOYEES DEEMED EMPLOYED IN EXECUTIVE BRANCH; EXCEPTION. (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767, 771; 5 U.S.C., 1964 ed., sec 118k-3.) (See sec. 9.)

(Sec. 15). ACTIVITIES PROHIBITED ON PART OF CIVIL-SERVICE EMPLOYEES AS PROHIBITED ON PART OF OTHER GOVERNMENT AND STATE EMPLOYEES. (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767, 771; 5 U.S.C., 1964 ed., sec. 118l.) (See secs. 9, 127.)

(Sec. 16)²⁴ 5 U.S.C. (1966) § 7327. **POLITICAL ACTIVITY PERMITTED; EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES.** (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767, 771; 5 U.S.C., 1964 ed., sec. 118m; September 6, 1966, Public Law 89-554, 80 Stat. 525, contained in recodification of title 5, United States Code, 5 U.S.C., sec. 7327).

(a) Section 7324(a) (2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

SECTION 7327

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 118i(a) (less 1st 4 sentences) (sec. 9, Hatch Act).	Aug. 8, 1946, ch. 904, 60 Stat. 937.
(b)	5 U.S.C. 118m (sec. 16, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 16", 54 Stat. 771.

Standard changes are made to conform with the definitions applicable.

Sec. [17.]²⁵ STATE EMPLOYEES RUNNING FOR PUBLIC OFFICE; RESIGNATION UPON ELECTION. (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767, 771; former 18 U.S.C., sec. 61q; now repealed (see note 25 below).)

²⁴ Sec. 16 was added July 19, 1940, and formerly appeared as sec. 61p of title 18, U.S.C., 1940 ed., but was excluded from title 18 and recommended for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 683. Sec. 16 appears as sec. 118m in title 5, U.S.C., 1958 ed.

²⁵ Former sec. 17 of the Hatch Act was repealed by Public Law 772, 80th Cong., 2d sess. The section was omitted in the enactment of the revision of title 18, being temporary and relating only to candidates who had been nominated prior to its enactment July 19, 1940, by ch. 640, 54 Stat. 771. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

(Sec. 18)²⁶ 5 U.S.C. (1966). § 7326. **NONPARTISAN POLITICAL ACTIVITY PERMITTED.** (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 767, 772; 5 U.S.C., 1964 ed., sec. 118n; September 6, 1966, Public Law 89-554, 80 Stat. 525, contained in recodification of title 5, United States Code, 5 U.S.C., sec. 7326.)

Section 7324(a)(2)²⁷ of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

SECTION 7326

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118n (less applicability to 5 U.S.C. 118k(a)) (sec. 18, Hatch Act).	July 19, 1940, ch. 640, § 4 "Sec. 18 (less applicability to § 12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, § 4, 54 Stat. 767)", 54 Stat. 772.

The words "or political party of a territory or possession of the United States" are added on authority of former section 118k-2, which is carried into section 1501.

Standard changes are made to conform with the definitions applicable.

(Sec. 19). **DEFINITION OF TERM "STATE"**. (Added July 19, 1940, ch. 640, sec. 4, 54 Stat. 771; 5 U.S.C., 1964 ed., sec. 118k-2.) (See sec. 12.)

Sec. [20.]²⁸ 609. MAXIMUM CONTRIBUTIONS TO, AND EXPENDITURES BY, POLITICAL COMMITTEES, PENALTIES. (Title 18 U.S.C., 1964 ed., sec. 609, as

²⁶ Sec. 18 was added July 19, 1940, and formerly appeared as sec. 61r of title 18, U.S.C., 1940 ed., but was excluded from title 18 and recommended for transfer to title 5 upon the revision and codification of title 18 by Public Law 772 (H.R. 3190), 80th Cong., 2d sess., June 25, 1948, ch. 645, 62 Stat. 653. Sec. 18 formerly appeared as sec. 118n in title 5, U.S.C., 1958 ed.

²⁷ Sec (sec. 9), p. 20.

²⁸ Sec. 609 is based on former sec. 20 of the Hatch Act and sec. 314 of the Corrupt Practices Act, the punishment provisions of sec. 314 being incorporated at the end of the section upon authority of reference to them contained in words "Terms used in this section (sec. 20) shall have the meaning assigned to them in sec. 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such Act shall apply to violations of this section." Words "or both" were added to the second punishment provision to conform to the almost universal formula of title 18. Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

enacted by Public Law No. 772, 88th Cong., 2d sess., superseding sec. 20, ch. 410, 53 Stat. 1147-1149, as added July 19, 1940, ch. 640, sec. 6, 54 Stat. 767, 772; former 2 U.S.C., sec. 252 and 18 U.S.C., sec. 61t.)

SEC. 609. No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures, aggregating more than \$3,000,000 during any calendar year.

For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee.

Any violation of this section by any political committee shall be deemed also to be a violation by the chairman and the treasurer of such committee and by any other person responsible for such violation and shall be punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both; and if the violation was willful, by a fine of not more than \$10,000 or imprisonment of not more than two years, or both.

Receipts and expenditures of political committees in excess of \$3,000,000 forbidden.

Violations.

Penalty.

CROSS REFERENCE

For definitions of terms applicable to this section see, supra, section 591 of title 18, United States Code, following section 302 of the Corrupt Practices Act.

For duties as to contributions; accounts and receipts; statements; limitations upon expenditures see, supra, sections 303-309 of the Corrupt Practices Act.

(Sec. 21). **ACTIVITIES OF EMPLOYEES OF EDUCATIONAL AND RESEARCH INSTITUTIONS, ETC.** (Added October 24, 1942, ch. 620, 56 Stat. 986; 5 U.S.C., 1964 ed., sec. 118k-1.) (See secs. 9, 12.)

Sec. [22.]²⁰ **POLITICAL ACTIVITY AFFECTING MEMBERS OF ARMED FORCES; EXCEPTIONS.** (Added April 1, 1944, ch. 150, Title V, sec. 501, 58 Stat. 136, 148; amended and made temporary August 21, 1944, ch. 404, secs. 1-2, 53 Stat. 727-728; formerly 18 U.S.C. 61v.)

