

**AN INQUIRY INTO THE EFFECTS OF STATUTORY CLIMATE ON THE
POLITICAL ATTITUDES AND BEHAVIOR OF STATE-LEVEL
PUBLIC ADMINISTRATORS**

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(ABSTRACT)

This dissertation examines ways in which differences in states' political activity laws affect the political attitudes and reported behavior of senior state government employees. Of particular concern is whether a stringent little Hatch Act engenders any "chilling effects" that may lead these workers to shy away from permissible political activities.

The study included officials employed in Pennsylvania, which has a restrictive political activity statute, and New Jersey, which has generally permissive laws. Mail questionnaires were sent to 962 officials, 512 from Pennsylvania and 450 from New Jersey. Responses were received from 582 employees, yielding a 61.91% response rate.

Compared to New Jersey officials, those from Pennsylvania were less knowledgeable about their state's political activity laws. The Pennsylvania employees also reported being less politically active and less satisfied with their activity, and were more likely to indicate that they would increase their level of political activity if state prohibitions were eliminated. However, compared to their New Jersey counterparts, these officials were no less inclined to engage in permissible political activities. This finding casts doubt on the notion that a highly restrictive statutory climate spawns chilling effects.

Dedication

This dissertation is dedicated to my two daughters, Lindsay Allison and Lauren Madison.
May the blessings of liberty be with them forever.

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Several years ago I decided to embark upon this journey. I now wish to thank a few of those who helped me reach my destination.

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Chapter One

Overview of the Study

It is very unsettling to me that many Americans do not share the constitutionally protected freedoms of speech, association, and assembly. At all levels of American government, statutory abridgements of the partisan political activities of government employees, commonly referred to as “Hatch Acts,” restrict the political liberties of millions of civil servants. These prohibitions exist alongside well-established merit system rules that are designed to protect government workers and the public from political coercion. In my view, the most restrictive of these laws unnecessarily relegate affected employees to the status of second-class citizens. I find it quite ironic that at a time when many social critics lament Americans’ apathy toward politics and public affairs, countless dedicated government workers who want to be more politically active might be proscribed from doing so.

This study is among the few that have assessed the effects of political activity prohibitions on government employees. It includes officials employed in Pennsylvania and New Jersey. Pennsylvania has a stringent “little Hatch Act”; New Jersey’s statute is considerably more permissive. The aim of the research is to explore ways in which statutory climate influences the political attitudes and reported behavior of state-level public administrators. A primary concern is whether a highly restrictive statutory climate such as Pennsylvania’s engenders any “chilling effects” that may lead government employees to develop apolitical tendencies.

Significance of the study

Civil servants, public sector union leaders, government executives, Supreme Court justices, members of Congress, government commissioners, and academics all have lamented the deleterious effects of political activity restrictions. Many of these Hatch Act and little Hatch Act foes have been most disturbed by the alleged chilling effects spawned by the statutes. Without exception, these critics have subscribed to the view of Justice William Douglas, who wrote the dissenting opinion in United States Civil Service Commission v. National Association of Letter Carriers, a 1973 U.S. Supreme Court decision that for the second time upheld the constitutionality of the federal Hatch Act. In his dissent, Justice Douglas articulated his view that

“the chilling effect of these vague and generalized prohibitions is so obvious as not to need elaboration” (413 U.S. 548 at 596).

While they have assailed Hatch Acts’ supposed pernicious effects, none of these critics has attempted to assess empirically their existence or magnitude. The dissertation addresses this deficiency in the Hatch Act debate by examining the effects of a highly restrictive statutory climate (Pennsylvania’s) compared to those of a less restrictive one (New Jersey’s). These states, while differing significantly in terms of statutory climate, have similar political cultures. Controlling for political culture, then, the study seeks to determine ways in which differences in statutory climate affect state employees’ knowledge of little Hatch Act restrictions, current levels of political activity, satisfaction with current political activity, differences between current activity and anticipated activity in the absence of state prohibitions, political interest, and overall sentiments regarding the laws.

The research contributes to the Hatch Act dialogue in another way as well. Crittenden (1984) has noted that “scholars have devoted little study to the issue of employee perceptions of statutory restrictions on political rights” (p. 177). Without question, the author is correct in her assessment of the literature dealing with public employees’ sentiments toward Hatch Act prohibitions. The same can be said of prior research related to the effects of political activity proscriptions on government employees’ political attitudes and behavior. The few studies that have addressed these issues have tended to focus exclusively on federal employees or state employees operating in highly restrictive states. To date, no comparative research involving employees who work in more and less restrictive statutory environments has been conducted. Additionally, the bulk of the prior research has concentrated on upper-managers. The present research focuses mainly on upper-managers, but includes middle- and lower-level managers and staff personnel as well. The inclusion of employees holding non-senior management positions represents a significant departure from the previous research and holds considerable promise for expanding our knowledge of how little Hatch Act prohibitions impact a broader range of state-level public administrators.

Organization of study

Chapter Two develops the background of the study. It discusses the nature of federal and state prohibitions on political activity and examines many of the arguments articulated by critics and defenders of the statutes. Particular emphasis is placed on the “chilling effects” argument. My own normative views regarding political activity restrictions are more fully articulated in this chapter as well. Chapter Three provides an historical overview of Hatch Act prohibitions and surveys the prior research related to the effects of the prohibitions on federal and state government employees. Considerable attention is directed to U.S. Supreme Court decisions that have upheld the federal Hatch Act and states’ little Hatch Acts, as well as to the work of the Commission on Political Activity of Government Personnel. In the late 1960s, this congressional commission directed the most thorough inquiry into the federal Hatch Act ever conducted. Its work prompted several scholars to begin investigating political activity proscriptions at all governmental levels in the United States.

Chapter Four details this study’s research design. It discusses the criteria utilized in selecting Pennsylvania and New Jersey for the research, and reviews the processes used to define the study’s populations. The chapter discusses the items included in the mail questionnaire and outlines the pretesting and mailing procedures that were employed. It also describes the respondents’ demographics and specifies numerous research propositions, many of which center on presumed chilling effects engendered by Pennsylvania’s little Hatch Act.

Chapter Five presents the findings related to the “between-state” research propositions. Here, the survey responses of the Pennsylvania officials are compared with those of the New Jersey officials. This is the primary findings chapter, as it considers ways in which differences in state statutory climate affect public administrators’ political attitudes and reported behavior. Chapter Six examines the findings related to the “within-state” research propositions for the Pennsylvania officials. The survey responses of the Pennsylvania employees who are presently exempt from state political activity restrictions are compared with those of the workers who continue to be subject to the prohibitions. Chapter Seven reviews the study’s main findings, discusses its limitations, and considers possible avenues for further research. It also offers policy recommendations related to state-level prohibitions on political activity.

Chapter Two

Context of the Study

More than a century after Woodrow Wilson's classic 1887 essay "The Study of Administration," public administration continues to be haunted by the politics-administration dichotomy. Given that the dichotomy remains the "cornerstone of public administrative orthodoxy" (Rosenbloom, 1993, p. 503), it is not surprising that the field continues its search for legitimacy. While the origins of the dichotomy are generally traced to the writings of Wilson and Frank Goodnow (1900), most scholars now accept that these authors did not propose the neat, simplistic divide between politics and administration that often has been attributed to them (Golembiewski, 1977; Waldo, 1984; Rosenbloom, 1984; Svara, 1985, 1998). That said, there continues to be widespread controversy regarding Wilson's and Goodnow's conceptions of the proper interface between politics and administration in American government.

Often obscured by the ambiguity that surrounds the writings of Wilson and Goodnow is one incontrovertible fact: both authors sought to separate partisan politics from administration. As noted by Stillman (1973), Wilson was greatly concerned by the influence of party organizations on administrative activities and the excessive attention given to administrative concerns by Congress, and he wanted to shield administration from partisan interference. Van Riper (1984) maintains that Wilson advocated the "*partisan* (not *political*) neutrality" (p. 209, emphasis in original) of civil servants. This claim appears to be supported by Wilson's advisement in "The Study of Administration" that, "Although politics sets the tasks for administration, it should not be suffered to manipulate its offices" (p. 18).

While Goodnow used the terms "politics" and "policy" to describe the expression of the popular will, which was to be executed through effective administration, his definition of "politics" was a narrow one, confined to the activities of political parties. Evidence of this is found early in Politics and Administration, where Goodnow defines politics as "the act or vocation of guiding or influencing the policy of a government through the organization of a party among its citizens." These parties were adept at "influencing public opinion, attracting and marshaling voters, and obtaining and distributing public patronage, as far as the possession of offices may depend upon the political opinions or political services of individuals" (p. 19).

Montjoy and Watson (1995) are among many who contend that Goodnow never sought to divorce administration from policy making. They argue that he favored only the separation of partisan politics and administration. This interpretation appears to be consistent with Goodnow's aforementioned definition of politics.

Wilson and Goodnow certainly were not the first to express misgivings about the mixing of partisan politics and administration. Nevertheless, their ideas, along with those of many other reformers, were instrumental in the development of merit systems designed to insulate government employees from political favoritism and coercion. Today, merit systems are well-established throughout American government; they represent the hallmark of the nation's public service. Common among merit system rules, however, are highly controversial statutes that many consider to be unnecessary throwbacks to the "spoils" era of the 1800s and manifestations of a "strict" politics-administration dichotomy never espoused by Wilson or Goodnow. The most famous such statute is the Hatch Political Activities Act of 1939 (as amended), commonly referred to as the "Hatch Act," which restricts the partisan political activities¹ of most federal employees as well as those state and local civil servants whose agencies are funded, at least in part, by the federal government. In addition to the federal legislation, statutory prohibitions, commonly referred to as "little Hatch Acts," and myriad other administrative provisions serve to

¹ Under the original law, federal employees were prohibited from engaging in partisan political activities only. There were no restrictions against participating in nonpartisan activities. Today, the federal Hatch Act and states' little Hatch Acts continue to apply only to partisan activities. States' statutes that proscribe public employees from engaging in "politics" or "political activity" have been upheld by the courts on the basis that they apply to partisan activities only, even when the language of the statute fails to make such a delineation. For an excellent overview of court cases dealing with this issue, see Dougherty (1987) and Crittenden (1984).

restrict, to varying degrees, the political activities² of state and local government employees in all states except South Carolina and Vermont (Maskell & Kasell, 1987).³

A more thorough discussion of why these laws have elicited so much controversy will be provided below. At this point it is sufficient to note that these statutes exist alongside extensive, well-enforced merit system rules that protect government employees from coercive political pressures while at work. Critics maintain that Hatch Act and little Hatch Act prohibitions have enjoined countless government employees from engaging in political activities while away from the job, on their own free time. Moreover, these critics claim that because these laws are often contradictory, confusing, and improperly communicated, many government workers shy away from perfectly legal political activities. They protest that the unhappy consequence is that affected employees' constitutional freedoms are repressed unfairly and to a far greater extent than the language of the statutes would imply.

Current political activity laws

Although the federal Hatch Act has been in existence for only six decades, efforts to curtail the political actions of government employees can be traced as far back as 1791, when the U.S. House of Representatives considered and rejected an amendment that would have limited the political activities of inspectors of distilled spirits (House Committee on Post Office and Civil Service, Report on the Federal Employees' Political Activity Act of 1989). Since that time, policy makers on several occasions have revisited the issue of civil servants' political activities. As recently as 1993, Congress passed and President Clinton signed legislation revising the federal Hatch Act by tightening on-the-job restrictions and relaxing off-duty prohibitions for most federal and postal employees. Prior restrictions were maintained for some high-level officials, including career Senior Executive Service (SES) employees and administrative law judges, as well as for those employed in sensitive agencies including the Federal Election

² Here, the phrase "political activities" is used to describe those partisan activities that are often proscribed by the federal Hatch Act and states' little Hatch Acts or other administrative rules. See note 1.

³ In South Carolina and Vermont, the federal legislation still applies to those workers whose agencies receive federal funding.

Commission, the FBI, the CIA, the Secret Service, the National Security Council staff, the Office of Criminal Investigations of the IRS, and the Merit Systems Protection Board (MSPB) (“Hatch Act Restrictions Revised,” 1993, p. 203).

In accordance with these changes, federal employees who are covered under the Hatch Act now are allowed to engage in numerous political activities while off-duty, including contributing money to political organizations, attending political fundraising functions, circulating and signing nominating petitions, seeking and holding positions in local and national political clubs and parties, stuffing envelopes, organizing and participating in phone banks, participating in voter registration drives, organizing and participating in political rallies and meetings, distributing campaign materials, soliciting votes, publicly endorsing political candidates, and soliciting contributions for the political action committee of a federal employees’ organization (provided that the person being solicited is also a member of the same organization and is not a subordinate of the individual soliciting the funds)(“Hatch Act Restrictions Revised,”⁴ 1993).

Pursuant to the 1993 revisions, covered employees continue to be precluded from running for partisan political offices or soliciting funds from the general public. They are also prohibited from allowing their official authority to interfere with or affect the result of an election, soliciting or discouraging the political activity of an individual who has business pending before the employee’s office, or soliciting or discouraging political activity by any person who is the subject of an ongoing audit, investigation, or enforcement action. Also, there is an additional restriction that was absent prior to 1993: employees no longer are allowed to wear campaign buttons while at work (“Hatch Act Restrictions Revised,” 1993, pp. 203-204). The Office of Special Counsel (OSC), an independent office of the MSPB, is responsible for investigating and prosecuting Hatch Act violations.

⁴ Prior to the 1993 changes, covered federal employees were prohibited from the following: engaging in any form of solicitation, campaigning for or against candidates in partisan elections, making campaign speeches to elect partisan candidates, distributing campaign material in partisan elections, organizing or managing political rallies or meetings, holding office in political clubs or parties, circulating nominating petitions, or working to register voters for one political party only. See Thurber, 1993, p. 46.

It is evident that covered federal civil servants, as well those state and local government employees who are subject to the federal Hatch Act, enjoy considerably more political freedom than they did prior to the 1993 amendments. This relaxation of the Hatch Act continues a trend initiated by several states in the years following the 1974 passage of the Federal Election Campaign Act, which allowed state and local government employees covered under the Act to participate in partisan campaigns. Boyle (1991) points out that between 1974 and 1983, 13 states eased their restrictions on the political activities of state and local government employees. Significantly, four of these states passed legislation enabling state and local government workers to run for partisan political offices provided they were not subject to the federal Hatch Act.

Still, it should be pointed out that states are basically free to regulate civil servants' political activities in any way they deem appropriate, and that some states have restrictions that are considerably more stringent than those now found at the federal level. Not surprisingly, states' little Hatch Acts, along with the federal Hatch Act, continue to elicit considerable debate in academic circles and among elected officials, political appointees, and career civil servants. A more thorough discussion of some of the more salient arguments of proponents and critics of these restrictions is provided in the next section.

Arguments for and against Hatch Act prohibitions

A review of the public administration literature finds that among those who have seriously deliberated over the issue of restraints on the political activities of public employees, not one has argued for the complete elimination of all restrictions. Any discerning individual can see the dangers of allowing Internal Revenue Service employees to solicit campaign contributions from taxpayers who are being audited or of permitting government managers to "shake down" subordinates as they pass by the water cooler. However, when it comes to issues such as addressing a gathering of concerned citizens regarding the platform of a particular political candidate, placing a sign in support of a political candidate in one's yard, serving as a delegate to a party convention, circulating a nominating petition, or running for a local school board position, controversy reigns.

Advocates of tight restrictions on the political activities of government employees have articulated various arguments in support of their position.⁵ Webster and Kasle (1988) maintain that Hatch Acts serve three principal aims: (1) to check the development of powerful political machines, (2) to protect the merit system by shielding workers from the coercive tendencies of other employees, and (3) to ensure fairness and efficiency in the administration of laws, programs, and resources (p. 31). The authors maintain that public sector unions already wield “excessive” political influence because they are able to circumvent Hatch Act curbs placed upon civil servants’ political activities, and warn that any further easing of Hatch Act constraints will only exacerbate this problem. The latter argument also has been raised by others, including Alan Simpson (R., WY), who voiced his opposition to the Hatch Act Reform Amendments of 1993 on the Senate floor by asking:

Who is lobbying for this change? I think we know who they are. They are the inside-the-beltway Federal employee union activists who will take the latitude in this bill and run with it, and love it. They have been waiting a long time for it. It is just that kind of latitude that we will give them in this legislation and it will be used and abused by them (“Should the Senate Approve,” 1993, p. 215).

