

Introduced: 1/29/73
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY FISCHER

2 HOUSE JOINT RESOLUTION NO. 17

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 Urging repeal of the Hatch Political
6 Activities Act of 1939.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS the Hatch Political Activities Act of 1939 (5 U.S.C. 118(i),
9 118(k) - (n); 53 Stat. 1147, 1148) was enacted at the time newly emergent
10 federal programs were taking shape nationally in aid of local governments
11 where a merit system of public employment, or civil service, had not been
12 developed by many states and local governments; and

13 WHEREAS the purpose of this Hatch Act's prohibition against partisan
14 political activity by federal, state and local government employees was to
15 ensure the "unpartisan" administration of public policy by those employees
16 who occupy positions below the policy-making level and to insulate them from
17 undue political influence by their superiors and political party leaders who
18 insist that the employees contribute time and money to partisan political
19 activity to retain their positions; and

20 WHEREAS, while the political conditions that may have existed at the
21 time the Hatch Act was passed by the Congress well may have justified its
22 enactment, now its provisions so stifle normal political interest and
23 activity by federal employees, and those state and local employees whose
24 positions are federally-funded, as to constitute serious infringement of the
25 rights of free speech, freedom of assembly and freedom of association
26 guaranteed by the Bill of Rights of the United States Constitution; and

27 WHEREAS the constitutionality of this outdated legislation now is being
28 challenged in federal courts on the grounds that it is an unwarranted
29 infringement of the personal liberty of a large number of loyal Americans who

1 are being discriminated against on account of their employment and thus the
2 statute is a denial of equal protection of the laws;

3 BE IT RESOLVED by the Alaska Legislature that the Congress of the United
4 States is respectfully urged to repeal the Hatch Political Activities Act
5 of 1939.

6 COPIES of this Resolution shall be sent to Mr. Robert E. Hampton,
7 Chairman, U. S. Civil Service Commission; and to the Honorable Ted Stevens
8 and the Honorable Mike Gravel, U. S. Senators, members of the Alaska delega-
9 tion in Congress.

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