Sec. [23.]²⁰ **LIMITATION ON CENSORSHIP OF POLITICAL LITERATURE, ARGUMENTS, OR OTHER MATTER ADDRESSED TO MEMBERS OF ARMED FORCES.** (Added April 1, 1944, ch. 150, Title V, sec. 501, 58 Stat. 136, 149; made temporary August 21, 1944, ch. 404, sec. 2, 53 Stat. 727, 728; formerly 18 U.S.C. 61w.)

²⁰ Secs. 22 and 23 were added as part of section 501, Title V, the Federal Soldiers Voting Law of April 1, 1944. Sec. 22 appeared as sec. 61v of title 18, U.S.C., 1940 ed., Supp. V (1941-1946). Secs. 22 and 23 were made temporary on August 21, 1944, by sec. 25 (53 Stat. 728) and expired 6 months after termination of hostilities in World War II by Presidential Proclamation No. 2714, December 31, 1946.

Sec. [24.]³⁰ PENALTY FOR VIOLATION OF SECTIONS 22 OR 23. (Added April 1, 1944, ch. 150, Title V, sec. 501, 58 Stat. 136, 149; formerly 18 U.S.C. 61x.)

Sec. [25.]³¹ EXPIRATION DATE OF SECTIONS 22 AND 23. (Added August 21, 1944, ch. 404, sec. 2, 53 Stat. 727, 728.)

³⁰ Sec. 24 was added along with secs. 22 and 23 and contained the penalty provisions for violation of those sections. Sec. 24 expired with secs. 22 and 23.

³¹ Sec. 25 was added August 21, 1944, fixing the termination date for secs. 22 and 23 upon the expiration of 6 months after end of hostilities as proclaimed. Sec. 25 expired with secs. 22-24.

CORRUPT PRACTICES AND POLITICAL ACTIVITIES

ADDITIONAL PROVISIONS RECODIFIED IN 5 UNITED STATES CODE (1966)

§ 7321. POLITICAL CONTRIBUTIONS AND SERVICES.

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

§ 7322. POLITICAL USE OF AUTHORITY OR INFLUENCE; PROHIBITION.

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

§ 7323. POLITICAL CONTRIBUTIONS; PROHIBITION.

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

SECTION 7321

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(2)5.	Jan. 16, 1883, ch. 27, § 2(2)5, 22 Stat. 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302 of this title.

The words "employee in an Executive agency or in the competitive service" are substituted for "person in the public service" for clarity.

Standard changes are made to conform with the definitions applicable.

SECTION 7322

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 633(2)6 (1st sentence).	Jan. 16, 1883, ch. 27, § 2(2)6, 22 Stat. 404.

The authority of the President to prescribe rules is added on authority of former section 633(1), which is carried into section 3302 of this title.

The words "employee in an Executive agency or in the competitive service" are substituted for "person in said service" for clarity.

Standard changes are made to conform with the definitions applicable.

SECTION 7323

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118o.	Aug. 15, 1876, ch. 287, § 6, 19 Stat. 169.

The words "An employee of an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate)" are substituted for "Any executive officer or employee of the United States not appointed by the President, with the advice and consent of the Senate," because of the definitions in sections 105 and 2105. The words "an employee, a Member of Congress, or an officer of a uniformed service" are substituted for "any other officer or employee of the Government". In the last sentence, the word "removed" is substituted for "at once discharged" because of the provision of the Lloyd-LaFollette Act, 37 Stat. 555, as amended, and the Veterans' Preference Act of 1944, 58 Stat. 387, as amended, which are carried into this title.

The criminal penalty appearing in the last 25 words of section 6 of the Act of Aug. 15, 1876, is omitted as superseded by sections 602 and 607 of title 18.

Standard changes are made to conform with the definitions applicable.

TABLE 2.—THE HATCH POLITICAL ACTIVITIES ACT, WITH AMENDMENTS, INCLUDING CHANGES AS EFFECTED BY PUBLIC LAW 772 (H.R. 3190), 80TH CONG., 2D SESS., JUNE 25, 1948, AN ACT TO REVISE, CODIFY, AND ENACT INTO POSITIVE LAW TITLE 18 OF THE UNITED STATES CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE"

Hatch Act sections	Date of enactment, amendment, or codification	United States Statutes at Large citation				Former United States Code citation	Effect of revision on section	Disposition of section by Public Law 722 and appearance in United States Code 1964 edition.
		Chapter	Section	Volume	Page			
Sec. 1	Aug. 2, 1939	410	1	53	1147	Title 18, sec. 61	Repealed	18 U.S.C. 594 (new).
Sec. 2	do	410	2	53	1147			
Amended	July 19, 1940	640	1	54	767	Title 18, sec. 61 a, g, n, s, v	Repealed	18 U.S.C. 595 (new).
Sec. 3	Aug. 2, 1939	410	3	53	1147	Title 18, sec. 61 b, g	do	18 U.S.C. 600 (new).
Sec. 4	do	410	4	53	1147	Title 18, sec. 61 c, g	do	18 U.S.C. 601 (new).
Sec. 5	do	410	5	53	1148	Title 18, sec. 61 d, g	do	18 U.S.C. 604 (new).
Sec. 6	do	410	6	53	1148	Title 18, sec. 61 e, g	do	18 U.S.C. 605 (new).
Sec. 7	do	410	7	53	1148	Title 18, sec. 61 f, g	do	18 U.S.C. 598 (new).
Sec. 8	do	410	8	53	1148	Title 18, sec. 61 g	do	18 U. C. 594, 595, 598, 600, 601, 604, 605 (new).
Sec. 9	do	410	9	53	1148			Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appeared as sec. 118i.
Amended	July 19, 1940	640	2	54	767	Title 18, sec. 61h	No change	
Do	Mar. 27, 1942	199	1 701	56	181	Title 50 (appendix), sec. 645		
Do	Aug. 8, 1946	904		60	937	Title 18, sec. 61h		
Do	Aug. 25, 1950	984	1	64	475	Title 5, sec. 118i		
Do	Oct. 5, 1962	Public Law 87-753		76	750	Title 5, sec. 118i (subsec. (b))		
Recodified	Sept. 6, 1966	Public Law 89-554	7324	80	25	Title 5, sec. 118i (subsec. (a), (b)).	Recodified as 6 U.S.C. 7324, 7325.	
Sec. 9A	Aug. 2, 1939	410	9A	53	526	Title 18, sec. 61j	No change	Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appeared as secs. 118p-118r.
Recodified	Sept. 6, 1966	Public Law 89-554	7311 3333 1918	80	524 424 609	Titles 5, secs 118p-118r.	Recodified as 5 U.S.C. 7311, 3333, and 18 U.S.C. 1918	
Sec. 10	Aug. 2, 1939	410	10	53	1149			
Amended	July 19, 1940	640	3	54	767	Title 18, sec. 61i	Repealed	Omitted as unnecessary.
Sec. 11	Aug. 2, 1939	410	11	53	1149	Title 18, sec. 61k	do	Do.
Sec. 12 added	July 19, 1940	640	4	54	767	Title 18, sec. 61	No change	Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appeared as sec. 118k, 1964 edition, and Supp. I.
Amended	June 25, 1948	646	32(a)	62	991			
Do	May 24, 1949	139	127	63	107			
Do	June 11, 1960	Public Law 86-507	1(1)	74	200			