Several other justifications for strict Hatch Act prohibitions have been advanced. Senator William Roth (R., DE), who joined Simpson in opposing the Hatch Act Reform Amendments of 1993, argued that stringent limitations on public employees’ political activities protect these workers’ civil rights because they safeguard them from “the subtle nature of inferred [political] expectations” (1993, p. 209). Presumably, when operating under more rigorous Hatch Act provisions, employees are able to resist political pressures, subtle or otherwise, simply by saying, “I’m hatched.”

Representative William Dickinson (R., AL) (1987), in opposing the “Federal Employees’ Political Activities Act of 1987” (which would have eased many of the federal Hatch Act’s

⁵ Generally speaking, most defenders and critics of these restrictions have limited their discussions to either the federal Hatch Act or states’ little Hatch Acts. Since all are designed to regulate the political behavior of government employees, the present discussion will use the term “Hatch Acts” generically to indicate both federal and state restrictions.

restrictions), warned that any diminution of the prohibitions of the Hatch Act would open the door for potentially staggering conflicts of interest between government employees and citizens. The United States Department of Justice, in a 1987 analysis of proposed changes to the federal Hatch Act, cautioned that easing restrictions “would seriously jeopardize public confidence in government and increase demands on limited prosecutorial resources” (p. 19). This “public confidence in government” argument has been articulated by several others who have sought to maintain strict limits on the political activities of government workers, including Frank Wolf (R.,VA)(1987), James Miller, III (1987), Ray Kline (1992), and William Cohen (R.,ME)(1993). Webster and Kasle contend that the mere exercise of political neutrality by government workers is inadequate for securing public confidence in government. They maintain that Hatch Acts ought to be so exacting that they eliminate even the appearance of partiality.

Defenders of rigorous Hatch Act proscriptions also point out that the majority of civil servants do not want expanded political rights. Support for this argument can be found in several surveys of federal government employees. A 1988 Merit Systems Protection Board (MSPB) survey of federal personnel specialists reported that increasing the opportunity for political activity was not an important issue for the majority of employees in their agencies. A 1987 survey of Senior Executive Association (SEA) members determined that 74% of respondents opposed amendments to relax the Hatch Act’s prohibitions, and a 1990 membership survey conducted by the Federal Executive Institute Alumni Association (FEIAA) found support for granting federal employees expanded political rights among only 18% of 1,131 respondents (Thurber, 1993).

Yet a 1989 survey conducted by the Federal Employees’ News Digest cast doubt upon the notion that public employees overwhelmingly support rigorous political activity prohibitions. Polling 10,000 federal employees, the publication found that 34% of them favored and 30%

opposed the Hatch Act's constraints on partisan political activities. The remaining 36% were neutral on the issue (Mace, 1989).⁶

Even if the majority of public employees are comfortable with the restrictions placed on their political actions, an important issue remains: whether these rules violate the First Amendment or other constitutional protections afforded all citizens. As the next chapter discusses, this question has been examined by the U.S. Supreme Court on several occasions.⁷ In each case, a divided Court validated the federal Hatch Act or statutory abridgments found in a state's little Hatch Act. Nevertheless, critics of these restrictions continue to cite constitutional concerns as a principal reason for opposing them.

At the heart of the debate between defenders and foes of the more polemic Hatch Act restrictions lies a tension between the need to protect civil servants and the public from political coercion and the constitutional rights of free assembly, petition, and speech. The fact that Hatch Acts serve to preclude a particular form of speech, political speech, is particularly vexing to those who, like Meiklejohn (1965), contend that the principal aim of the First Amendment is to safeguard this form of speech over any other. Even for those who do not subordinate other forms of speech to political speech, the muzzling effects of many Hatch Act provisions remain quite disturbing. William Clay (D., MO) (1987), a longtime critic of the federal Hatch Act, is among the politicians, government employees, and scholars who argue that many Hatch Act prohibitions trample the constitutional protections granted to all Americans. In a 1987 address before the House of Representatives, which was deliberating over the "Federal Employees' Political Activities Act of 1987," he made the following impassioned plea:

⁶ It should be pointed out that these surveys were conducted at the federal level only. As indicated previously, some states' little Hatch Acts are less strict than the federal Hatch Act, while other states' laws are considerably more stringent than the federal legislation. It seems reasonable to assume that the degree of restrictiveness of a state's political activity statute will influence affected employees' sentiments toward it.

⁷ The issue of the constitutionality of state laws proscribing state and local government employees from engaging in certain political activities also has been considered by various state courts. See Dougherty (1987).

[W]hat the Hatch Act has done for almost 50 years is to infringe on the constitutional rights of freedom of speech and freedom of assembly of three million dedicated government workers. Allowing public employees only the exercise of the vote is not synonymous with political freedom. Rather, it is a charade, a farce, a disgrace (p. 10).

Various other criticisms have been leveled against Hatch Act prohibitions. Clay asserts that today, many Hatch Act provisions are unnecessary because most government employees are covered by merit systems. This was not the case in 1939, the year the federal Hatch Act was passed, when 68% of the federal work force was comprised of political appointees (“Hatch Act Restrictions Revised,” 1993, p. 201). Stahl (1971) counters the popular argument that allowing public employees to engage freely in partisan activities would provide them inordinate influence in the policy arenas in which they are involved. He contends that if political shackles are to be placed upon civil servants, they also should be used to restrain business, labor, agriculture, and other groups that endeavor to influence public policy through political activism (pp. 304-308).

Blaylock (1987) claims that civil servants, “because of their working knowledge of government programs, have a unique contribution to make to improving the quality of America’s political debate” (p. 26). He maintains that their political participation should be encouraged, not suppressed. Boyle (1991) presents the related argument that when government makes “political eunuchs” of civil servants, it loses many valuable, dedicated employees who decide they no longer wish to preserve their “political celibacy.” The public loses as well, as their government is denied the knowledge and experience of these individuals. Pearson and Castle (1991) point out three administrative (as opposed to ideological) arguments against the more stringent Hatch Act restrictions: they create morale problems, they spawn job dissatisfaction, and they lead to increased employee turnover.⁸

A final criticism of Hatch Act prohibitions, and one that is central to this study, is that they have “chilling effects” upon civil servants’ political activities. As noted earlier, at the crux of this argument is the notion that many government employees consider Hatch Act and little Hatch Act proscriptions to be vague, perplexing, and inadequately communicated. Since

⁸ Pearson and Castle provide no evidence supporting the existence of these problems, however.

penalties for noncompliance are often quite severe, these individuals tend to err on the side of caution and do little politically. They develop an aversion to politics and shy away from most political activities, including permissible ones. And since habits develop from inactivity as well from activity, for many employees this tendency to refrain from political involvement continues after they retire, take jobs outside government, or move into positions that are exempt from the statutes. In sum, the alleged chilling effects may repress many government employees' First Amendment freedoms and other constitutional liberties excessively and unnecessarily.

If chilling effects do exist, it seems reasonable to expect they would be proportional to the degree of restrictiveness of the prohibiting statute. This being the case, they would be most discernible in those nine states that have political activity laws that are considerably more inhibiting than either the federal Hatch Act (as amended) or other states' little Hatch Acts.⁹ The concern here is that any chilling effects produced by these stringent laws might be so pernicious as to warrant reconsideration of the statutes by state lawmakers.

My own normative position

I wish to explore the possible existence of chilling effects because I fear that stringent political activity prohibitions might have undesirable consequences that extend far beyond the laws' original intent. My concerns stem from the fact that I am generally opposed to statutory abridgements of citizens' First Amendment liberties. I am a defender of the rights of civil servants, and I am opposed to laws that stifle the political voices of those who dedicate their professional lives to serving the public. In my judgment, the citizenry is better informed, and the nation and the states better served, when the insights of those who work in government are included in public debate.

It is perfectly acceptable for government employees to abstain from political activity if they so choose. I realize that there will be times when career officials will believe it is best not to engage in partisan politics. For example, an administrator might be operating in a policy arena

⁹The most recent compilation of state laws dealing with the political activities of civil servants was prepared in 1987 by Jack Maskell and Joseph Kasell of the Congressional Research Service. These researchers determined that nine states -- Arizona, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Pennsylvania -- had statutes that were "highly restrictive."

where any sign of partisanship might undermine his or her personal credibility or his or her agency's efforts to achieve some end. Some workers will abstain from political involvement for ideological reasons; others will do so simply because they have little or no interest in politics. Whatever the reason, it is fine for government employees to be politically inactive if this is their desire.

My concern is for those public servants who have a strong interest in politics and who feel constrained by away-from-the-job political restrictions that are often superfluous. Merit systems have been in existence at all levels of American government for decades; they have proven to be quite effective in deterring on-the-job coercion. The federal government (since 1993) and the majority of states now permit government workers to engage freely in most partisan activities when they are away from the workplace. This freedom evidently has not resulted in a more politicized government service.¹⁰ It is my belief that in those states that continue to maintain exacting prohibitions on civil servants' political activities, the benefits of a marginally less politicized bureaucracy (at best) are far outweighed by employees' loss of political freedom. Many civil servants enter government because they have an interest in politics and because they view government as the best vehicle for effecting societal change. To me, it is supremely unjust to demand that these individuals jettison their political freedoms in order to pursue government careers.

This should not be interpreted as a call for the elimination of all restrictions on the political activities of government employees. The aims of administrative neutrality and protecting public workers from political coercion while on the job are important ones, and probably cannot be achieved without some regulation of government employees' political actions. Of course, safeguarding the public from coercive pressures that might arise from interactions with government employees is equally important. In my view, the federal government, since the 1993 reform of the Hatch Act, and many states have struck an acceptable

¹⁰In 1987, the Civil Service Subcommittee of the House Post Office and Civil Service Committee mailed questionnaires to the Attorneys General of the 13 states that had relaxed their little Hatch Act prohibitions since 1974. Responses were received from 11 states; none reported any adverse effects stemming from the statutory changes.

balance in their efforts to achieve these goals and still protect public employees' constitutional freedoms. Still, I remain more than a little uneasy about the possible consequences of stringent little Hatch Acts. This study begins to probe my concerns by comparing the effects of a highly restrictive statutory climate with those of a less restrictive one.

Conclusion

Rinehart and Bernick (1975), in their conclusion to an inquiry into the political attitudes and behavior patterns of federal civil servants, called for both cross-sectional and longitudinal investigations of the effects of restrictions on public employees' political activities. They noted: "If public policy is to be based on hard evidence produced by social science research efforts rather than 'hunches and value preferences,' we must not let this rare opportunity pass" (p. 610). Their sage advice is followed in this study.

The next chapter develops more fully the context of the investigation by providing an historical discussion of Hatch Act prohibitions and surveying the prior research related to restrictions on public employees' political activities. It also examines the political activity laws found in four other nations and addresses how attitudes regarding public employees' political activism might vary depending upon one's conception of the proper role of civil servants in American democracy.

Chapter Three

Prohibitions on Political Activity

As Chapter Two noted, attempts to proscribe government employees from engaging in partisan politics can be traced as far back as the late eighteenth century. This chapter provides an historical overview of these efforts. Much of the discussion centers on U.S. Supreme Court decisions that have upheld Hatch Act prohibitions and the work of the Commission on Political Activity of Government Personnel. As mentioned earlier, the Commission's study of the federal Hatch Act inspired several other researchers to examine the effects of political activity restrictions at both the federal and state levels. These scholars' work will be reviewed as well. The chapter concludes with an examination of the political activity laws found in Canada, Great Britain, France, and Japan, along with a brief discussion of how the issue of public employee political activism fits with alternative public service models of the bureaucracy.

Historical overview of Hatch Act restrictions

The history of American public service is replete with attempts to curb the political activities of civil servants at all governmental levels. Throughout the evolution of these restrictions, there has been a tension between the political responsiveness that derives from a spoils system and the notion of "neutral competence" that is embodied in merit systems. As would be expected, the rise of prohibitions against engaging in partisan activities has paralleled the ascendancy of merit systems throughout American government.

The Founding to 1907

During the very early years of the Republic, political parties played a rather insignificant role in American politics. Soon, however, they gained considerable prominence, and became instrumental in helping people secure government employment. By 1801, the problem of patronage appointments had become so serious that President Thomas Jefferson issued a circular emphasizing the need for political neutrality on the part of federal employees. Jefferson's exhortation was largely ignored, and the President responded by removing from office a number of employees who had engaged in partisan activities. Several of these employees had taken actions that opposed the Jefferson administration (Vaughn, 1976). Similar orders were issued during the administrations of William Henry Harrison (1841), Ulysses S. Grant (1873), and

Rutherford B. Hayes (1877), but these were, for the most part, ineffective in curbing the excesses of the spoils system (Crittenden, 1984).

Soon after the end of the Civil War, the National Civil Service Reform League spearheaded an effort to improve the civil service. According to the reformers, a major reason for the inefficiencies of the federal government was the lack of a merit-based selection process for government employment (Committee on Post Office and Civil Service, 1993, p. 6). The reformers' cries for insulation of the federal civil service from partisan politics resonated loudly after the 1881 assassination of President James Garfield by Charles Guiteau, a disgruntled insurance salesman and evangelist who was distressed by his failure to be appointed as consul to Paris. In 1883, Congress responded by passing the Civil Service Act, more commonly referred to as the Pendleton Act. While the Pendleton Act is best known for establishing the merit system, it should be noted that sections 11-15 of the Act dealt with political assessments, solicitations, subscriptions, and contributions by federal government employees (Ibid).

Only one year prior to passage of the Pendleton Act, the U.S. Supreme Court, in Ex Parte Curtis (1882), recognized the power of Congress to limit the political activities of government employees. The case dealt with an act that forbade federal employees from giving, receiving, or requesting political contributions from other workers. In determining that the statute was constitutional, the Court balanced workers' freedom of speech rights with the administrative goals of efficiency and maintaining employee discipline:

The evident purpose of Congress in all this class of enactments has been to promote efficiency and integrity in the discharge of official duties, and to maintain proper discipline in the public service. Clearly such a purpose is within the just scope of legislative power . . . (106 U.S. 371 at 373).

In a dissenting opinion, Justice Joseph Bradley denounced the statutory restrictions, arguing that relinquishing political liberties should not be a requirement for government employment. He insisted that the freedoms of speech and assembly, as well as the right to petition the government for redress of grievances, should not be "trammled by inconvenient restrictions" (106 U.S. 371 at 377). While acknowledging the power of Congress to undertake measures to curb undue

political coercion and corruption, he maintained that such actions must not violate constitutionally guaranteed liberties.

In 1886, President Grover Cleveland issued an executive order once again cautioning federal civil servants not to engage in certain political activities. Three years later, Theodore Roosevelt, a prominent figure in the New York City reform movement, became Civil Service Commissioner. Commissioner Roosevelt was strongly opposed to civil servants participating in partisan campaigns, a sentiment he expressed in his 1894 Report of the Commission (Committee on Post Office and Civil Service, 1993). Upon securing the presidency, Roosevelt had the opportunity to transform his private views into public policy, which he did by issuing Civil Service Rule I under the authority of the Pendleton Act. Civil Service Rule I enjoined members of the classified service from being actively involved in political management or political campaigns. On June 3, 1907, President Roosevelt issued an executive order amending Civil Service Rule I. It provided that

No person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. Persons who by the provisions of these rules are in the classified service, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns (Ibid, p. 7).

1907 - 1947

Civil Service Rule I was enforced by the Civil Service Commission and remained in effect until passage of the Hatch Act in 1939. Between 1907 and 1939, the Commission issued more than 3,000 rules dealing with individual cases, thereby creating a significant body of case law. When Congress passed the Hatch Act, it in effect codified these rulings (Masters & Bierman, 1985).