TABLE 2.—THE HATCH POLITICAL ACTIVITIES ACT, WITH AMENDMENTS, INCLUDING CHANGES AS EFFECTED BY PUBLIC LAW 772 (H.R. 3190), 80TH CONG., 2D SESS.; JUNE 25, 1948, AN ACT TO REVISE, CODIFY, AND ENACT INTO POSITIVE LAW TITLE 18 OF THE UNITED STATES CODE, ENTITLED "CRIMES AND CRIMINAL PROCEDURE"—Continued

Hatch Act sections.	Date of enactment, amendment, or codification	United States Statutes at Large citation				Former United States Code citation	Effect of revision on section	Disposition of section by Public Law 772 and appearance in United States Code, 1964 edition.
		Chapter	Section	Volume	Page			
Recodified.....	Sept. 6, 1966	Public Law 89-554	1501 1502 1503 1504 1505 1506 1507 1508	80 80 80 80 80 80 80 80	403-4 404 404 405 405 405 406 406-407	Title 5, sec. 118k do do do do do do do	Recodified as 5 U.S.C. 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508.	
Sec. 13 added.....	July 19, 1940	640	4	54	767	Title 18, sec. 61m	Repealed.....	18 U.S.C., sec. 608 (new).
Sec. 14 added.....	do	640	4	54	767	Title 18, sec. 61n	No change.....	Section not amended, but excluded from (new) title 18, later omitted from 1952 edition of United States Code but has been transferred to title 5 where it appeared as sec. 118k-3.
Recodified.....	Sept. 6, 1966	Public Law 89-554	7,324	80	525	Title 5, sec. 118k(3)	Recodified as 5 U.S.C. 7324.	
Sec. 15 added.....	July 19, 1940	640	4	54	767	Title 18, sec. 61o	No change.....	Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appears as sec. 118l.
Recodified.....	Sept. 6, 1966	Public Law 89-554	7324 1501	80 80	525 404	Title 5, sec. 118l	Recodified as 5 U.S.C. 7324, 1501.	
Sec. 16 added.....	July 19, 1940	640	4	54	767	Title 18, sec. 61p	No change.....	Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appeared as sec. 118l.
Recodified.....	Sept. 6, 1966	Public Law 89-554	732r	80	526	Title 5, sec. 118m	Recodified as 5 U.S.C. 7327.	
Sec. 17 added.....	July 19, 1940	640	4	54	767	Title 18, sec. 61q	Repealed.....	Omitted, being temporary.
Sec. 18 added.....	do	640	4	54	767	Title 18, sec. 61r	No change.....	Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appeared as sec. 118n.
Recodified.....	Sept. 6, 1966	Public Law 89-554	7326 1503	80	526 404	Title 5, sec. 118n	Recodified as 5 U.S.C. 7326, 1503.	

Sec. 19 added.....	July 19, 1940	640	4	54	771	Title 18, sec. 61s.....	No change.....	Section not amended, but excluded from title 18, and subsequently transferred to title 5, where it appeared as sec. 118k-2.
Recodified.....	Sept. 6, 1966	Public Law 89-554	1501	80	403	Title 5, sec. k-2.....	Recodified as 5 U.S.C. 1501.	
Sec. 20 added.....	July 19, 1940	640	6	54	772	Title 18, sec. 61t.....	No change.....	18 U.S.C., sec. 609 (new).
Sec. 21 added.....	Oct. 24, 1942	620		56	986	Title 18, sec. 61u.....	.do.....	Section not amended, but excluded from (new) title 18 and subsequently transferred to title 5 where it appeared as sec. 118k-1.
Recodified.....	Sept. 6, 1966	Public Law 89-554	7324 1501	80 80	525 404	Title 5, sec. 118k-1.....	Recodified as 5 U.S.C. 7324, 1501.	
Sec. 22 added.....	Apr. 1, 1944	150		58	148-149	Title 8, sec. 61v.....		Made temporary by sec. 25 and expired 6 months after termination of hostilities in World War II by Presidential Proclamation No. 2714, Dec. 31, 1946.
Amended.....	Aug. 21, 1944	404	1	58	727-728			
Sec. 23 added.....	Apr. 1, 1944	148		58	149	Title 18, sec. 61w.....		Do.
Sec. 24 added.....	do	148		58	149	Title 18, sec. 61x.....		Became unnecessary and expired with secs. 22 and 23.
Sec. 25 added.....	Aug. 21, 1944	404	2	58	728			Temporary and expired with secs. 22 and 23.

¹ Title VII.

Sec. 15 of the Hatch Act incorporated by reference certain civil service rules which were in effect

as of July 19, 1940. For text of these rules see Executive orders of the President and Civil Service Commission, Form 1236, January 1944, and Pamphlet 20, May 1966.

MISCELLANEOUS RELATED ACTS

AN ACT PROHIBITING THE PUBLICATION AND DISTRIBUTION OF ELECTION CAMPAIGN STATEMENTS NOT CONTAINING THE NAMES OF PERSONS RESPONSIBLE THEREFOR

[Public Law 544, 78th Cong., December 23, 1944, ch. 706, sec. 1-3. 58 Stat. 914; repealed, revised, and reenacted into positive law as sec. 612 of title 18, U.S.C., by Public Law 772, 80th Cong., June 25, 1948; amended by Public Law 732, 81st Cong., August 25, 1950, ch. 784, sec. 2, 64 Stat. 475]

Sec. [1, 2, 3.]³² 612. PUBLICATION OR DISTRIBUTION OF POLITICAL CIRCULARS, ADVERTISEMENTS, STATEMENTS, ETC.; INCLUSION OF NAMES OF PERSONS OR CORPORATIONS RESPONSIBLE; PENALTY. (Title 18, U.S.C., 1964 ed., sec. 612, as enacted by Public Law 772, 80th Cong., 2d sess., superseding secs. 1-3, ch. 706, 58 Stat. 914, 915, and 18 U.S.C., secs. 62, 62a, 62b; amended by Public Law 732, 81st Cong., August 25, 1950, ch. 784, sec. 2, 64 Stat. 475.)

SEC. 612. Publication or distribution of political statements.

Political circulars, advertisements, etc.

Whoever willfully publishes or distributes or causes to be published or distributed, or for the purpose of publishing or distributing the same, knowingly deposits for mailing or delivery or causes to be deposited for mailing or delivery, or, except in cases of employees of the Post Office Department in the official discharge of their duties, knowingly transports or causes to be transported in interstate commerce any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating to or concerning any person who has publicly declared his intention to seek the office of President, or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, Congress, in a primary, general, or special election, or convention of a political party, or has caused or permitted his intention to do so to be publicly declared, which does not contain the names of the persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Convention, primary, or election.

Must contain name of person responsible.

³² Sec. 612 of title 18, U.S.C., is quoted in the text above as enacted by Public Law 772, 80th Cong., 2d sess., as amended by Public Law 732, 81st Cong., 2d sess. The section is based on secs. 1-3, ch. 706, 58 Stat. 914, 915 (18 U.S.C., 1940 ed., secs. 62, 62a, 62b), and consolidates the three sections. Reference in sec. 2 (sec. 62a) to persons aiding and abetting was omitted in the revision of title 18 as unnecessary since such persons are made principals by sec. 2 of the revised title 18. Words "upon conviction" which were also contained in said section were omitted by the revisers as surplusage, as punishment may not be imposed until after conviction. Other changes were made in phraseology without change of substance. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

**CONTRIBUTIONS BY OR SOLICITATION FROM PERSONS
OR FIRMS NEGOTIATING FOR OR PERFORMING GOV-
ERNMENT CONTRACTS**

[Public Law No. 753, 76th Cong., July 19, 1940, ch. 640, sec. 5, 54 Stat. 772;
repealed, revised, and reenacted into positive law as sec. 611 of title 18, U.S.C.,
by Public Law 772, 80th Cong., June 25, 1948]

**Sec. [5.]³³ 611. CONTRIBUTIONS BY FIRMS OR
INDIVIDUALS CONTRACTING WITH THE UNITED
STATES; PENALTY.** (Title 18, U.S.C., 1964 ed., sec. 611,
as enacted into positive law by Public Law 772, 80th
Cong., 2d sess.)

Contributions
by persons or
firms having
United States
contracts
forbidden.

SEC. 611. Whoever, entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

Solicitations
forbidden.

Whoever knowingly solicits any such contribution from any such person or firm, for any such purpose during any such period—

Penalty.

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

³³ This law [sec. 5] was originally enacted as Sec. 5 of the act of July 19, 1940, amending the Hatch Act but is not considered a part of what is commonly referred to as the Hatch Act.

Sec. 611 of the title 18, U.S.C., is quoted in the text above as enacted by Public Law 772, 80th Cong., 2d sess. The new section 611 is based on former sec. 5, ch. 640, 54 Stat. 772 (18 U.S.C. sec. 611-e), which was repealed. Words "upon conviction thereof" before "be fined" were omitted, since punishment may not be imposed before a conviction is secured. Words "or both" were added to conform to the almost universal formula of the punishment provisions of title 18. A saving clause at the end of the new sec. 611 was omitted as unnecessary. Changes were made in phraseology. (See 80th Cong., 1st sess., H. Rept. No. 304 on H.R. 3190.)

AN ACT PROHIBITING THE EMPLOYMENT BY THE GOVERNMENT OF THE UNITED STATES OF PERSONS WHO ARE DISLOYAL OR WHO PARTICIPATE IN OR ASSERT THE RIGHT TO STRIKE AGAINST THE GOVERNMENT OF THE UNITED STATES

[Public Law 330, 84th Cong., August 9, 1955, ch. 690, secs. 1-4, 69 Stat. 624-625; 5 U.S.C., 1964 ed., secs. 118p-118r; June 29, 1956, ch. 479, § 3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 3, 69 Stat. 625), 70 Stat. 453; September 6, 1968, Public Law 89-554, 80 Stat. 525, contained in recodification of title 5, United States Code, 5 U.S.C., secs. 7311, 3333, and in 18 U.S.C., sec. 1918]

5 U.S.C. 7311. LOYALTY AND STRIKING.

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government:

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government:

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

5 U.S.C. 3333. EMPLOYEE AFFIDAVIT; LOYALTY AND STRIKING AGAINST THE GOVERNMENT.

(a) Except as provided by subsection (b) of this section, an individual who accepts office or employment in the Government of the United States or in the government of the District of Columbia shall execute an affidavit within 60 days after accepting the office or employment that his acceptance and holding of the office or employment does not or will not violate section 7311 of this title. The affidavit is prima facie evidence that the acceptance and holding of office or employment by the affiant does not or will not violate section 7311 of this title.

(b) An affidavit is not required from an individual employed by the Government of the United States or the government of the District of Columbia for less than 60 days for sudden emergency work involving the loss of human life or the destruction of property. This subsection does not relieve an individual from liability for violation of section 7311 of this title.

18 U.S.C. 1918. DISLOYALTY AND ASSERTING THE
RIGHT TO STRIKE AGAINST THE GOVERNMENT.

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined not more than \$1,000 or imprisoned not more than one year and a day, or both. Added Public Law 89-554, § 3 (d), Sept. 6, 1966, 80 Stat. 609.

SECTION 7311

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118p	Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624.
	[Uncodified]	June 29, 1956, ch. 479, § 3, (as applicable to the Act of Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624), 70 Stat. 453.

The word "position" is coextensive with and is substituted for "office or employment".