Civil Service Rule I applied only to members of the classified service. In the 1930s, the size of the federal bureaucracy exploded under President Franklin Roosevelt's New Deal, with much of this growth taking place outside the classified service. By the end of 1934, only 5 of 60 newly created federal agencies had been placed under the jurisdiction of the Civil Service

Commission. The majority of these agencies were staffed through patronage appointments (Committee on Governmental Affairs of the United States Senate, 1992).

Compounding the fears of an increasingly politicized bureaucracy was the controversy surrounding the actions of supervisors in the Works Progress Administration (WPA), a New Deal employment program. Allegedly, the salaries of WPA employees were being assessed illegally and supervisors were coercing employees to provide financial support for Senator Alben Barkley's 1938 reelection campaign. The Sheppard Committee on Campaign Expenditures and Use of Governmental Funds, chaired by Senator Morris Sheppard of Texas, investigated and confirmed these abuses. While all of this was occurring, a coalition of Republicans and conservative Southern Democrats was becoming increasingly distrustful of Roosevelt and his New Deal programs. To these lawmakers, the prospect of a legion of relief workers assisting the President in a bid for an unprecedented third term was more than a little unnerving. They responded by parlaying the recommendations of the Sheppard Committee into legislation that eventually became the Hatch Act.

In March of 1939, two months after the Sheppard Committee reported to Congress, Senator Carl Hatch, a New Mexico Democrat, introduced a bill to prevent federal employees' "pernicious political activities." The measure passed the Senate by unanimous consent, but was debated vigorously in the House. There, most of the controversy centered on section 9(a) of the bill, which proscribed federal workers from taking an active part in political management or political campaigns. It was this section that codified Civil Service Rule I and the more than 3,000 Civil Service Commission rulings that had been issued under it. The bill ultimately passed the House and on August 2, 1939, the Hatch Political Activities Act of 1939 became law (Eccles, 1981).

It should be pointed out that by 1939, several states already had passed statutory prohibitions on the partisan political activities of state and local government employees (Crittenden, 1984). For the most part, these laws dealt with assessments, solicitations, and the improper use of official authority to influence electoral outcomes. Most of the states that established little Hatch Acts after 1939 modeled their laws after the federal Hatch Act; in these

states the regulations tended to be more restrictive than in the states that had enacted political activity statutes prior to 1939.

In 1940, the federal Hatch Act was amended, its coverage extended to include those state and local government employees whose agencies received federal funding. This expansion of the Hatch Act's scope was met with considerable opposition by the states; at the time some observers considered it to be the most unpopular legislation ever imposed upon states (Boyle, 1991, p. 254). For the most part, state lawmakers were not concerned about protecting civil servants' political freedoms. As indicated above, several states already had passed laws limiting the partisan activities of state and local government employees. These lawmakers were, however, greatly disturbed by federal government intrusion into states' personnel policies. They also feared that since there was no statute of limitations for federal Hatch Act violations, states could be placed in the position of having to terminate workers who, perhaps unknowingly, violated the law years ago. Furthermore, they disapproved of the manner in which Congress had chosen to enforce the Hatch Act. Once the Civil Service Commission determined that a Hatch Act violation had occurred, the state or local government agency had one of two choices: it could terminate the employee, who could not be rehired by the agency for 18 months, or it could forfeit federal loans or grants in an amount equaling two times the annual salary of the employee who had violated the Act (Ibid, pp. 254-255).

United Public Workers v. Mitchell (1947)

In 1947, the Hatch Act faced its first Supreme Court challenge in United Public Workers v. Mitchell. The case involved the firing of George Poole, a laborer at the U.S. Mint. Poole was a ward committeeman for the Democratic Party who had served as a watcher at the polls on election day. As required under the Hatch Act, the Civil Service Commission removed him from his position for violating the prohibition against taking an active part in partisan campaigns.

In a 4-3 decision delivered by Justice Stanley Reed, the Court upheld Poole's dismissal and, more importantly, the constitutionality of the Hatch Act. In doing so, it relied heavily upon the then prevalent "privilege doctrine," which held that public employment was a privilege, not a right, and that "by the mere act of accepting employment, the citizen waives whatever

constitutional rights the employer designates” (Hays & Carter, 1980, p. 342). As was the case in Ex Parte Curtis, the majority applied a balancing test:

Again this Court must balance the extent of the guarantees of freedom against a congressional enactment to protect a democratic society against the supposed evil of political partisanship by classified employees of government (330 U.S. 75 at 96).

There were other similarities to Ex Parte Curtis. A key one was the Court’s subordination of individual liberties to administrative concerns. The majority recognized “the growth of the principle of required political neutrality for classified public servants as a sound element for efficiency” (330 U.S. 75 at 97). It also warned that “the conviction that an actively partisan governmental personnel threatens good administration has deepened since Ex Parte Curtis” (330 U.S. 75 at 97-98).

Justice Hugo Black delivered a scathing dissent in the case. He argued that the section of the Hatch Act upheld by the majority

. . . relegates millions of federal, state, and municipal employees to the mere role of spectators of events upon which hinge the safety and welfare of all the people, including public employees. It removes a sizable proportion of our electorate from full participation in affairs destined to mould the fortunes of the nation. It makes honest participation in essential political activities an offense punishable by proscription from public employment. It endows a governmental board with the awesome power to censor the thoughts, expressions, and activities of law-abiding citizens in the field of free expression from which no person should be barred by a government which boasts that it is a government of, for, and by the people -- all the people (330 U.S. 75 at 115).

Without explicitly referencing the Hatch Act’s “chilling effects,” Justice Black rebuked the statute for “violat[ing] the Fifth Amendment because it is so vague and indefinite as to prohibit lawful activities” (330 U.S. 75 at 109). He also expressed deep concern about a Civil Service Commission warning that employees could be held accountable for the political activities of family members if it was determined that such activities were undertaken to circumvent Hatch Act prohibitions: “Thus are the families of public employees stripped of their freedom of political action” (330 U.S. 75 at 108). Justice William Douglas also dissented, in part noting that

previously, when the Court had balanced individual rights with the interests of the community, it had insisted that the statute “be narrowly and selectively drawn to define and punish the specific conduct which constitutes a clear and present danger to the operations of government” (330 U.S. 75 at 126).

On the same day it decided United Public Workers v. Mitchell, the Court also handed down Oklahoma v. United States Civil Service Commission (1947). This decision upheld the application of Hatch Act prohibitions to those state and local government employees whose agencies received federal funding. The Court offered a rather succinct justification for sustaining this extension of the Act: “While the United States is not concerned with, and has no power to regulate, local political activities as such of state officials, it does have power to fix the terms upon which its money allotments to states shall be disbursed” (330 U.S. 127 at 143).

Federal Hatch Act amendments (1942 - 1974)

In its decision in United Public Workers v. Mitchell the Court left open the door for future review of the Hatch Act, stating that “another Congress may determine that on the whole, limitations on active political management by federal personnel are unwise” (330 U.S. 75 at 99). Indeed, Congress has revisited the issue of political activity restrictions on numerous occasions. Between 1942 and 1974, the federal Hatch Act was amended six times. The 1942 “freeing of the educators” amendment excepted public school teachers from the statute. A 1950 amendment allowed the Civil Service Commission to punish employees who had committed minor violations of the Act by suspending them without pay (for at least 90 days) in lieu of permanently removing them from their positions. Legislation passed in 1951 allowed some government employees who were on leave without pay to hold political offices (Eccles, 1981, pp. 231 - 238).

A 1962 amendment reduced the minimum penalty that could be imposed by the Civil Service Commission (by unanimous consent) to 30 days from 90 days. A 1974 revision added to the Hatch Act’s exclusions various elective offices in the District of Columbia. Another 1974 amendment, included as part of the Federal Election Campaign Act, represented the most significant reform of the Hatch Act made prior to 1993. It removed from the Act the provision that enjoined state and local employees from participating in political management and political campaigns (Ibid). This amendment is discussed in greater detail later in the chapter.

During the 1950s, some legislators sought to do away with many of the Hatch Act's prohibitions. In 1950, Senator Hubert Humphrey (D., MN) introduced Senate Bill 3014, which would have allowed federal employees to participate fully in politics, including running for any public office. In 1957, Representative Abraham Multer (D., NY) presented H. R. 1967, which would have repealed Sections 9(a) and (b) of the Act.¹¹ Neither bill passed (Ibid).

At this point, it should be noted that since enactment of the federal Hatch Act, Democrats generally have been more supportive than Republicans of relaxing the statute's prohibitions. Few Democrats have supported abolishing the Act, however. Republicans have tended to resist most liberalization efforts, in large part because they have feared government employees' political activism would benefit the Democratic Party more than theirs. According to Rourke (1992), Republicans "suspect that civil servants in Washington have hidden Democratic loyalties" (p. 541). Evidence suggests, however, that public sector employees, compared to their private sector counterparts, are only slightly more supportive of the Democratic Party (Blais, Blake, & Dion, 1997; Garand, Parkhurst, & Seoud, 1991; Blais, Blake, & Dion, 1990).

The Commission on Political Activity of Government Personnel

In 1966, Congress revisited the issue of government employees' political activities, creating the Commission on Political Activity of Government Personnel. This twelve-member, bipartisan commission was charged with investigating one fundamental question: "How well does the Hatch Political Activities Act of 1939 serve the nation today?" (Commission on Political Activity of Government Personnel, 1967, p. 11). The Commission, with the assistance of the Survey Research Center of the University of Michigan, interviewed nearly one thousand federal employees to determine their opinions of the federal Hatch Act. It also surveyed state employees who were subject to the law, from New York, California, Pennsylvania, and Texas. The Commission held public hearings in six major U.S. cities, considering the testimony of more than 90 witnesses in Atlanta, Boston, Chicago, Dallas, San Francisco, and Washington, D.C. Finally, it examined all states' laws regulating civil servants' political behavior, the restrictions

¹¹ As discussed earlier, Section 9(a) covered political activity prohibitions; Section 9(b) dealt with penalties for violations of Section 9(a).

found in several other nations, prior Civil Service Commission rulings, and scores of books, scholarly articles, and legislative documents related to the subject.

The Commission compiled a wealth of data from its study. It discovered that 91% of federal employees were aware of statutory restrictions on their political activities, and that 85% had heard of the Hatch Act. Importantly, however, more than one-fourth of those who had heard of the Hatch Act did not know its general purpose. In total, 38% of the federal respondents either were unaware that restrictions on their political activities existed or could not describe the overarching purpose of the Act. Also, there was considerable confusion regarding whether certain political activities were permissible. When asked if they were allowed to engage in specific political activities, at least 10% of the respondents indicated that they “didn’t know” or “weren’t sure” on nine of ten items. Adding to this confusion was the fact that repeatedly, respondents were incorrect regarding permissibility even though they felt sure about their responses. Perhaps the most astounding finding of the study was that among the 973 employees who were asked whether it was legal for them to engage in certain activities, none was correct on more than eight of the ten items. Nearly two-thirds (64.1%) of the respondents were incorrect on at least five of the activities.

Roughly 30% of the federal employees polled indicated that they had refrained from certain political activities because of their civil service status, with a slight majority of these individuals reporting they had done so on numerous occasions. Responding to hypothetical situations, 30% of those surveyed said they would be more apt to try to do something personally about a pending local regulatory initiative they considered to be unjust or harmful if they worked in the private sector; this figure dropped to 25% when the question dealt with a bill before Congress. In both cases, only 3% of the respondents stated that they would be less likely to act if they were employed in the private sector.

Among those federal employees who were familiar with the Hatch Act and its general purpose, 65% supported some degree of liberalization of the statute while the remaining 35% favored maintaining the status-quo. When asked to speculate about the consequences of allowing federal employees to be more politically active while off-duty, 27% of the respondents felt this change would make government operations more effective, while 17% believed

government operations would become less effective. More than half of those polled anticipated no change.

The responses to the preceding question were somewhat surprising given that 52% of the federal employees indicated that allowing workers to become more involved in politics would influence promotion decisions and job assignments, while only 45% thought such liberalization would have no effect upon these workplace issues (3% of the respondents said they “didn’t know”). When asked whether relaxation of the Hatch Act would change their off-duty political activities, 60% of the respondents indicated that their level of political involvement would “remain about the same,” while the remaining 40% said they would become “more active.” Among those who said they would raise their level of political activity, 20% responded that they would become “a lot more active,” 35% indicated that they would become “somewhat more active,” and 45% said they would become “a little more active.” A positive correlation was found between educational attainment and desire to become more active in politics¹² (Commission on Political Activity of Government Personnel, 1967, pp. 1-39).

The Commission also mailed questionnaires to 4,827 state employees who were subject to the federal Hatch Act.¹³ These individuals were employed in the areas of welfare, health, and personnel. A total of 2,983 questionnaires were returned, yielding a 61.8% response rate. The results were aggregated; thus variations based upon the state where respondents were employed could not be examined. The Commission found an overall high level of interest in national politics among the state employees, evidenced by the fact that slightly more than 82% of them reported having a “great interest” in the most recent (1964) presidential election.¹⁴ Interestingly, however, it found a relatively low level of partisanship among the workers. Only slightly more than one-half (53.5%) of the respondents viewed their political affiliation as aligned with either

¹²The Commission did not report the strength of the correlation.

¹³As reported above, the Commission surveyed state employees in New York, California, Pennsylvania, and Texas.

¹⁴The state employees’ high levels of interest in politics reflected the general mood of the American public during the mid-1960s.

the Democratic or Republican party, while roughly 45% reported being Independents.¹⁵ By way of comparison, in 1964, only 23% of the American general public identified themselves as Independents. In 1966, this figure was 28%; in 1968, 30% (Nie, Verba, & Petrocik, 1976, p. 49).

The Commission found that approximately 85% of the state-level respondents had “heard about” laws or rules regulating government employees’ political activities, but that only one-half of these individuals understood the purpose of the federal Hatch Act. When one includes those who never had heard of the prohibitions, this means that only 43% of the employees were knowledgeable about the Hatch Act’s intent. When asked to identify whether certain activities were permissible under the federal legislation, at least three-fourths of the workers responded correctly on eight of 15 items. Among the seven activities that at least one-fourth of the respondents were incorrect about, 25.3% believed they could not put political bumper stickers on their cars, and another 25.1% thought they could not run in a nonpartisan school board election. Thirty percent were incorrect in their belief that they could not become involved in local issues such as taxes or civil rights. Most interesting was the fact that on two items, more than six in ten believed they were not allowed to engage in a permissible activity. Approximately 62% thought they couldn’t run for a state or local office in a nonpartisan election, and roughly 61% presumed they couldn’t wear a campaign button while at work.¹⁶

At least one-fourth of the state respondents incorrectly believed that they were allowed to engage in two prohibited acts. More than four in ten (41.7%) thought they could drive people to the polls on election day, and 25% presumed it legal to work in a political party’s voter registration drive. Taken together, these results underscore the considerable confusion that many respondents had regarding the permissibility of engaging in various political activities. It should be noted that five of the seven political activities that at least 25% of the respondents were

¹⁵ Among those respondents who considered themselves to be Independents, more than three-quarters (76.1%) said they “felt closer” to one of the two major parties.

¹⁶ The Commission noted in its report that at the time of the study there was some confusion regarding the permissibility of wearing political buttons while on the job. It concluded that although the rule dealing with this issue was somewhat unclear, the convention was that the practice was allowable so long as the buttons were “modest.”

incorrect about actually involved a lawful act. Thus the state employees tended to overstate the extent to which their political activities were enjoined, providing evidence of possible chilling effects.

When asked whether relaxation of statutory prohibitions on their political activities would encourage them to do more politically, two-thirds of the respondents said that their activity levels would “stay just about the same.” Slightly more than 7% indicated that they would become “a lot more active,” while approximately 25% said that they would become “somewhat more active.” More than one-quarter (28.7%) of the respondents confirmed that there had been times when they wanted to do some kind of political work in an election but did not because they were state employees. It is likely that many of these were the same ones who indicated that they would become more politically active pursuant to the easing of Hatch Act prohibitions.