In paragraphs (1) and (2), the words "in the United States" in former section 118p(1), (2) are omitted as unnecessary in view of the reference to "our constitutional form of government".

In paragraphs (3) and (4), the reference to the "government of the District of Columbia" is added on authority of the Act of June 29, 1956, in order to make these paragraphs meaningful with respect to individuals employed by the government of the District of Columbia. The words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

Standard changes are made to conform with the definitions applicable.

SECTION 3333

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118q	Aug. 9, 1955, ch. 690, § 2, 69 Stat. 624.
	[Uncodified]	June 29, 1956, ch. 479, § 3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 2, 69 Stat. 624), 70 Stat. 453.

The section is restated for clarity and to conform to the style of section 3332.

In subsection (a), the words "after August 9, 1955" are omitted as executed. The words "if the affidavit is executed prior to acceptance of such office or employment" are omitted as unnecessary. The words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

Standard changes are made to conform with the definitions applicable.

18 U.S.C. § 1918

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 118r	Aug. 9, 1955, ch. 690, § 3, 69 Stat. 625.
	[Uncodified]	June 29, 1956, ch. 479, § 3 (as applicable to the Act of Aug. 9, 1955, ch. 690, § 3, 69 Stat. 625), 70 Stat. 453.

The section is rewritten to conform to the style of title 18. The statement of the acts prohibited is supplied from the Act of Aug. 9, 1955, ch. 690, § 1, 69 Stat. 624, which is codified in section 7311 of title 5, United States Code.

The words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

The words "shall be guilty of a felony" are omitted as unnecessary in view of the definitive section 1 of this title.

**FEDERAL LOYALTY AND SECURITY OATHS REQUIRED
IN EXECUTIVE DEPARTMENTS AND ALL FEDERAL
OFFICES**

Citation.—R.S. § 1757, as amended by Act of May 13, 1884 (23 Stat. 22, c. 46 §§ 2, 3); 5 U.S.C. § 16; as recodified, 80 Stat. 424; 5 U.S.C. § 3331:

Oath required—form.—The oath to be taken by any person elected or appointed to any office of honor or profit either in the civil or uniformed services, except President of the United States shall be as follows:

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

This section does not affect other oaths required by law.

Custody of oath.—The oath of office taken by an individual under section 3331 of this title [5 U.S.C.], shall be delivered by him to, and preserved by, the House of Congress, agency, or court to which the office pertains (5 U.S.C. § 2906).

STANDARD FORM 61
REVISED DECEMBER 1955
U.S. CIVIL SERVICE COMMISSION
F.P.M. CHAPTER 295
61-105

APPOINTMENT AFFIDAVITS

IMPORTANT.—Before swearing or affirming to these appointment affidavits, you should read and understand the attached information for appointee

(Position to which appointed) (Date of appointment)

(Department or agency) (Bureau or division) (Place of employment)

I, _____, do solemnly swear (or affirm) that—

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

B. AFFIDAVIT AS TO SUBVERSIVE ACTIVITY AND AFFILIATION

I am not a Communist or Fascist. I do not advocate nor am I knowingly a member of any organization that advocates the overthrow of the constitutional form of the Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States. I do further swear (or affirm) that I will not so advocate, nor will I knowingly become a member of such organization during the period that I am an employee of the Federal Government or any agency thereof.

C. AFFIDAVIT AS TO STRIKING AGAINST THE FEDERAL GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof. I do not and will not assert the right to strike against the Government of the United States or any agency thereof while an employee of the Government of the United States or any agency thereof. I do further swear (or affirm) that I am not knowingly a member of an organization of Government employees that asserts the right to strike against the Government of the United States or any agency thereof and I will not, while an employee of the Government of the United States or any agency thereof, knowingly become a member of such an organization.

D. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

(Signature of appointee)

Subscribed and sworn (or affirmed) before me this _____ day of _____ A.D. 19____,

at _____ (City) _____ (State)

[SEAL]

(Signature of officer)

Commission expires _____

(If by a Notary Public, the date of expiration of his Commission should be shown)

(Title)

Note.—The oath of office must be administered by a person specified in 5 U.S.C. 2903. The words "SO HELP ME GOD" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.

**COMMUNIST CONTROL ACT OF 1954; MEMBERSHIP IN
COMMUNIST PARTY; LIABILITY TO PENALTIES OF
INTERNAL SECURITY ACT OF 1950**

[Public Law 637, 83d Cong., August 24, 1954, ch. 886, secs. 1-5, 68 Stat. 775-776,
50 U.S. Code, 1964 ed., secs. 841-844]

Communist
Control Act
of 1954.

SEC. 1. This Act may be cited as the "Communist
Control Act of 1954".

FINDINGS OF FACT

50 U.S. Code,
sec. 841.

SEC. 2. The Congress hereby finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States.

It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed.

PROSCRIBED ORGANIZATIONS

SEC. 3. The Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, Territory, District, or possession thereof or the government of any political subdivision therein by force and violence, are not entitled to any of the rights, privileges, and immunities attendant upon legal bodies created under the jurisdiction of the laws of the United States or any political subdivision thereof; and whatever rights, privileges, and immunities which have heretofore been granted to said party or any subsidiary organization by reason of the laws of the United States or any political subdivision thereof, are hereby terminated: *Provided, however,* That nothing in this section shall be construed as amending the Internal Security Act of 1950, as amended.

50 U.S. Code,
sec. 842.

SEC. 4. (a) Whoever knowingly and willfully becomes or remains a member of (1) the Communist Party, or (2) any other organization having for one of its purposes or objectives the establishment, control, conduct, seizure, or overthrow of the Government of the United States, or the government of any State or political subdivision thereof, by the use of force or violence, with knowledge of the purpose or objective of such organization, shall be subject to all the provisions and penalties of the Internal Security Act of 1950, as amended, as a member of a "Communist-action" organization.

Unlawful act.

50 U.S. Code,
sec. 843.

(b) For the purposes of this section, the term "Communist Party" means the organization now known as the Communist Party of the United States of America, the Communist Party of any State or subdivision thereof, and any unit or subdivision of any such organization, whether or not any change is hereafter made in the name thereof.

Definition.

SEC. 5. In determining membership or participation in the Communist Party or any other organization defined in this Act, or knowledge of the purpose or objective of such party or organization, the jury, under instructions from the court, shall consider evidence, if presented, as to whether the accused person:

Evidence for
determination.