In assessing whether the state employees wanted to see the federal Hatch Act changed, the Commission found that only 3.7% of the respondents wanted the statute to become more restrictive. More than four in ten (41.7%) supported changes that would allow more political freedom, and an almost equal number (38.3%) favored no statutory changes. Many workers expressed fear that easing the Hatch Act restrictions would have a negative effect on the merit system in their state, presumably by politicizing the public service. Approximately 42% believed that relaxing the law would hinder the merit system; an almost equal proportion (41.6%) thought such change would not affect it. Slightly more than 12% felt that easing the restrictions would actually improve their state’s merit system. Finally, when asked whether they believed state employees, compared to private sector employees, were under less, the same, or more pressure to become more active politically, 16.8% responded that the pressure was greater for government employees. Almost one-quarter (24.7%) believed the pressure was greater for private sector employees, and roughly three in ten (29.2%) felt that the pressure was the same for both groups¹⁷ (Commission on Political Activity of Government Personnel, 1967, pp. 65-80).

¹⁷ For this question, 24.6% of the state respondents either said they “didn’t know” or gave no opinion.

State comparisons

As discussed above, the Commission also examined states' restrictions on the political activities of state and local government employees. Using multiple criteria, it categorized each state in terms of how its laws compared to the federal Hatch Act. Eight states were identified as having laws more restrictive than the Hatch Act: Alabama, Connecticut, Georgia, Kentucky, Louisiana, Oklahoma, Tennessee, and West Virginia. Nine states had statutes that were similar to the Hatch Act in terms of degree of restrictiveness. These were Alaska, Idaho, Maine, Michigan, Missouri, Ohio, Pennsylvania, Vermont, and Washington. The remaining states had laws that were less stringent than the federal legislation (Commission on Political Activity of Government Personnel, 1967, pp. 91-104).

The Commission's final report and recommendations

The Commission presented its findings to Congress in 1968. In its report, it recognized the tension between "encourag[ing] the participation of as many citizens as possible in the political processes which shape our government" and "assur[ing] integrity in the administration of governmental affairs and development of an impartial civil service free from partisan politics" (Ibid, p. 3). It did, however, make several recommendations for better achieving both of these ends. Included was a call for expanding the range of permissible political activities for federal employees, with state and local workers covered by the Act being granted additional freedoms. The Commission also advocated strengthening the safeguards against coercion and the improper use of authority or official position. In addition, it recommended unanimously that all restrictions "be clearly and specifically expressed, and that beyond those limits political participation should be permitted as fully as for all other citizens" (Ibid).

In the several years following the work of the Commission, Congress failed to act upon these recommendations. In 1974, however, when it responded to the Watergate scandal by passing the Federal Election Campaign Act, Congress included in the legislation an amendment to the Hatch Act. As noted earlier, this amendment allowed state and local government employees whose agencies received federal funds to participate in political management and political campaigns. Although these employees continued to be proscribed from running for partisan offices, their political freedoms compared to those of their federal counterparts

nevertheless broadened. The resulting “double standard” rekindled debate over the issue of further Hatch Act relaxation (Hays & Carter, 1980), but opponents of liberalization were successful in maintaining the status-quo for federal employees until 1993. It should be noted that included in the legislative history of the Federal Election Campaign Act was the comment that more restrictive state statutes still were allowed (Crittenden, 1984, p. 183).

Recent U.S. Supreme Court decisions

On June 25, 1973, roughly one year prior to the passage of the Federal Election Campaign Act, the Supreme Court, as it did in 1947, rendered two companion decisions upholding the constitutionality of restrictions on civil servants’ political activities. These cases, United States Civil Service Commission v. National Association of Letter Carriers and Broadrick v. Oklahoma, differed from the Court’s 1947 decisions in United Public Workers v. Mitchell and Oklahoma v. United States Civil Service Commission in that they centered on the issues of vagueness and overbreadth of the Hatch Act as opposed to whether Congress had the constitutional authority to impose such abridgements.

In National Association of Letter Carriers, the Supreme Court, in a 6-3 decision, overturned a ruling by the U.S. District Court for the District of Columbia that the Hatch Act was unconstitutional. The District Court had determined that Congress had improperly granted the Civil Service Commission the legislative function of defining those “political activities” that were prohibited under the Hatch Act. Also, it ruled that this phrase was vague and overly broad, thereby producing a chilling effect that was unallowable under the First Amendment.

In its decision, delivered by Justice Byron White, the Court “unhesitatingly reaffirm[ed]” (413 U.S. 548 at 555) its ruling in United Public Workers v. Mitchell. It approached the statute with presumed constitutionality, noting that “our task is not to destroy the Act if we can, but to construe it, if consistent with the will of Congress, so as to comport with constitutional limitations” (413 U.S. 548 at 571). The Court dismissed summarily the notion that the Hatch Act violated affected employees’ rights of free speech and association, contending that “neither the right to associate nor the right to participate in political activities is absolute in any event” (413 U.S. 548 at 567). It then addressed the vagueness question, maintaining that Congress had dealt with this issue in 1940 when it incorporated by reference into the Hatch Act the more than 3,000

prior rulings of the Civil Service Commission. The majority further argued that the Commission's regulations were "set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with" (413 U.S. 548 at 579). The Court appeared somewhat less confident in responding to the overbreadth charge, claiming only that "neither do we discern anything fatally overbroad about the statute when it is considered in connection with the Commission's construction of its terms" (413 U.S. 548 at 579).

The bases used by the Court's majority to uphold the constitutionality of the Hatch Act have been the subject of considerable criticism. Boyle (1991) insists that it is highly unlikely that Congress was aware of the prior Civil Service Commission rulings that in 1940 were incorporated by reference into the Hatch Act. He further asserts that these rulings also were likely to be vague and overly broad. It should be noted as well that the Court, in tracing the history of the Hatch Act, did reference the work of the Commission on Political Activity of Government Personnel. As discussed previously, the Commission found that among nearly 1000 federal employees who were surveyed regarding their understanding of whether certain activities were permissible under the Hatch Act, none was able to identify correctly more than eight of ten items. Since presumably the Court knew about federal employees' considerable confusion regarding the Hatch Act's prohibitions, it is surprising that it nevertheless declared that the statute was "set out in terms that the ordinary person exercising ordinary common sense can sufficiently understand and comply with."

Probably the most frequently cited criticism of the decision is the manner in which the Court so easily brushed aside civil servants' constitutional freedoms. This drew the ire of many, including Justice William Douglas, who wrote the dissenting opinion in the case. Justice Douglas was joined by Justices William Brennan and Thurgood Marshall. Responding to what he considered to be the majority's depreciation of government employees' constitutional liberties, Justice Douglas argued:

Free discussion of governmental affairs is basic in our constitutional system. Laws that trench on that area must be narrowly and precisely drawn to deal with precise ends. Overbreadth in the area of the First Amendment has a peculiar evil, the evil of creating chilling effects which deter the exercise of those freedoms (413 U.S. 548 at 598).

He added that because it incorporated thousands of Civil Service Commission rulings, the Act was “pregnant with ambiguity” (413 U.S. 548 at 596). He further pointed out that an employee who made the mistake of unknowingly engaging in a prohibited activity nevertheless paid a monumental price: the loss of his or her job. Consequently, “the most prudent thing to do is nothing. Thus is self-imposed censorship imposed on many nervous people who live on narrow economic margins” (413 U.S. 548 at 600).

In the companion case, Broadrick v. Oklahoma, the Supreme Court upheld a District Court decision sustaining Oklahoma’s highly restrictive little Hatch Act. Importantly, in upholding the Oklahoma statute, the Court by implication validated all states’ laws. The appellants, Oklahoma state employees, contended that two paragraphs of the state merit system act were vague and overly broad, prompting workers to shy away from legal activities in addition to those that were proscribed. In a 5-4 decision delivered by Justice Byron White, the Court acknowledged:

It has long been recognized that the First Amendment needs breathing space and that statutes attempting to restrict or burden the exercise of First Amendment rights must be narrowly drawn and represent a considered legislative judgment that a particular mode of expression has to give way to other compelling needs of society (413 U.S. 601 at 611). However, the Court pointed out that the statute in question applied to conduct as well as to speech, and argued that “particularly where conduct and not merely speech is involved, we believe that the overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute’s plainly legitimate sweep” (413 U.S. 601 at 616). The majority conceded that the statute in question could, as the appellants had charged, be susceptible to improper application by the Oklahoma State Personnel Board. Still, they resolved that “we do not believe . . . [the statute] must be discarded *in toto* because some person’s arguably protected conduct may or may not be caught or chilled by the statute” (413 U.S. 601 at 618).

In his dissent, Justice William Brennan, who was joined by Justices Potter Stewart and Thurgood Marshall, argued that the key phrase in the Oklahoma statute -- that no employee shall “take part in the management or affairs of any political party or in any political campaign” -- was basically undefined. As discussed above, the Court had rebuffed the vagueness argument in the

companion case of National Association of Letter Carriers by relying upon thousands of prior Civil Service Commission rulings. Justice Brennan contrasted the current case with the former by pointing out that “the pertinent regulations of the [Oklahoma] State Personnel Board are a scant five rules that shed no light at all on the intended reach of the statute” (413 U.S. 601 at 624). He further maintained that the Court failed to explain “why the overbreadth of the Oklahoma Act, while real, is somehow not quite substantial” (413 U.S. 601 at 630-631). He also questioned whether, “for purposes of overbreadth analysis, deterrence of conduct should be viewed differently from deterrence of speech, even where both are equally protected by the First Amendment” (413 U.S. 601 at 631).

Justice William O. Douglas also filed a dissenting opinion. In it, he chastised the majority for depriving public employees of the right to engage in “public” speech when away from the job, arguing that “once we fence off a group, and bar them from public dialogue, the public interest is the loser” (413 U.S. 601 at 620). He further declared:

A bureaucracy that is alert, vigilant, and alive is more efficient than one that is quiet and submissive. It is the First Amendment that makes it alert, vigilant, and alive. It is suppression of First Amendment rights that creates faceless, nameless bureaucrats who are inert in their localities and submissive to some master’s voice (413 U.S. 601 at 621).

As was the case in 1947 in United Public Workers v. Mitchell, the Court in National Association of Letter Carriers left open the possibility that Congress might “come to a different view of the realities of political life and government service” (413 U.S. 548 at 567) and revise the federal Hatch Act. In addition to the amendments discussed earlier, Congress also passed reform legislation that would have further eased Hatch Act restrictions in 1976 and 1990. However, it was unable to override the vetoes of Presidents Gerald Ford and George Bush respectively. On October 6, 1993, President Bill Clinton, upholding a campaign promise, signed H.R. 20, the “Hatch Act Reform Amendments of 1993.”

Recent little Hatch Act liberalization

As noted previously, over the past two and a half decades several states also have relaxed their prohibitions on civil servants’ political activities. Most of this activity took place between 1974 and 1983, when 13 states responded to the easing of federal Hatch Act restrictions on state

and local government employees by liberalizing their own prohibitions on public employees' political actions.¹⁸ A 1983 study conducted by the Civil Service Subcommittee of the House Committee on Post Office and Civil Service found that in these states, levels of public employee political activity increased following the statutory changes. It further determined that there was no corresponding increase in improper use of authority or political coercion, a finding confirmed by the Merit Systems Protection Board (Leyden, 1987).

In 1987, Jack Maskell and Joseph Kasell of the Congressional Research Service prepared a compilation of all states' laws governing the political activities of public employees. The researchers determined that nine highly restrictive states -- Arizona, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Pennsylvania¹⁹-- limited employees' campaign activities during off-duty hours in a manner similar to the federal Hatch Act (prior to the 1993 amendments). A comparison of these states with those determined to be "most restrictive" in 1967 by the Commission on Political Activity of Government Personnel finds only four -- Georgia, Kentucky, Louisiana, and Oklahoma -- on both lists. Such comparison underscores the extent to which states revised their statutes during the 1970s and 1980s.²⁰

Research related to public employees' political activities

The work of the Commission on Political Activity of Government Personnel spawned a modest level of scholarly inquiry into public employees' political activities and attitudes

¹⁸This information was provided by John F. Leyden, who in 1987 testified before the House Subcommittee on Civil Service, Committee on Post Office and Civil Service. At the time the House of Representatives was deliberating on H.R. 20 and H.R. 21, the Federal and Postal Employees' Political Activities Acts of 1987, which would have liberalized federal Hatch Act prohibitions. Leyden failed to identify the 13 states that had relaxed their little Hatch Act statutes during this period. However, based upon the work of Maskell and Kasell (1987), these states appear to have been Alabama, Alaska, California, Connecticut, Georgia, Maine, Montana, New Hampshire, New Mexico, Oregon, Tennessee, Texas, and West Virginia.

¹⁹While many of the states with restrictive little Hatch Acts eased their prohibitions during the 1970s and early 1980s, Pennsylvania did not. Accordingly, by 1987, Pennsylvania's laws were among the strictest in the nation.

²⁰It appears that the amendments to the federal Hatch Act included in the 1974 Federal Election Campaign Act served as the primary impetus behind states' little Hatch Act liberalization efforts.

regarding Hatch Act and little Hatch Act prohibitions. The earliest such study was conducted by Gary Halter in 1972. Using data from the Commission and the *1964 Election Study*,²¹ the author compared the political propensities of federal employees with those of the general public. Controlling for the effects of income and education, he discovered that, compared with the general public, federal employees were more likely to vote in presidential elections, attempt to talk others into voting for a particular candidate or party, attend a political meeting or rally, wear a campaign button or place a campaign sticker on their vehicle, and contribute money to a political candidate or party. Federal workers were less apt to work for a political party or partisan candidate or belong to a political club. This latter finding was unsurprising since, at the time of the study, federal employees were prohibited from working for political parties or partisan candidates and were limited as to what they could do as members of political clubs. Halter theorized that the political nature of government employment inspired federal employees to want to be more politically active than citizens who were not government employees.

Rinehart and Bernick (1975) also revisited the work of the Commission on Political Activity of Government Personnel. The authors focused mainly on the Commission's finding that 71% of federal employees were able to perform legally all of the political activities in which they wanted to engage. They argued that the Hatch Act represented a formidable *de jure* restraint, but was rather insignificant on a *de facto* basis. They called for repeal of the Act's restrictions on voluntary political participation, arguing that "the 'chilling effect' of the Hatch Act is not on the civil servant's political behavior, but may affect his attitudes toward the political institutions of the society he seeks to serve" (p. 610). In my judgment, Rinehart and Bernick's conclusions are unsettling. The fact that 29% of those employees surveyed were unable to do what they desired politically because they worked for the federal government casts doubt upon the authors' claim that the Hatch Act is substantively benign.

²¹ These data were made available by the Inter-University Consortium for Political Research (ICPR), now referred to as the "Inter-University Consortium for Political and Social Research" ("ICPSR").

Morgan and Regens (1976), using the survey data from the Commission as well as the 1967 research of Sidney Verba and Norman Nie,²² which centered on the political activities of the overall population, also compared the political proclivities of federal employees with those of the general public. Controlling for various socioeconomic and attitudinal variables, Morgan and Regens determined that federal employees were slightly more politically active than other U.S. citizens.²³ Additionally, they discovered that those employees who wanted to be more active already were doing more than their federal counterparts who were satisfied with their current activity levels. Like Halter, the authors concluded that easing Hatch Act restrictions would be of little consequence for the vast majority of federal employees.

Pearson (1978) was the first researcher to focus exclusively on the effects of little Hatch Act prohibitions on state employees' political activities. His survey-based study involved "high-level executive types" (excluding agency heads, who normally hold political appointments) who worked in seven of the eight states identified by the Commission on Political Activity of Government Personnel as having the most restrictive political activity laws. These states, where "presumably . . . one would find the strongest objection to the Hatch Acts and thus the greatest tendency for political activity" (p. 223),²⁴ included Alabama, Connecticut, Georgia, Kentucky,

²²This research of Verba and Nie was later included in the authors' Participation in America (1972).

²³The researchers utilized five attitudinal measures and five socioeconomic measures in a multiple regression analysis designed to explain participation levels. They found that the attitudinal variables were more powerful than the socioeconomic variables in predicting participation. Verba and Nie, in studying the overall population, had discovered the opposite, that socioeconomic factors were more salient. Morgan and Regens hypothesized that this difference might be attributable to the fact that the federal employees, on average, had attained higher educational levels than the general public. It should be noted that the level of explained variance in Morgan and Regens's study was modest (R-Square = .163), yet higher than that found by Verba and Nie. Verba and Nie had determined that socioeconomic status accounted for 13.69% of the variation in overall participation [see Participation in America (1972), pp. 125-137].