50 U.S. Code,
sec. 844.

(1) Has been listed to his knowledge as a member in any book or any of the files, records, correspondence, or any other document of the organization;

(2) Has made financial contribution to the organization in dues, assessments, loans, or in any other form;

(3) Has made himself subject to the discipline of the organization in any form whatsoever;

(4) Has executed orders, plans, or directives of any kind of the organization;

(5) Has acted as an agent, courier, messenger, correspondent, organizer, or in any other capacity in behalf of the organization;

(6) Has conferred with officers or other members of the organization in behalf of any plan or enterprise of the organization;

(7) Has been accepted to his knowledge as an officer or member of the organization or as one to be called upon for services by other officers or members of the organization;

(8) Has written, spoken or in any other way communicated by signal, semaphore, sign, or in any other form of communication orders, directives, or plans of the organization;

(9) Has prepared documents, pamphlets, leaflets, books, or any other type of publication in behalf of the objectives and purposes of the organization;

(10) Has mailed, shipped, circulated, distributed, delivered, or in any other way sent or delivered to others material or propaganda of any kind in behalf of the organization;

(11) Has advised, counseled or in any other way imparted information, suggestions, recommendations to officers or members of the organization or to anyone else in behalf of the objectives of the organization;

(12) Has indicated by word, action, conduct, writing or in any other way a willingness to carry out in any manner and to any degree the plans, designs, objectives, or purposes of the organization;

(13) Has in any other way participated in the activities, planning, actions, objectives, or purposes of the organization;

(14) The enumeration of the above subjects of evidence on membership or participation in the Communist Party or any other organization as above defined, shall not limit the inquiry into and consideration of any other subject of evidence on membership and participation as herein stated.

PERTINENT STANDING RULES OF THE SENATE

RULE XLII¹

CONTRIBUTIONS

1. A Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State law, to the office of United States Senator, may accept a contribution from—

(a) a fundraising event organized and held primarily in his behalf, provided—

(1) he has expressly given his approval of the fundraising event to the sponsors before any funds were raised; and

(2) he receives a complete and accurate accounting of the source, amounts, and disposition of the funds raised; or

(b) an individual or an organization, provided the Senator makes a complete and accurate accounting of the source, amount, and disposition of the funds received; or

(c) his political party when such contributions were from a fundraising event sponsored by his party, without giving his express approval for such fundraising event when such fundraising event is for the purpose of providing contributions for candidates of his party and such contributions are reported by the Senator or candidate for Senator as provided in paragraph (b).

2. The Senator may use the contribution only to influence his nomination for election, or his election, and shall not use, directly or indirectly, any part of any contribution for any other purpose, except as otherwise provided herein.

3. Nothing in this rule shall preclude the use of contributions to defray expenses for travel to and from each Senator's home State; for printing and other expenses in connection with the mailing of speeches, newsletters, and reports to a Senator's constituents; for expenses of radio, television, and news media methods of reporting to a Senator's constituents; for telephone, telegraph, postage, and stationery expenses in excess of allowance; and for newspaper subscriptions from his home State.

4. All gifts in the aggregate amount or value of \$50 or more received by a Senator from any single source during a year, except a gift from his spouse, child, or parent, and except a contribution under sections 1 and 2, shall be reported under rule XLIV.

5. This rule shall take effect ninety days after adoption.

¹S. Jour. 247, 90-2, Mar. 22, 1968.

RULE XLIII¹

POLITICAL FUND ACTIVITY BY OFFICERS AND EMPLOYEES

1. No officer or employee whose salary is paid by the Senate may receive, solicit, be the custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to any assistant to a Senator who has been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who is compensated at a rate in excess of \$10,000 per annum if such designation has been made in writing and filed with the Secretary of the Senate. The Secretary of the Senate shall make the designation available for public inspection.

2. This rule shall take effect sixty days after adoption.

RULE XLIV¹

DISCLOSURE OF FINANCIAL INTERESTS

1. Each Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State law, to the office of United States Senator, and each officer or employee of the Senate who is compensated at a rate in excess of \$15,000 a year, shall file with the Comptroller General of the United States, in a sealed envelope marked "Confidential Personal Financial Disclosure of-----

-----", before the 15th day of May in each year, the following reports of his personal financial interests:

(a) a copy of the returns of taxes, declarations, statements, or other documents which he, or he and his spouse jointly, made for the preceding year in compliance with the income tax provisions of the Internal Revenue Code;

(b) the amount or value and source of each fee or compensation of \$1,000 or more received by him during the preceding year from a client;

(c) the name and address of each business or professional corporation, firm, or enterprise in which he was an officer, director, partner, proprietor, or employee who received compensation during the preceding year and the amount of such compensation;

(d) the identity of each interest in real or personal property having a value of \$10,000 or more which he owned at any time during the preceding year;

(e) the identity of each trust or other fiduciary relation in which he held a beneficial interest having a value of \$10,000 or more, and the identity if known of each interest of the trust or other fiduciary relation in real or personal property in which the Senator, officer, or employee held a beneficial interest having a value of

¹ S. Jour. 247, 90-2, Mar. 22, 1968.

\$10,000 or more, at any time during the preceding year. If he cannot obtain the identity of the fiduciary interests, the Senator, officer, or employee shall request the fiduciary to report that information to the Comptroller General in the same manner that reports are filed under this rule;

(f) the identity of each liability of \$5,000 or more owned by him, or by him and his spouse jointly, at any time during the preceding year; and

(g) the source and value of all gifts in the aggregate amount or value of \$50 or more from any single source received by him during the preceding year.