²⁴Pearson also assumed that the degree of restrictiveness of a state's little Hatch Act was positively related to public employees' opposition to the statute.

Louisiana, Oklahoma, and West Virginia.²⁵ Pearson found that roughly 40% of the respondents reported that they would become more politically active if state restrictions were relaxed while the remaining 60% would not alter their political behavior. He discovered that state executives had about the same proclivity for political activism as federal employees, and that female executives, as compared to their male counterparts, indicated a greater willingness to do more politically if laws were changed. This sex difference was not statistically significant, however.²⁶ He also found that younger executives (those aged 21-29) indicated the strongest desire to become more politically active while those aged 60-69 expressed the least desire, and that level of educational attainment had no significant effect upon desire to increase political activity.

Pearson found that blacks expressed a stronger desire to increase their levels of political activity than whites, but cautioned that inferences should not be drawn from this finding because of the small number of blacks included in the study. He discovered that state executives who wanted to become more politically active, compared to federal employees who also wanted greater political freedom, were less supportive of such controversial items as allowing civil servants to hold office in political parties or run in partisan elections. He concluded that institutionalized bureaucratic norms appeared to have curbed state executives' overall levels of political activism more than prohibiting statutes, and surmised that since roughly six in ten executives surveyed did not want to do more politically, the easing of little Hatch Act prohibitions would be largely symbolic. In my view, this conclusion, like the one of Rinehart and Bernick discussed above, is highly debatable. The fact that 40% of the respondents indicated that they would become more politically active pursuant to statutory relaxation suggests to me that the stringent little Hatch Acts represented a formidable obstacle to full political participation for a considerable proportion of the public managers studied.

²⁵ Tennessee was excluded from this study because, according to the Commission's report, its statute applied only to grants-in-aid employees. See Pearson (1978), note 8, p. 237.

²⁶ Among female executives, 46.7% expressed a desire to do more politically. Among males executives, this figure was 39.7%. This difference was not statistically significant largely because of the relatively few women included in the survey (only 92 of the study's 750 respondents were women).

Pearson and Castle (1990) updated Pearson's 1978 research, surveying state executives in the seven states included in the earlier study and Texas.²⁷ Using data drawn from a 1988 survey, they discovered that 42% of the executives reported that they would become more politically active if their state's little Hatch Acts were rescinded, while the remaining 58% would not change their behavior. The researchers used 10-point Likert scales to assess both current levels of political activity and predicted post-repeal activity levels. They found that repeal would result in a 26.6% decline in the number of "not very active" administrators and a 19.3% increase in those who would be "very active." Among those who considered themselves presently to be a "one" on the 1-10 political activity scale (with one indicating the lowest level of activity and 10 the highest), 41.1% said they would become more active if their state's statute was abolished. Among the "twos" this figure was 63%, among the "threes" 49.4%, and among the "fours" 52%. These numbers take on even greater significance when one considers that 544 (72.3%) of the 752 respondents considered themselves presently to be either a "one," "two," "three," or "four." Given these findings, the authors warned that "estimates of moderate to extensive increases in political activity among the presently least active component buttress the anti-reformers' argument that removal of Hatch Act restraints will politicize public sector workforces" (p. 404).

Pearson and Castle also examined the state executives' political propensities along various demographic lines. They discovered no difference between male and female executives' current levels of political activity, but did find that while both groups indicated that they would increase their levels of activity in the wake of little Hatch Act repeal, the increase would be considerably greater for women. They determined that executives of all races would raise their post-repeal activity levels, with blacks anticipating the greatest increase. They found that age was negatively correlated, and education positively correlated, with current and post-repeal activity levels. They also discovered that "if repealed" activity scores, on average, dropped as length of service increased. Finally, the researchers determined that executives working in the area of health, education, and welfare indicated they would be most active if state restrictions on

²⁷ The authors provided no justification for including Texas in the study.

political activity were rescinded.²⁸ Public safety personnel reported the next highest level of anticipated activity, followed by personnel department employees and transportation workers. These groups were the only ones included in the study.

One caveat must be made regarding Pearson's and Castle's study. In it, the researchers surveyed executives who worked in the same "most restrictive" states (with the exception of Texas) that were included in Pearson's earlier study. According to the authors, "these states were selected because they were a part of a 1977 survey, and their re-use affords comparability with the 1977 data" (p. 400). One problem with Pearson's and Castle's research design is that several of the states included in the study had relaxed their little Hatch Act prohibitions by 1988, the year their survey was administered. In fact, of the eight states used by the authors, only four -- Georgia, Kentucky, Louisiana, and Oklahoma -- were listed in 1987 by Maskell and Kasell as being among the nine most prohibitive. Since the authors' purported aim was to conduct a follow-up study that assessed the political propensities of executives operating in states with highly restrictive statutory climates, the validity of the entire research effort can be questioned.²⁹

In another article, Pearson and Castle (1991) again compared the aforementioned 1977 and 1988 survey results. This time, however, the responses of the Texas executives were excluded so that the same seven states would be represented in both samples. Noting that the state executives participating in the 1988 survey were slightly more inclined than those surveyed in 1977 to become more politically active in the event of little Hatch Act liberalization, the authors cautioned that "if the attitudinal changes documented here portend an eventual shift in practice, then removal of Hatch Act constraints might set bureaucracy on a course that leads to increased politicization" (p. 102). Again, Pearson and Castle did not address the issue of statutory changes made by several of the states prior to 1988. They did, however, point out that

²⁸ The authors hypothesized that these executives were most inclined to become more politically active because their agencies were routinely susceptible to budget cuts. Another possible explanation is that these executives were more likely to be women. As discussed above, women, compared to men, reported higher post-repeal activity levels.

²⁹ In their article, the authors did not address any little Hatch Act revisions made between 1977 and 1988.

“studies comparing states with liberal Hatch Acts to those with restrictive Hatch Acts would be necessary to validate [the] assumption” (p. 102, note 3) that state executives operating in highly circumscribed environments would be most inclined to increase their political activity subsequent to little Hatch Act relaxation.

The most recent empirical investigation of the federal Hatch Act also was conducted by Pearson and Castle. Their 1993 article was based on the results of a 1990 survey of federal Senior Executive Service (SES) personnel.³⁰ The researchers used the same political activity scales they had employed in previous studies to assess the executives’ current levels of political activity and anticipated levels of activity if Hatch Act restrictions were eased. They found that 47.3% of the federal executives expressed a desire to be more politically active than they were presently. They also determined that the federal executives’ mean current levels of political activity and mean anticipated levels of activity were higher than those of state executives who had been surveyed in their earlier studies.

It is evident from the preceding discussion that the research into the effects of political activity prohibitions on government employees’ political attitudes and reported behavior is quite limited. The majority of the research has focused on the consequences of Hatch Act and little Hatch Act liberalization, with a primary emphasis on how different employee subgroups would respond to statutory relaxation. These studies have shown that roughly 30% to 45% of the employees surveyed report being, to varying degrees, restrained by the prohibitions. Importantly, all of the studies have involved restrictive statutory environments only. None has endeavored to compare the effects of more and less restrictive statutory climates; nor have any attempted to confirm the existence or magnitude of any chilling effects spawned by the proscriptions. These shortcomings are addressed in the current study.

International comparisons

Constraints on civil servants’ political activities are not unique to the United States. In many countries, public employees are limited in regard to what they can say and do politically. Although a thorough investigation of all nations’ political activity laws is beyond the scope of

³⁰The reader is reminded that this survey was conducted prior to the 1993 Hatch Act amendments.

this study, an overview of those found in four countries -- Canada, Great Britain, France, and Japan -- now will be provided.³¹ This cross-national discussion may allow for greater insight into the political activity laws found in this country.

The political rights of Canadian federal government employees were first addressed by the Civil Service Act of 1918. This statute affirmed civil servants' right to vote, but forbade them from engaging in any partisan activities. Beginning in the early 1960s, Canadian government workers were granted additional political freedoms. These new rights were quite circumscribed, however, limited to participation in local elections.

In 1967, the Public Service Employment Act was passed. This legislation greatly expanded government employees' political liberties. Public servants were permitted to attend political meetings, contribute money to candidates and parties, and, most importantly, run for federal, provincial, and municipal offices. This right to run in elections did not extend to high-level civil servants, however. The Act did not explicitly grant government employees the right to become party members, and mandated that those workers who were successful in their electoral bids were required to vacate their career positions. These individuals retained rights of return to the public service (Blais, Blake, & Dion, 1997, pp. 41-43).

Since 1967, no additional legislation related to Canadian civil servants' political rights has been passed. In 1988, a bill was introduced that would have allowed all but the very highest-level civil servants to contest elective offices (at all governmental levels) and become party members. The bill died when Parliament was dissolved for the 1988 national election (Ibid). Still, it should be emphasized that today most Canadian government employees enjoy significant political rights. Their ability to run in partisan elections distinguishes them from civil servants in many advanced industrialized nations, including the United States.

In Great Britain there exists a long-standing tradition of political neutrality on the part of civil servants. Between 1884 and 1953, those government employees who wanted to run for

³¹These countries were selected for various reasons. Like the United States, all four are advanced industrialized democracies. Also, Canada and the United Kingdom share with the United States some common elements of "Anglo-American" political culture. It should be noted that information related to most nations' political activity laws is not readily available. Data availability and variations in laws were principal reasons for selecting these nations.

Parliament were first required to resign from their positions. Postal employees and certain government personnel (mainly those holding supervisory positions) were prohibited from serving on election committees and writing or speaking on behalf of political candidates. In 1953, on the basis of recommendations of the Masterman Committee, these restrictions were eased, but for lower-level employees only (Ibid, pp. 117-118).

Today, the Civil Service Pay and Conditions Code specifies three categories of civil servants: “politically restricted,” “politically free,” and “intermediate.” Those civil servants holding upper-level positions are politically restricted; these individuals (roughly 20% of all civil servants) are proscribed from seeking offices in Parliament or the European Assembly, holding political offices that impinge upon parliamentary activities, expressing publicly their personal views on national political controversies, and campaigning for parliamentary candidates. They may, however, participate in local political activities if granted departmental permission (Fredman & Morris, 1989, p. 217).

The politically free group consists mainly of industrial employees and those in the “non-office grades.” These workers, along with employees from other grades who are placed in this category after consultation between their departments and the cabinet office, comprise approximately 30% of the civil service. These individuals may engage in political activities at both the local and national levels. The remaining intermediate civil servants (about one-half of the civil service) are primarily clerical personnel and lower-level executive officers. These workers, with departmental permission, can engage in many local and national political activities, but are prohibited from being candidates for the House of Commons or the European Assembly. Those intermediate employees who work closely with ministers or in areas that are politically sensitive or related to national security normally are denied permission. The same holds true for government spokespersons and those who work with foreign governments or have significant public contact (Ibid, p. 218).

Even when granted permission to be politically active, British civil servants still are required to exercise considerable discretion. They are expected not to express political opinions that might embarrass their departments or ministers. Moreover, they must refrain from

supporting one party to the extent that such support would “inhibit loyal and effective service to ministers of another party” (Ibid, p. 219).

In France, the vast majority of civil servants are free to join political parties and participate in their activities. However, those individuals who hold “positions of responsibility” (higher-level positions), while still granted considerable political freedom, must be more restrained in their actions. They cannot divulge their civil service status while participating in political activities, and they are not allowed to use information acquired from their official positions to further partisan interests (Heady, 1991, p. 198). Nor can they write or make public speeches on policy issues while serving in their administrative capacities (Hojnacki, 1996, p. 155).

French civil servants are permitted, and often encouraged, to run for public offices, including parliamentary seats. Normally they can maintain their government jobs while holding local offices, but they must become “detached” from their positions if they are elected to the National Assembly. Importantly, detachment is not synonymous with full resignation. Upon leaving the National Assembly, these former civil servants must be taken back into the active service if they wish to resume government employment. Often, government workers take advantage of this opportunity to seek high-level political offices. From 1958 to 1986, one-third of the members of the National Assembly at one time were in the civil service. Also, the first 11 prime ministers of the Fifth Republic were all former civil servants (Rohr, 1991, pp. 283-290).

In some ways, the Japanese civil service is similar to the celebrated French system. Like their French counterparts, Japanese civil servants enjoy high social status and are recruited disproportionately from the nation’s elite universities. As is also the case in France, Japan’s higher-level civil servants play important and accepted policy making roles. In fact, most government-sponsored legislation is developed by bureaucrats (Krauss, 1989, pp. 50-54).

Japanese civil servants’ partisan activities are highly circumscribed, however. Under the National Public Employees Law (and related legislation), all government employees are prohibited from engaging in partisan activities. Unlike most other nations, position-specific political activity restrictions are non-existent. Japanese public servants are also enjoined from becoming involved in labor disputes. These stringent regulations consistently have been upheld

by Japan's Supreme Court, mainly on the basis that political neutrality is crucial for securing the public's trust in an impartial government administration (Beer, 1989, pp. 81-82).

This brief discussion of the political activity laws found in Canada, Great Britain, France, and Japan sheds light on some of the distinctive qualities of the laws found in the United States. It also reveals a few aspects of the unusual interplay of politics and administration that characterizes the American regime. Broadly speaking, Canadian, British, and American public servants are subject to relatively similar political activity restrictions. Still, there are key differences among these nations' laws. In Canada and Great Britain, many government employees are permitted to contest partisan offices. In the United States, the vast majority of public employees are proscribed from running in partisan elections. Also, Canadian and British senior officials are subject to more exacting political activity prohibitions than their lower-level counterparts. One finds the opposite in the United States, where at both the state and national levels, the partisan activities of lower-level civil servants tend to be circumscribed to a greater extent than they are for upper-level officials.

French civil servants, including those who hold positions of responsibility, are granted significant political freedoms relative to American public servants. The fact that they are often encouraged by the government to seek political office points to the key role they play in France's governance. Important too is the fact that French civil servants are viewed as legitimate participants in policy making processes. In the United States, public servants routinely engage in policy making; still, their policy making influence is considered by many to be illegitimate.³²

Japanese civil servants also play important, accepted roles in formulating and carrying out public policy. However, Japanese government workers are subject to severe political activity restrictions that never would pass constitutional scrutiny in the United States.

Alternative views of government employees' partisan political involvement

Before concluding this chapter, I will provide a brief overview of a few alternative "lenses" through which one might view government employees' partisan activities and Hatch Act prohibitions. It is very likely that one's sentiments regarding whether, and to what degree, civil

³² Here I am speaking mainly of those critics who denounce public administrators' power, authority, and policy making influence on the grounds that they are nonelected officials.

servants' political activities should be restricted will depend upon one's notion of the proper interplay of politics and administration in American government. Various public service "models" of the bureaucracy, each with differing views of the appropriate roles and behavior of public administrators, have been developed. The current discussion will draw mainly from these models.

I will begin with the notion of "representative bureaucracy," which calls for a public service that closely mirrors the diversity that exists within society. The assumption here is that a bureaucracy comprised of people of, for example, different races, cultural heritages, and socioeconomic backgrounds will be more diversified in terms of values and perspectives than a more homogeneous one. Consequently, it will be more responsive, with this responsiveness translating into advocacy for a wider range of groups and interests than is normally served by the political process (Kingsley, 1944; Krislov, 1974; Thompson, 1976; Saltzstein, 1979). Active political participation, including partisan campaigning, might be critical to these advocacy efforts if particular political candidates are viewed as more sympathetic than others to the issues and concerns of certain groups.

The "overhead democracy" literature offers various perspectives related to the appropriate role and behavior of the career public administrator. Introduced by Emmette Redford in Democracy in the Administrative State (1969), overhead democracy has received considerable scholarly attention in recent years, with much of the focus on the incessant battle between Congress and the president for control over administrative discretion. This struggle has intensified recently, sparked by increasing levels of congressional "micromanagement" (Aberbach, 1990) and an "administrative presidency" intent upon enhancing its control over the bureaucracy (Nathan, 1983; Durant, 1992). Durant (1995) identifies three dominant schools of overhead democracy for the American professional state: the maven school, the minion school, and the modified mandarin school. Broadly speaking, mavens are autonomous experts, minions are servile agents of elected officials, and modified mandarins are efficiency-inspired professionals who exercise discretion in support of a national interest defined largely by the president. All three, to varying degrees, adhere to the "neutral competence" managerial model.