2. Except as otherwise provided by this section, all papers filed under section 1 of this rule shall be kept by the Comptroller General for not less than seven years, and while so kept shall remain sealed. Upon receipt of a resolution of the Select Committee on Standards and Conduct, adopted by a recorded majority vote of the full committee, requesting the transmission to the committee of any of the reports filed by any individual under section 1 of this rule, the Comptroller General shall transmit to the committee the envelopes containing such reports. Within a reasonable time after such recorded vote has been taken, the individual concerned shall be informed of the vote to examine and audit, and shall be advised of the nature and scope of such examination. When any sealed envelope containing any such report is received by the committee, such envelope may be opened and the contents thereof may be examined only by members of the committee in executive session. If, upon such examination, the committee determines that further consideration by the committee is warranted and is within the jurisdiction of the committee, it may make the contents of any such envelope available for any use by any member of the committee, or any member of the staff of the committee, which is required for the discharge of his official duties. The committee may receive the papers as evidence, after giving to the individual concerned due notice and opportunity for hearing in a closed session. The Comptroller General shall report to the Select Committee on Standards and Conduct not later than the 1st day of June in each year the names of Senators, officers, and employees who have filed a report. Any paper which has been filed with the Comptroller General for longer than seven years, in accordance with the provisions of this section, shall be returned to the individual concerned or his legal representative. In the event of the death or termination of service of a Member of the Senate, an officer or employee, such papers shall be returned unopened to such individual, or to the surviving spouse or legal representative of such individual within one year of such death or termination of service.

3. Each Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State law, to the office of United States Senator, and each officer or employee of the Senate who is compensated at a rate in excess of \$15,000 a year, shall file with the Secretary of the Senate, before the 15th day of May in each year, the following reports of his personal financial interests:

(a) the accounting required by rule XLII for all contributions received by him during the preceding year, except that contribu-

tions in the aggregate amount or value of less than \$50 received from any single source during the reporting period may be totaled without further itemization; and

(b) the amount or value and source of each honorarium of \$300 or more received by him during the preceding year.

4. All papers filed under section 3 of this rule shall be kept by the Secretary of the Senate for not less than three years and shall be made available promptly for public inspection and copying.

5. This rule shall take effect on July 1, 1968. No reports shall be filed for any period before office or employment was held with the Senate, or during a period of office or employment with the Senate of less than ninety days in a year; except that the Senator, or officer or employee of the Senate, may file a copy of the return of taxes for the year 1968, or a report of substantially equivalent information for only the effective part of the year 1968.

CIVIL SERVICE COMMISSION REGULATIONS

POLITICAL ACTIVITY OF FEDERAL OFFICERS AND EMPLOYEES ³⁴

I. GENERAL PROHIBITIONS AND EXCEPTIONS

The broadest and most widely applicable restrictions on political activity of Federal officers and employees are contained in section 4.1 of Civil Service Rule IV and in section 9(a) ³⁵ of the Hatch Act. In practically the same words, these provisions prohibit the following:

- (1) Using official authority or influence for the purpose of interfering with an election or affecting its results.
- (2) Taking an active part in political management or in political campaigns.

CIVIL SERVICE RULE IV

Section 4.1 of Civil Service Rule IV reads as follows:

Prohibitions against political activity.—No person employed in the executive branch of the Federal Government, or any agency or department thereof, shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No person occupying a position in the competitive service shall take an active part in political management or in political campaigns, except as may be provided by or pursuant to statute. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

INDIVIDUAL RESPONSIBILITY

Each officer and employee is responsible for refraining from prohibited political activity. He is presumed to be acquainted with the legal provisions applicable to him, and his ignorance of them will not excuse a violation. If he is in doubt as to whether any particular activity is prohibited, he should present the matter in writing to the United States Civil Service Commission before engaging in the activity.

II. JURISDICTION OF THE COMMISSION

EMPLOYEES IN THE COMPETITIVE SERVICE

There is no language in the Hatch Act that fixes responsibility for enforcement of the prohibitions against political activity of Federal officers and employees.

However, it is important to note that the prohibitive language of section 9(a) of the Hatch Act is substantially the same as that of section 4.1 of Civil Service Rule IV. The Civil Service Commission's jurisdiction in political-activity matters was not affected by passage of the Hatch Act.

³⁴ Civil Service Commission Pamphlet 20—May, 1966.

³⁵ The United States Supreme Court, in an opinion (330 U.S. 75), affirmed a judgment of the District Court of the United States for the District of Columbia holding that the provisions of section 9(a) of the Hatch Act were not unconstitutional. For section 9(a), now, see, 5 U.S.C. § 7324.

Section 15 of the Hatch Act provides that the activities that are prohibited by the act are those that the Commission had theretofore determined were prohibited, under the civil-service rules, on the part of employees in the competitive civil service.

Thus, under Civil Service Rule IV and under the Hatch Act, the Civil Service Commission has authority to enforce prohibitions against political activity of Federal officers and employees whose positions are in the competitive civil service.

(*Excepted Service.*—The employing agency has the responsibility of enforcing the restrictions against political activity in the cases of those employees occupying positions specifically excepted from the provisions of the Civil Service Act and Rules.)

PENALTY PROVISIONS

The Attorney General has held (40 A.G. 14) that where both the law and the rule are violated the statutory penalty is mandatory.

An officer or employee found to have violated the restrictions imposed by section 9(a) of the Hatch Act and section 4.1 of Civil Service Rule IV must be immediately removed from the position or office held by him and—in accordance with a decision by the Comptroller General (25 Comp. Gen. 271)—may not be employed again in any position the salary or compensation of which is payable under the same appropriation as the position from which removed. This restriction is not limited to the appropriation act for any particular fiscal year.

If, however, the Commission determines by unanimous vote that the violation does not warrant removal, it may impose a lesser penalty under the terms of the amendment to the Hatch Act of August 25, 1950, but the penalty so imposed must be at least a 30-day suspension.

In an opinion of the Attorney General of September 12, 1947 (40 A.G. 545) it was held that the penalty provisions of the Hatch Act require the removal of an employee from the civil-service position or office that he is holding at the time his violation of the act is established, despite the fact that this position may be different from that held at the time the violation occurred. It is immaterial whether the second civil-service position has been obtained by transfer, promotion, or reappointment.

AUTHORITY UNDER RULE V

Section 5.4(a) of Civil Service Rule V reads as follows:

Whenever the Commission finds that any person has been appointed to or is holding a position in violation of the Civil Service Act, Rules or Regulations, or that any officer or employee in the executive branch has violated this order or any of the laws, rules or regulations administered by the Commission, it is authorized, after giving due notice and opportunity for explanation to the officer or employee and the agency concerned, to certify the facts to the proper appointing officer with specific instructions as to discipline or dismissal or other corrective actions.

Section 5.4(e) of Civil Service Rule V reads as follows:

If the appointing officer fails to carry out the instructions of the Commission issued under Section 4(a) of this Rule the Commission shall certify the facts to the head of the agency concerned. If the head of the agency fails to carry out the instructions of the Commission within ten days after receipt thereof, the Commission shall certify the facts to the Comptroller General of the United States, and shall furnish a copy of such certification to the head of the agency concerned; and thereafter no payment shall be made of the salary or wages accruing to the employee concerned.

The General Accounting Office is without jurisdiction to review the determinations of the Civil Service Commission under Rule V and, upon certification by the Commission that an employee is holding a position in violation of the Civil Service Act and rules, the General Accounting Office has no alternative to withholding credit for payments made for salary or compensation (decision, Comptroller General, July 20, 1939, to the Postmaster General).

COMMISSION PROCEDURE

In taking action on alleged violations of section 4.1 of Civil Service Rule IV and section 9 of the Hatch Act, the Civil Service Commission proceeds under regulations that provide for—

(1) Investigation of the complaint by representatives of the Commission and the employing agency.

(2) Issuance of charges, where there is prima facie proof of prohibited political activity, with a description of the specific charges and an opportunity to respond in writing.

(3) Issuance of an initial decision by the General Counsel with the right of appeal to the Commissioners.

(4) A hearing, unless waived by the employee with the concurrence of the General Counsel.

The Commission's procedure applies in the cases of those employees who resigned from their positions prior to a final determination by the Commission.

The Commission's regulations also provide for the reconsideration of the record, as authorized by law, upon request, of employees who were removed between August 2, 1939, and August 25, 1950, for established political-activity violations, to determine whether the violations were such as to warrant a penalty of less than removal.

III. APPLICABILITY OF RULE AND STATUTE

GENERAL STATEMENT

In the absence of specific statutory exemption, the basic political-activity restrictions apply to any person employed in the executive branch of the Federal Government, or any agency or department thereof, or in the government of the District of Columbia. Some persons are subject to these restrictions by virtue both of section 4.1 of Civil Service Rule IV and of section 9(a) of the Hatch Act; others are subject to them solely by virtue of section 9(a) of the Hatch Act.

Section 4.1 of Civil Service Rule IV applies to all employees in the competitive service.

Section 9(a) of the Hatch Act applies to all persons employed in the executive branch of the Federal Government³⁶ whether or not such persons are in the competitive service. The effect of section 9(a) of the statute is to place the same restrictions upon the political activities of all officers and employees of the executive branch of the Government that section 4.1 of Civil Service Rule IV places upon the political activities of officers and employees in the competitive service.

³⁶ Except (a) the President and Vice President of the United States; (b) persons whose compensation is paid from the appropriation for the office of the President; (c) heads and assistant heads of executive departments; and (d) officers who are appointed by the President by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the National-wide administration of Federal laws.

Section 14 of the Hatch Act (5 U.S.C. 118-k-3) provides: "For the purposes of this Act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of Section 9(a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees."

GROUPS OF EMPLOYEES

Postmasters and post office employees.—All postmasters and acting postmasters, all employees in post offices of the first, second, and third classes, and all special delivery messengers in post offices of the first class are subject to the political-activity restrictions of Civil Service Rule IV and section 9 of the Hatch Act.

Persons employed on an irregular or occasional basis.—Persons who are employed on an irregular or occasional basis, e.g., experts and consultants on a per diem basis, w.o.c. and w.a.e. employees, etc., are subject to the political activity restrictions of the Hatch Act while in an active duty status only and for the entire 24 hours of any day of actual employment. The employing agency has the duty of enforcement in the cases of those employees occupying positions in the excepted service.

Temporary, part-time, and emergency employees.—Temporary, part-time, and emergency employees are subject to the statute and the rule.

Employees on leave.—An employee who is subject to the basic political-activity prohibitions while on active duty is subject to them while on leave with pay, leave without pay, or furlough, and incurs the same penalties for an offense committed while in leave or furlough status as for an offense committed while on active duty. However, if lump-sum payment is made for accumulated annual leave and the person involved is on terminal leave, he is not subject to the political-activity restrictions during the period covered by the lump-sum payment or thereafter.

It is not permissible for an employee to take leave of absence for the purpose of working with a political candidate, committee, or organization, or for the purpose of becoming a candidate for office with the understanding that he will resign his position if nominated or elected.

Persons not subject to political-activity restrictions.—The political-activity restrictions of section 9 of the Hatch Act and section 4.1 of Civil Service Rule IV do not apply to the following persons:

EXECUTIVE BRANCH

The President and Vice President of the United States.

Persons who are compensated from the appropriation for the Office of the President.

Heads and assistant heads of departments.

Officers who are appointed by the President by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

Ambassadors of the United States.

Ministers of the United States.

LEGISLATIVE BRANCH

Officers and employees of the legislative branch of the Federal Government, including secretaries and clerks of Members of Congress and congressional committees.

JUDICIAL BRANCH

Officers and employees of the judicial branch of the Federal Government, including United States Commissioners, clerks of United States courts, referees in bankruptcy, and their secretaries, deputies, and clerks.

DISTRICT OF COLUMBIA

The Commissioners of the District of Columbia.³⁷
The Recorder of Deeds of the District of Columbia.³⁸

OTHER

Officers or employees of any educational or research institution, establishment, agency, or system that is supported in whole or in part by any State or political subdivision, or the District of Columbia, or by any Territory or Territorial possession of the United States, or by any recognized religious, philanthropic, or cultural organization.

Persons who are retained from time to time to perform special services on a fee basis and who take no oath of office, fee attorneys, inspectors, appraisers, and management brokers for the Home Owners' Loan Corporation and special fee attorneys for the Reconstruction Finance Corporation.

Persons who receive benefit payments, such as old-age assistance and unemployment compensation under the Social Security Act, rural-rehabilitation grants, and payments under the agricultural conservation program.

Persons retired from the Federal service, unless reemployed in the executive branch of the Federal Government.

Persons serving as star route and contract carriers and clerks in fourth-class post offices, provided such persons are not at the same time holding other Government employment.

Employees of the Alaska Railroad residing in municipalities on the line of the railroad in respect to activities involving the municipality in which they reside.³⁸

³⁷ Exemption annulled by adoption of Reorganization Plan No. 3 of 1967.

³⁸ Included by administrative decision within prohibition of Hatch Act.

END