Accordingly, it would seem that mavens, minions, and modified mandarins all would discourage partisan involvement by career professionals.

The principal-agent model provides a virtually identical notion of top-down control (see Moe, 1985). This model is steeped in economic thought and seeks to develop ways in which principals (elected officials and their appointees) can exercise greater control over the actions of their agents (careerists). Presumably, these agents have self-serving aims that may run counter to those of their political masters. Compounding this problem is the fact that agents, compared to their principals, often have greater technical knowledge of their respective policy areas. Because of this “information asymmetry,” politicians often have little choice but to grant them considerable discretionary decision making powers. This discretion provides the opportunity for shirking and tends to undermine efforts at overhead democracy (Lowi, 1969).

The principal-agent model has come under considerable attack in recent years. Critics maintain that it is overly simplistic and neglects the reality that most policy domains are comprised of multiple principals and agents (see Waterman & Meier, 1998). This criticism is now widely accepted. There is also the concern that when “tight reins” are used to ensure employee compliance and accountability, normally hard-working bureaucrats may respond by shirking or, worse yet, by engaging in activities that sabotage public policy (Brehm & Gates, 1997).³³ For the current discussion, it is sufficient to note that the control focus of the principal-agent model lends itself to curbing bureaucrats’ political excesses, partisan and otherwise. One means of accomplishing this is by enacting legislation that restricts government employees’ political actions.

In contrast, Maranto (1998) recently has argued that civil servants’ political activism should be encouraged and that the federal government should return to the spoils system. The author maintains that reviving the spoils system would lead to an “increase [in] the effectiveness,

³³ It should be noted that Brehm and Gates find relatively little supporting evidence of either shirking or sabotage on the part of careerists. Also, their definition of “shirking” includes following an agent’s policy goals.

representation, and legitimacy of the bureaucracy without necessarily increasing corruption” (p. 623).³⁴

Various other conceptions of political-career relationships also have been advanced. Ingraham and Ban (1988) discuss three basic “management models” that have dominated the public management literature: the neutral competence model, the responsive competence model, and the managerial competence model. The neutral competence model, referenced above, calls for a functional separation between politics and administration and assigns all policy making responsibilities to elected officials and political appointees. The responsive competence model recognizes that public administrators engage in policy making, but emphasizes careerist responsiveness to the directives of elected officials and their appointees (often through “norms of accommodation”). The managerial competence model is similar to that of neutral competence in that it also calls for a rather distinct separation between politics and administration. Administrators carry out the policies of elected officials and their appointees, normally by using efficiency-enhancing techniques borrowed from the private sector. It seems to me that all of these models would reject partisan political activism on the part of career civil servants. Partisanship would subvert the virtual blind obedience to political will that undergirds each of them.

In addition to management models, ethical models of the public service also have been proposed. Streib (1986) identifies three general categories of ethical models: the social equity model, the public interest model, and the regime values model. The social equity model rejects the narrow focus on economy and efficiency that characterizes the management models, favoring instead an activist-administrator who is motivated by his or her concerns for social justice. The “new public administration” movement of the 1970s perhaps best captured the spirit of this model, which would seem to call for full political participation on the part of public administrators. Importantly, this participation might include on-the-job political activism.

³⁴ Maranto’s article and a minisymposium on the issue appeared in the January 1998 Administration & Society. The author responds to comments related to his rather provocative argument in the March 1998 Administration & Society.

The public interest model posits the existence of a broad public interest that serves as the principal normative guide for administrative action. The “agency perspective” articulated by Wamsley and his Blacksburg co-authors (1987), which recognizes particularistic conceptions of the public interest that arise from agencies’ programs, policies, and organizational cultures and direct administrative action, represents the most celebrated public interest model. While it emphasizes the important role that administrative institutions play in American governance, the agency perspective is silent in regard to the partisan activities emphasized in this research.

The third ethical model, the regime values model, has been advanced by John Rohr (1978), another prominent member of the Blacksburg group of scholars. It is predicated upon the civil servant’s oath to uphold the Constitution, which binds him or her to constitutional principles and values. The regime values model grants professional administrators a certain degree of professional autonomy. Problematically, however, Rohr’s regime values might offer conflicting advice to public administrators who wish to exercise fully their political freedoms. While many of the bedrock principles of American democracy are grounded in the First Amendment as well as other constitutional provisions, it is important to remember that the U.S. Supreme Court on several occasions has upheld statutory abridgements of government employees’ partisan activities.

The preceding discussion provides myriad ways in which one might consider the issue of public employees’ political activism. None of the models presented here was designed principally to be a guide for regulating government workers’ partisan activities. Still, each of them offers a distinct perspective related to the proper role of civil servants in American governance.

Conclusion

This chapter reviewed the history of political activity prohibitions found in the United States and examined the prior research on the effects of these restrictions on federal and state government employees. It also surveyed four other nations’ political activity laws and discussed several alternative ways of viewing the issues of civil servants’ partisan activities and Hatch Act prohibitions.

The scholarship dealing with the consequences of political activity proscriptions is quite limited. Without question, this area of inquiry is ripe for further investigation. As discussed previously, the primary aim of this study is to compare the effects of a highly restrictive statutory climate with those of a more permissive one. The next chapter details the research design used in the study.

Chapter Four

Research Design

The main purpose of this study was to determine the effects of statutory climate on the political attitudes and reported behavior of state-level public administrators. Receiving primary emphasis was whether a highly restrictive legal environment spawns chilling effects that may lead affected employees to develop apolitical tendencies.

This chapter examines the study's research design. It discusses the criteria used in selecting Pennsylvania and New Jersey to be included in the research and describes the study's populations. It provides an overview of the mail questionnaire that was used to collect data, reviews the pretesting and mailing procedures that were employed, assesses response rates, and examines the demographic attributes of the respondents. The chapter concludes with a discussion of numerous research propositions that were explored in the study.

Selection of states

In order to determine the effects of statutory climate on state government officials' political activities and proclivities, it was important first to consider other intervening variables that might influence political attitudes and behavior. A principal variable to control for was state political culture, which has been shown to be a key determinant of political attitudes and behavior within a state. Thus, it was crucial to select states that contrasted sharply in terms of statutory climate, but nevertheless had similar political cultures. This method of selecting states is analogous to using what Przeworski and Teune (1970) have called a "most similar systems" approach.

After careful consideration, I chose to include in the study public administrators employed in Pennsylvania and New Jersey. Pennsylvania's statute governing the partisan

activities of civil servants is among the strictest in the nation; New Jersey's is quite permissive.³⁵ (Pennsylvania's and New Jersey's statutory provisions dealing with civil servants' political activities are provided in Appendixes A and B.) While these states differ significantly in terms of the way they regulate civil servants' political activities, they have similar political cultures. Political culture has been defined as "the historical source of differences in habits, perspectives, and attitudes that influence political life in the various states" (Elazar, 1984, p. 110). According to Elazar, variations in states' political cultures can be traced to the political values and perspectives of the nation's early settlers. The author identifies three American political subcultures -- individualistic, moralistic, and traditionalistic -- and discusses how the values of each spread unevenly across the nation with the westward migration of various ethnic and religious groups. He maintains that the development of a state's political system was influenced greatly by the following three dimensions of its political culture: (1) citizens' and politicians' perceptions of what politics is and what can be expected of government; (2) the type of people who become actively involved in government and politics, as politicians, civil servants, and active political workers; and (3) the way in which government operates in light of citizens', politicians', and public officials' perceptions (Ibid, p. 112).

When examining the political attitudes and reported behavior of government employees from different states, it is important to account for variations in states' political subcultures. The character of a political system and the nature of political participation within that system will no doubt reflect, in part, the political culture that has shaped it. According to Elazar, Pennsylvania

³⁵ Some of the partisan activities that are proscribed in Pennsylvania but allowed in New Jersey (while the civil servant is off-duty) include: serving as a delegate to a political party convention, serving as a political party officer, serving as an officer or committee member of a partisan political club, acting as a poll watcher during a partisan election, organizing a political party organization or political party club, soliciting contributions from anyone for partisan purposes, participating in a political party's or partisan candidate's fund-raising campaign, taking an active part in managing a partisan candidate's political campaign, and addressing a rally or similar gathering in support of or in opposition to a partisan candidate.

and New Jersey are among nine states that can be categorized as “individualistic dominant.”³⁶ The individualistic conception of politics is highly instrumental. Government exists mainly to fulfill the demands of citizens; there is no notion of a “good society” that exists apart from the expressed desires of individuals. Government operates much like a business within the context of a political marketplace, where self-interested political actors dispense rewards in exchange for favors and support. As is the case with business, politics is often dirty -- those who fear unclean hands need not get involved. The public realizes all of this and is generally unsurprised when political corruption is exposed. While the majority of civil servants are protected by merit systems that are designed to curb partisan excesses, these individuals are never fully insulated from politics. At times, partisan pressures are intense (Ibid, pp. 115-117).

The idea that Pennsylvania and New Jersey are similar in terms of political culture has been corroborated by Erikson, Wright, and McIver (1993). These researchers, following an exhaustive examination of Americans’ political attitudes based largely on the results of 122 CBS News/*New York Times* telephone surveys conducted between 1976 and 1988, concluded that citizens’ political attitudes are influenced greatly by local “political cultures.” In addition, they found that differences in citizens’ political attitudes (“public opinion”) were primary determinants of variations among states’ public policies.³⁷

For this study, it was important to compare Pennsylvania and New Jersey on five key measures developed by Erikson, *et al.*, again to see if the states had generally similar “political environments.” The first dealt with mean partisan identification, which the authors calculated by subtracting the percentage of state respondents who identified themselves as Republicans from the percentage who said they were Democrats.³⁸ Among the Pennsylvania respondents the

³⁶The other states are Alaska, Delaware, Indiana, Illinois, Maryland, Nevada, and Ohio. Elazar identifies several other states that are individualistic dominant, but with strong traditionalistic or moralistic strains.

³⁷The authors determined that the correlation between the mean ideological identification (liberal, moderate, or conservative) indicated by a state’s citizens and that state’s level of “policy liberalism” was +.82.

³⁸In the telephone survey, the question asked was as follows: “Generally speaking, do you consider yourself a Republican, a Democrat, an Independent, or what?”

difference was +3.7 (38.4% identified themselves as Democrats, 34.8% reported being Republicans). Among the New Jerseyites the difference was +5.1 (32.6% said they were Democrats, 27.5% said they were Republicans). New Jersey was one of only six states that had a mean partisan identification within 1.4 points of Pennsylvania's +3.7 (between +2.3 and +5.1).³⁹ The second measure centered on mean ideological identification, which was based on the proportion of state residents who identified themselves as liberals, moderates, or conservatives. The researchers assigned a score of -100 for conservative identifiers, 0 for moderate identifiers, and +100 for liberal identifiers. The mean ideological identification score for the Pennsylvania residents was -10.6; for the New Jersey residents it was -3.4.⁴⁰ While the proportion of self-proclaimed conservatives was higher in Pennsylvania than in New Jersey, it should be noted that relative to the nation as a whole, both states were fairly high on this index (in both states the percentage of liberal identifiers exceeded the national average). The mean ideological identification score nationwide was -14.3.

A third measure, referred to by the authors as "ideological polarization of state partisans," sought to measure the degree to which state Republicans and Democrats differed ideologically. It was determined by calculating the difference between Republicans' and Democrats' mean ideology scores, using the mean ideological identification scoring system discussed above. The degree of ideological polarization between the two parties varied greatly among the states, ranging from a high of 54 in Utah to a low of 18.6 in Louisiana (a higher score indicates a greater degree of polarization). Nationwide, the mean polarization score was 35.46. For Pennsylvania it

³⁹The other states were Maine (+2.4), Virginia (+3.3), Ohio (+4.4), Montana (+4.7) and Nevada (+5.1). The authors did not include standard deviation data with their findings.

⁴⁰On this particular measure, the mean scores for all states (except Alaska and Hawaii, which were not included in the study) were negative. Thus, in all states, conservatives outnumbered liberals. In the District of Columbia, there were slightly more liberals than conservatives. There, the mean ideological identification score was +6.3.

was 34.4; for New Jersey 38.8. Pennsylvania and New Jersey were among 16 states that had mean polarization scores within four points of the national average (between 31.46 and 39.46).⁴¹

The fourth and fifth measures developed by Erikson, *et al.* were most propitious for making the case that Pennsylvania and New Jersey have similar political environments. The authors, recognizing that citizens' political attitudes are shaped by state political subculture in addition to demographic factors (e.g., level of education, income, age, race, religion, sex, size of city of residence), devised a way to separate the influences of these variables. They used dummy variables to break down respondents' mean party identification scores and mean ideological identification scores into their cultural and demographic components. Put another way, they isolated the effects of political subculture on mean party identification and mean ideological identification. For both mean party identification and mean ideological identification, the authors plotted each state's cultural and demographic components (Ibid, pp. 60-61). These data reveal that Pennsylvania and New Jersey are nearly identical in terms of the "cultural" component of party identification. Although they are less similar in terms of the cultural component of ideological identification, they are reasonably close on this measure as well. Interestingly, the researchers found that differences in states' political subcultures were considerably more powerful than demography in explaining between-state variations in partisanship and ideology.

In sum, Pennsylvania and New Jersey have quite similar political cultures, yet they differ greatly in terms of the degree to which they restrict civil servants' political activities. Accordingly, they were excellent states for this research. The next section discusses how the states' populations were selected.

Populations of government employees

As the previous chapter discussed, the majority of the research that has assessed the effects of statutory climate on government employees' political activities and proclivities has

⁴¹ The other states were Delaware (35.3), Idaho (32.9), Indiana (32.2), Iowa (38.4), Kansas (34.4), Massachusetts (38.2), Missouri (35.3), Nebraska (36.9), Nevada (33.3), New Mexico (36.3), North Dakota (38.2), Rhode Island (37.9), Texas (33.9), and Vermont (36.8). Again, standard deviation data were not provided.

concentrated on senior executives. This study was broader in scope. While it focused mainly on upper-level managers, it also included middle- and lower-level managers and some staff personnel. As noted at the outset, the inclusion of non-senior managers allowed for greater insight into the ways in which little Hatch Act prohibitions impact a broader range of state government employees.

After numerous unsuccessful attempts to secure administrative rosters from Pennsylvania and New Jersey,⁴² it was determined (in consultation with the dissertation committee) that the best source for study participants would be the *State Yellow Book*. This directory provides the names, titles, and addresses of executive and legislative branch officials (including political appointees) employed in all 50 states; a disproportionate number of the executive branch officials hold senior management positions. Selection of the *State Yellow Book* as the source for study participants allowed for considerable breadth (i.e., the study cut across numerous departments), but did so at the expense of depth (i.e., the number of participants from any single agency or department was limited). This “breadth over depth” focus represented a conscious decision, as I believed such emphasis would enhance the generalizability of research findings.

Included in the study were those Pennsylvania and New Jersey officials who were not designated by the *State Yellow Book* as appointees⁴³ and who did not work in either the Office of

⁴² Initially, I tried to secure departmental rosters from both states. My efforts were unsuccessful, however, as personnel officials from each state indicated that departmental rosters were not available. A Pennsylvania phone directory which included the names, titles, and work addresses of many state government employees was provided to me. Unfortunately, this directory could not be used because New Jersey does not publish a comparable directory.

⁴³ “Appointees” included those individuals who were appointed by the governor, state legislature, state Supreme Court, or any board or commission.

the Governor or the Office of the Lieutenant Governor.⁴⁴ Tables 1 and 2 specify the Pennsylvania and New Jersey departments and agencies included in the study. These departments and agencies are grouped according to the type of task each is principally engaged in.⁴⁵ (Tables 1 and 2 also provide participant and respondent totals for all departments and agencies, as well as response rate data.) In total, 962 employees (512 from Pennsylvania, 450 from New Jersey) were included in the study.

It is important to note that many of the officials included in the study were exempt from their state's laws governing the political activities of civil servants. For New Jersey, this was not a major concern because the majority of public employees who work there are essentially free to engage in any political activity, partisan or otherwise, while away from the workplace. Whether one is exempt or nonexempt from New Jersey Statute, Title 11A, Section 2-23 is generally of little consequence.⁴⁶ It is much different in Pennsylvania, where those individuals who

⁴⁴ A few other state officials, mainly those individuals holding such titles as Deputy Attorney General, Assistant Attorney General, Legislative Affairs Director, Chief Counsel, Deputy Commissioner, Executive Deputy Secretary, and Board Secretary, were excluded from the study. This was done on the advice of personnel officials from both Pennsylvania and New Jersey who indicated that many of these executives were either appointees (despite the fact that they were not designated as such in the *State Yellow Book*) or subject to atypical political activity restrictions. The fact that a few respondents indicated that they were political appointees serves as further evidence that the *State Yellow Book* did indeed fail to identify all appointees.

⁴⁵ With regard to agency task, each department and agency was broadly categorized into one of the following six agency types: state administration/financial/personnel ("administration"), economic development, education, health and human services, legal and law enforcement, and regulatory. Agency task designations were made in consultation with the dissertation committee chair and department and agency officials from both states.

⁴⁶ An official with the New Jersey Ethical Standards Executive Commission indicated in a telephone interview (conducted April 5, 1999) that some New Jersey offices and departments have their own Codes of Ethics that impose additional political activity restrictions on some officials. He added, however, that for the most part these restrictions are quite modest. He gave as one example the act of holding office in a political party or organization, which is allowed under New Jersey Statute, Title 11A, Section 2-23. He noted that some offices and departments permit employees to occupy any position within a political party or organization except treasurer. He also emphasized that employees whose agencies receive federal funds continue to be subject to the prohibitions of the federal Hatch Act (as amended).

Table 1

Pennsylvania Departments and Agencies Grouped by Agency Task, Along with Participant and Respondent Totals

Agency Task/Agency	Number of Participants	Number of Respondents (Refusals)*
<u>Administration</u>		
Civil Service Commission	11	8
Claims Board	2	1
Emergency Management Agency	10	8
Ethics Commission	2	0
General Services Department	26	13
Municipal Retirement System	1	1
Office of the Secretary of the Commonwealth	11	6(1)
Office of the Auditor General	7	4
Office of the Treasurer	4	2
Public School Employees Retirement System	4	3
Revenue Department	26	18(2)
State Tax Equalization Board	2	2
State Employees Retirement System	6	2
Turnpike Commission	<u>13</u>	<u>9(1)</u>
Subtotal	125	77(4)
Proportion of Pennsylvania Participants		24.41%
Response Rate		61.60%
Number of respondents who had retired, resigned, or were on medical leave		3
<u>Economic Development</u>		
Agriculture Department	31	17(4)
Community and Economic Development Department	23	11
Housing Finance Agency	6	5
Labor and Industry Department	28	15
Milk Marketing Board	1	1
Transportation Department	<u>38</u>	<u>29(1)</u>
Subtotal	127	78(5)
Proportion of Pennsylvania Participants		24.80%
Response Rate		61.42%
Number of respondents who had retired, resigned, or were on medical leave		1

* These respondents communicated a desire not to take part in the study. Most of these individuals attached a note to their questionnaire; a few sent e-mails or made phone calls.

Table 1 (Continued)

Pennsylvania Departments and Agencies Grouped by Agency Task, Along with Participant and Respondent Totals

Agency Task/Agency	Number of Participants	Number of Respondents (Refusals)
<u>Education</u>		
Education Department	25	18(1)
Education Board 1	0	
Higher Education Assistance Agency	11	4(1)
Higher Education Facilities Authority	3	2
Historical and Museum Commission	8	4
State Higher Education System	<u>6</u>	<u>5(1)</u>
Subtotal	54	33(3)
Proportion of Pennsylvania Participants		10.55%
Response Rate		61.11%
Number of respondents who had retired, resigned, or were on medical leave		0
<u>Health and Human Services</u>		
Department of Aging	11	5
Health Department	21	10
Public Welfare	<u>11</u>	<u>6</u>
Subtotal	43	21
Proportion of Pennsylvania Participants		8.40%
Response Rate		48.84%
Number of respondents who had retired, resigned, or were on medical leave		2
<u>Legal and Law Enforcement</u>		
Corrections Department	18	13
Human Relations Commission	6	6
Office of the Attorney General	3	0
Probation and Parole Board	11	8
State Police	<u>15</u>	<u>13(1)</u>
Subtotal	53	40(1)
Proportion of Pennsylvania Participants		10.35%
Response Rate		75.47%
Number of respondents who had retired, resigned, or were on medical leave		0

Table 1 (Continued)

Pennsylvania Departments and Agencies Grouped by Agency Task, Along with Participant and Respondent Totals

Agency Task/Agency	Number of Participants	Number of Respondents (Refusals)
<u>Regulatory</u>		
Architects Licensure Board	1	1
Conservation and Natural Resources Department	18	14
Environmental Protection Department	27	16(1)
Fish and Boat Commission	5	3
Game Commission	10	7
Insurance Department	11	2
Liquor Control Board	15	10(1)
Public Television Network Commission	3	3
Public Utility Commission	14	8
Securities Commission	<u>6</u>	<u>4</u>
Subtotal	110	68(2)
Proportion of Pennsylvania Participants		21.48%
Response Rate		61.82%
Number of respondents who had retired, resigned, or were on medical leave		0
<u>Pennsylvania Totals</u>		
Number of Participants		512
Number of Respondents		317
Overall Response Rate		61.91%
Number of Communicated Refusals		15
Number of respondents who had retired, resigned, or were on medical leave		6

Table 2

New Jersey Departments and Agencies Grouped by Agency Task, Along with Participant and Respondent Totals

Agency Task/Agency	Number of Participants	Number of Respondents (Refusals)*
<u>Administration</u>		
Capital Budgeting and Planning Commission	1	1
Office of the State Treasurer	64	40(2)
Office of the Secretary of State	13	11
Personnel Department	<u>13</u>	<u>9</u>
Subtotal	91	61(2)
Proportion of New Jersey Participants		20.22%
Response Rate		67.03%
Number of respondents who had retired, resigned, or were on medical leave		3
<u>Economic Development</u>		
Agriculture Department	10	8
Building Authority	1	0
Commerce and Economic Growth Commission	14	4
Community Affairs Department	19	13(2)
Economic Development Authority	2	2
Educational Facilities Authority	4	3
Health Care Facilities Financing Authority	2	0
Housing and Mortgage Finance Agency	19	9
Labor Department	54	28(1)
Transportation Department	<u>26</u>	<u>17</u>
Subtotal	151	84(3)
Proportion of New Jersey Participants		33.56%
Response Rate		55.63%
Number of respondents who had retired, resigned, or were on medical leave		0

* These respondents communicated a desire not to take part in the study. Most of these individuals attached a note to their questionnaire; a few sent e-mails or made phone calls.

Table 2 (Continued)

New Jersey Departments and Agencies Grouped by Agency Task, Along with Participant and Respondent Totals

Agency Task/Agency	Number of Participants	Number of Respondents (Refusals)
<u>Education</u>		
Commission on Higher Education	2	0
Education Department	<u>9</u>	<u>4</u>
Subtotal	11	4
Proportion of New Jersey Participants		2.44%
Response Rate		36.36%
Number of respondents who had retired, resigned, or were on medical leave		0
<u>Health and Human Services</u>		
Health and Senior Services Department	66	42(1)
Human Services Department	14	6
Military and Veterans' Affairs Department	<u>5</u>	<u>3</u>
Subtotal	85	51(1)
Proportion of New Jersey Participants		18.89%
Response Rate		60.00%
Number of respondents who had retired, resigned, or were on medical leave		2
<u>Legal and Law Enforcement</u>		
Corrections Department	3	3(1)
Office of the Public Defender	10	8
Office of the Attorney General--Law and Public		
Safety Department	<u>17</u>	<u>7(1)</u>
Subtotal	30	18(2)
Proportion of New Jersey Participants		6.67%
Response Rate		60.00%
Number of respondents who had retired, resigned, or were on medical leave		2

Table 2 (Continued)

New Jersey Departments and Agencies Grouped by Agency Task, Along with Participant and Respondent Totals

Agency Task/Agency	Number of Participants	Number of Respondents (Refusals)
<u>Regulatory</u>		
Banking and Insurance Department	20	12
Consumer Protection Office	1	0
Environmental Protection Department	48	29(1)
Public Utilities Board	12	6(1)
State Board of Accountancy	<u>1</u>	<u>0</u>
Subtotal	82	47(2)
Proportion of New Jersey Participants		18.22%
Response Rate		57.32%
Number of respondents who had retired, resigned, or were on medical leave		3
<u>New Jersey Totals</u>		
Number of Participants		450
Number of Respondents		265
Overall Response Rate		58.89%
Number of Communicated Refusals		10
Number of respondents who had retired, resigned, or were on medical leave		10

are exempt from Section 905.2 of the state's Civil Service Act have considerably more freedom than their nonexempt counterparts to engage in partisan activities.⁴⁷

The reason why the study included both exempt and nonexempt officials is twofold. First, it allowed for comparisons between exempt and nonexempt employees within the state (i.e., holding state constant). Secondly, it provided an opportunity to determine if, and how, any chilling effects engendered by Pennsylvania's statutory climate affect those officials who now are exempt from the state's little Hatch Act. As soon will be discussed, most of the employees who participated in the study held relatively long tenures in state government. Since typically only those who hold higher administrative positions (in addition to political appointees) are exempt from states' political activity statutes, it seems reasonable to assume that the majority of the Pennsylvania respondents who now are exempt were at one time members of the nonexempt classified service. In fact, it is likely that many of these individuals were nonexempt for a longer time than they have been exempt.

Population size

Most of the analyses performed in this study are statistical in nature. A major concern when conducting statistical research is balancing the need to avoid Type I errors with the need not to commit Type II errors. A Type I error occurs when a researcher rejects a null hypothesis that is true; a Type II error is committed when a researcher fails to reject a null hypothesis that is false (Howell, 1992, p. 90). While the importance of avoiding Type I errors has been emphasized for decades, only more recently have researchers begun directing their attention to the equally serious problem of Type II errors (Ibid, pp. 204-205). The probability of properly rejecting a false null hypothesis, and thereby avoiding a Type II error, is referred to as "power." According to Rudestam and Newton (1992), a power level of .80 represents a standard power

⁴⁷ In Pennsylvania, an individual who is exempt from Section 905.2 of the Civil Service Act is essentially free to engage in any political activity, partisan or nonpartisan, so long as the activity does not interfere with his or her ability to carry out official duties and responsibilities and is not engaged in during work hours, at the work site, or while using state resources. An employee cannot receive compensation for his or her political activities without prior approval. Those employees whose agencies receive federal funding continue to be subject to the federal Hatch Act.

level, one that is generally considered acceptable for most statistical tests. The authors advise that if the effects (the mean differences) between two populations or samples are assumed to be medium and the alpha (the probability of committing a Type I error) is .05, which is standard in the social sciences, a total of 128 subjects (64 from each group) is needed for the study.

The population for this research included considerably more employees than needed to meet Rudestam and Newton's recommended power level of .80. As discussed above, the study population included 962 state government officials (512 from Pennsylvania, 450 from New Jersey). Using a very conservative projected response rate, I believed that this population size would be sufficient, even for within-state comparisons. The study's overall response rate, discussed later, was high enough to eliminate most power-related concerns.

Data collection instrument

Consistent with the previous, albeit limited, research that has endeavored to assess public administrators' reported political activities and behavior, political attitudes, political interest, and overall knowledge of Hatch Act and little Hatch Act prohibitions, this research utilized a mail questionnaire to collect data. Given that questionnaires represent the primary means of data collection for researchers studying organizational behavior (Stone, 1978), the decision to employ this research technique seemed justified. The questionnaire used in the study is provided in Appendix C.⁴⁸

The questionnaire was designed to collect a wide range of data regarding the state officials' levels of political activity and political interest, as well as their knowledge of and attitudes toward political activity laws. Hinkin's (1998) recommendations for developing measures for questionnaire research proved to be invaluable in developing the survey instrument.

The questionnaire included 30 items. The first eight sought to assess the officials' current levels of political activity, satisfaction with current political activity, anticipated levels of political activity in the absence of statutory prohibitions, political interest, and partisan identification. Question 1 asked the employees to gauge their levels of political activity (partisan

⁴⁸ Before being mailed to the study participants, the questionnaire was subjected to dissertation committee review and pretesting. A discussion of the pretesting process appears in the next section.

and nonpartisan) on an eleven-point Likert scale⁴⁹ modeled after the one used in similar research by Pearson and Castle (1990; 1993), discussed earlier.⁵⁰ Question 2 asked them to indicate their satisfaction with their current political activity. It employed a six-point Likert scale.⁵¹ Question 3 was a follow-up to question 1, asking the participants to report what they believed their levels of political activity would be in the absence of any state prohibitions. The same activity scale employed in question 1 was used for this question.

Questions 4, 5, and 6 asked the employees to indicate their levels of interest in national, state, and local politics. An eleven-point Likert scale (with 0 indicating no interest and 10 indicating a very high level of interest) was used for these questions. Question 7 asked them to describe what has happened to their overall interest in politics (at all levels) since they entered state government, using a five-point Likert scale. Question 8, utilizing an eleven-point Likert scale, asked the participants to rate their identification with any political party.

Questions 9 - 17 dealt more specifically with political behavior and the effects of political activity prohibitions. In combination with questions 1 - 8, these were designed mainly to provide alternative measures for assessing the existence and magnitude of any statute-induced chilling effects. Question 9 asked the officials to describe their voting behavior (in national, state, and local elections) during the 1990s. Question 10 asked them to indicate how often they had political discussions with family members, co-workers, and friends. For both of these questions, five-point Likert scales were used. Question 11 asked the employees if they had made a financial

⁴⁹For an excellent discussion of the merits of using Likert-type scales in behavioral research, see Kerlinger (1986).

⁵⁰For virtually identical questions related to public executives' current levels of political activity and anticipated levels of activity in the wake of statutory relaxation, Pearson and Castle utilized ten-point Likert scales with values ranging from 1-10. The activity scales used in the research here were eleven-point Likert scales with values ranging from 0-10 (with 0 indicating no political activity and 10 indicating a very high level of political activity). The reason for this slight variation was that I thought a zero value was needed as an option for those respondents who believed they engaged in absolutely no political activity.

⁵¹Following Stone's (1978) recommendations, relatively wide scales were used for many of the survey questions. This was done to ensure levels of variation among respondents' answers that would be conducive to statistical analysis.

contribution to a political candidate or party during the past five years, and question 12 asked them if, since entering state government, they had ever wanted to do some kind of work in an election but did not because they were a state employee.

Question 13 asked the participants if they ever had considered leaving state government because of statutory restrictions on their partisan activities, and question 14 asked them if they knew of at least one former employee from their state who had left state government because of political activity prohibitions. Question 15 asked the officials if they knew of at least one employee from their state who had been reprimanded or suspended from his or her job for violating state political activity statutes, and question 16 asked them to indicate whether they believed they would be more politically active if they did not work in state government. Question 17 asked the participants if they believed state government employees, compared to non-government employees, encountered more, about the same, or less pressure to engage in partisan activities.

Question 18 was designed to assess the employees' knowledge of their state's political activity laws. It included 10 political activities, and asked the participants to indicate for each whether they believed civil servants in their state could legally perform the particular activity during off-hours and while away from the workplace. Question 19 asked the participants if they believed the removal of all restrictions on the partisan political activities of civil servants would harm the merit system in their state. Question 20 asked them to identify the primary source of their knowledge of the political activity laws in their state.

Questions 21 - 29 were used to collect demographic data. Question 21 asked the employees if they presently were union members, and question 22 asked them if they ever had been a member of a union that represents state government employees. Question 23 asked the participants to describe their present rank, question 24 asked how many years they had been employed in state government, and question 25 asked them to describe the geographic area where they presently worked. Question 26 dealt with level of educational attainment, question 27 with sex, question 28 with race/ethnicity, and question 29 with age. The final question was open-ended, providing an opportunity for the officials to make comments regarding political activity laws or the questionnaire itself.

Pretesting

Following review by the dissertation committee, the questionnaire was pretested. The pretesting process involved a focus group evaluation of the questionnaire, cover letter, and follow-up correspondence. The focus group was comprised of six personnel specialists employed by the West Virginia Division of Personnel (Department of Administration). It took place on the morning of March 4, 1999, in Charleston, West Virginia.

Members of the focus group made several suggestions regarding the wording and sequencing of survey questions; most of these recommendations were incorporated into the final questionnaire. The focus group members' insights about questions dealing with the permissibility of certain political activities proved to be particularly beneficial in helping me avoid ambiguities that might have threatened the content validity of the questionnaire's knowledge section. Without question, the pretesting process enhanced the quality of the survey instrument and, accordingly, the study's overall quality.

Procedures

The data collection procedures set forth by Dillman (1978) were employed in the study. Dillman's total design method (TDM), which represents a straightforward, personalized approach to conducting mail surveys, has been used successfully by numerous researchers. The total design method is designed to generate response rates significantly higher than 50%, which, according to the author, historically has been considered excellent for mail surveys.

On March 15, 1999, a coded questionnaire⁵² and accompanying cover letter were mailed to the 962 study participants at their work addresses (the cover letter used in the initial mailing is provided in Appendix D). A self-addressed, stamped return envelope was included for the respondents' convenience. The cover letter discussed the nature of the research and explained how it would enhance understanding of the effects of statutory prohibitions on the political activities of state government employees. It stated that the survey results would be included in this study and possibly in scholarly journals that are of interest to the public administration community. It explained that the names of the study participants were obtained from the *State*

⁵²In order to ensure respondents' confidentiality and to facilitate follow-ups and data entry, each study participant was assigned a different four-digit number.

Yellow Book. Importantly, it also assured the complete confidentiality of all participants' responses, explaining how the identification number placed on the cover of each questionnaire was used only to check off study participants as they returned their questionnaires.

On March 22, 1999, a postcard follow-up was mailed to all participants. This postcard served a dual purpose: to thank those who already had returned their questionnaires and to remind those who had not of the importance of their response. The postcard follow-up appears in Appendix E.

On April 9, 1999, approximately two and one-half weeks after the postcard follow-up (and three and one-half weeks after the initial mailing), a second follow-up was mailed to those participants whose questionnaires had not yet been received. Included with this mailing, sent to roughly 650 participants, were a cover letter, a replacement questionnaire, and another self-addressed, stamped return envelope. The cover letter explained to the participants that their completed questionnaires had not yet been received. It thanked those who recently had returned theirs, and emphasized to those who had not the importance of their participation. The letter reiterated that the complete confidentiality of all participants' responses was guaranteed, and once again discussed how the results of the study would be used. Additionally, it emphasized the importance of responses from all participants, including those who were exempt from their state's political activity laws. This point was made because I feared that some employees might believe that their participation was unnecessary because of their exempt status. The cover letter used in this follow-up mailing is provided in Appendix F.

Although Dillman's TDM approach calls for a third follow-up mailing, one was not performed in this study. The second follow-up provoked letters, phone calls and e-mails from several individuals who objected to being included in the study. (My home and work telephone numbers, along with my e-mail address, were included in the cover letters used in the initial mailing and the second follow-up.) Most of these objections stemmed from the perceived sensitive nature of the study as well as from confidentiality concerns (these objections will be discussed more fully later in the chapter). I believed that the benefit of a few additional responses would be more than offset by the ill will that likely would have resulted from a third follow-up (i.e., a fourth mailing). Since it is quite likely that this population will be used again in

future research, I decided, in consultation with the dissertation committee chair, that no additional mailings would be made.

Responses

Tables 1 and 2, presented earlier in the chapter, provide participant and respondent totals for both states. Responses were received from 582 employees (317 from Pennsylvania and 265 from New Jersey); thus an overall response rate of 60.50% was achieved. The response rate was 61.91% for the Pennsylvania participants and 58.89% for the New Jersey participants. The overall response rate was somewhat lower than the 74% average rate attained by researchers who had utilized Dillman's total design method. Still, given the nature of the study, I was pleased with the response rate.

It should be noted that the response rate achieved in this study closely approximated the 61.8% rate attained by the Commission of Political Activity of Government Personnel in its survey of state employees. It was higher than the 49% achieved by Maranto (1993) in his examination of political appointees and high-level careerists in the Reagan administration. It also compared favorably to the mail survey response rates attained by other researchers in their recent studies of government officials [e.g., Furlong's (1998) 41%, Perry & Cayer's (1997) 46.2%, and Mani's (1997) 34%].

Twenty-five respondents (15 from Pennsylvania, 10 from New Jersey) indicated that they did not wish to participate in the study. Additionally, 16 respondents (six from Pennsylvania, ten from New Jersey) either had retired, left state government to take another job, or were on extended medical leave.⁵³ A total of 541 usable questionnaires (296 from Pennsylvania respondents, 245 from New Jersey respondents) were received.⁵⁴ The ratio of usable questionnaires to study participants was .5781 for the Pennsylvania officials and .5444 for the New Jersey officials. Overall, this figure was .5602. For both states, departmental response rates

⁵³ In most instances, this information was provided by the participants' co-workers.

⁵⁴ A few of the questionnaires were incomplete. For these, all provided data were used in the study. Five Pennsylvania respondents indicated that they were political appointees. Since those individuals designated by the *State Yellow Book* as political appointees were excluded from the study, data from these five respondents were excluded from most statistical analyses.

(excluding those departments that had very few participants) generally ranged from 45% to 75%. A few notable exceptions were Pennsylvania's State Police (13 of 15, 86.67%), Emergency Management Agency (8 of 10, 80%), Higher Education Assistance Agency (4 of 11, 36.36%), and Insurance Department (2 of 11, 18.18%), as well as New Jersey's Office of the Secretary of State (11 of 13, 84.62%), Office of the Public Defender (8 of 10, 80%), Agriculture Department (8 of 10, 80%), and Commerce and Economic Growth Commission (4 of 14, 28.57%).

Communicated refusals were spread out fairly evenly across both states' bureaucracies. Only Pennsylvania's Agriculture Department had more than two such refusals. For this department, 4 of 31 participants indicated that they did not wish to participate in the study. While most of those who communicated their desire not to take part in the research did not provide a reason, some did. One New Jersey respondent returned her questionnaire with a letter stating that "in accordance with legal counsel," she "[chose] to decline participation in this survey." Two Pennsylvania officials also wrote that the laws in their state prohibited them from participating in studies of this kind. One New Jersey executive had an administrative assistant deliver an e-mail message indicating his desire not to complete the questionnaire. The e-mail stated that this individual wanted me to "know that he is a career state service employee who reached this (executive-level) position without regard to political activity."

One Pennsylvania respondent sent an e-mail expressing that he "regard[ed] the questions an intrusion on [his] privacy." Another official from the same state delivered an e-mail stating: "Operating upon my general experience that almost nothing related to government (Virginia Tech is a state land-grant university) is ever confidential, I respectfully wish to decline the invitation to participate in your study." This same employee questioned how, if the study was truly confidential, it was known that his questionnaire had not been received (his e-mail message was sent after the second follow-up mailing).

Another Pennsylvania employee called to express his desire not to take part in the study. He indicated that despite my confidentiality assurances, he was afraid that information regarding his personal political activities might become known to his superiors. He was particularly concerned about the survey question that asked the participants whether, over the past five years, they had made a financial contribution to a political candidate or party. He made the prediction

that many Pennsylvania employees would elect not to participate in the study for many of the same reasons, and ended the conversation by saying that “things are very political up here in Pennsylvania -- you never know who’s watching you.”

Data analysis

The majority of analyses conducted in this study are t tests and chi-square tests. T tests are employed to compare means derived from measures that are interval scale and higher. Chi-square analyses are conducted for data that are measured on either nominal or ordinal scales. Controlling is used in some analyses. Additionally, strength statistics (e.g., eta-square, phi, etc.) are provided in all cases of statistical significance in order to provide a better sense of the association between the variables.

Respondent demographics

For the most part, the Pennsylvania and New Jersey respondents were similar in terms of demographic characteristics.⁵⁵ For both states, men comprised a relatively large proportion of the respondents. Three-quarters of the Pennsylvania respondents and slightly more than 69% of those from New Jersey were male. (Based upon review of the names included in the *State Yellow Book*, it appears that approximately 75% of the Pennsylvania non-appointed officials and roughly 70% of the New Jersey non-appointed officials are male.⁵⁶) While the proportion of

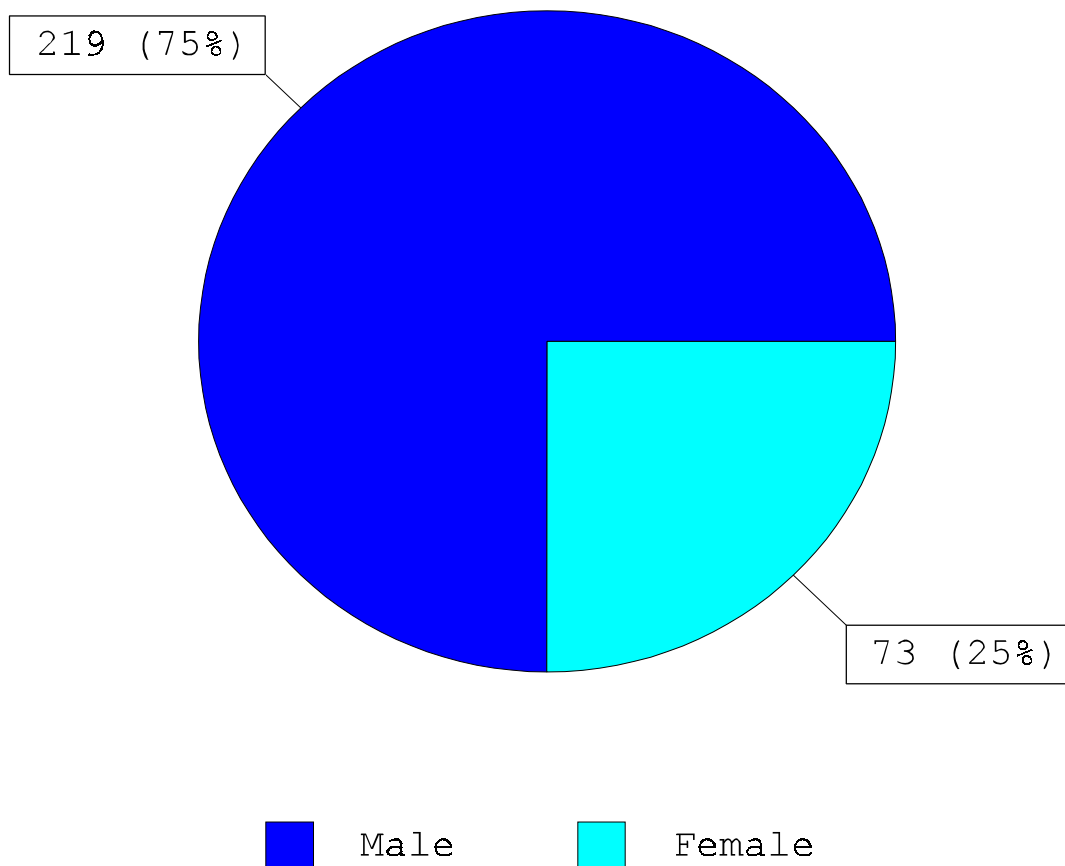
⁵⁵ In this section, the term “respondents” refers only to those who returned usable questionnaires.

⁵⁶ Elling (1999) notes that normally, employment stratification data are calculated by comparing the proportion of higher-level positions held by members of a particular group with that group’s share of the population or the workplace. He points out that “these data are not, however, readily available on a state-by-state basis” (p. 284). The author provides data, aggregated by the Center for Women in Government (CWG) at the State University of New York at Albany, that are related to the percentage of women and African Americans who hold gubernatorial appointments as state department heads or top advisors. This information should give the reader some sense of how well these historically underrepresented groups fare in terms of their ability to secure high-level state government positions. In Pennsylvania, women comprise 52.1% of the state’s population and hold 25.9% of the aforementioned top-level appointments. In New Jersey, they make up 51.7% of the population and hold 41.2% of the top-level appointments. These figures, along with the *State Yellow Book* rosters, seem to indicate that females in New Jersey, compared to those in Pennsylvania, are somewhat better able to gain high-level state positions.

male respondents was greater for Pennsylvania, the difference between the male/female ratios of the states' respondents was not statistically significant. (Sex breakdowns for each state are provided in Figures 4.1 and 4.2.)

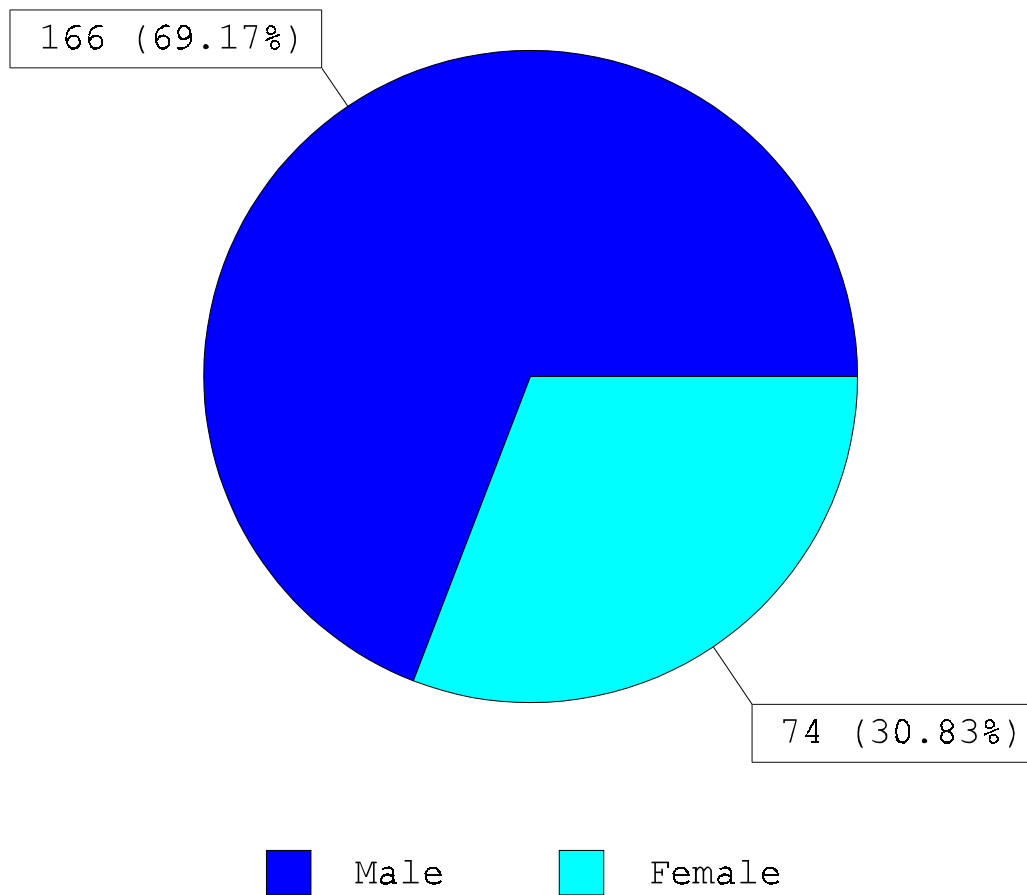
For both states, roughly 55% of the respondents were between the ages of 46 and 55 (see Figures 4.3 and 4.4). There was a slightly higher proportion of younger (age 35 or younger) respondents from Pennsylvania (6.16%, versus 2.92% from New Jersey). The proportion of respondents in the next higher age group (36 to 45) was greater for New Jersey (22.08%, compared to Pennsylvania's 18.49%). For both states, approximately one-fifth of the respondents were age 56 or older. Differences in the age breakdowns of the states' respondents were not statistically significant.

Figure 4.1
Pennsylvania Respondents Grouped by Sex



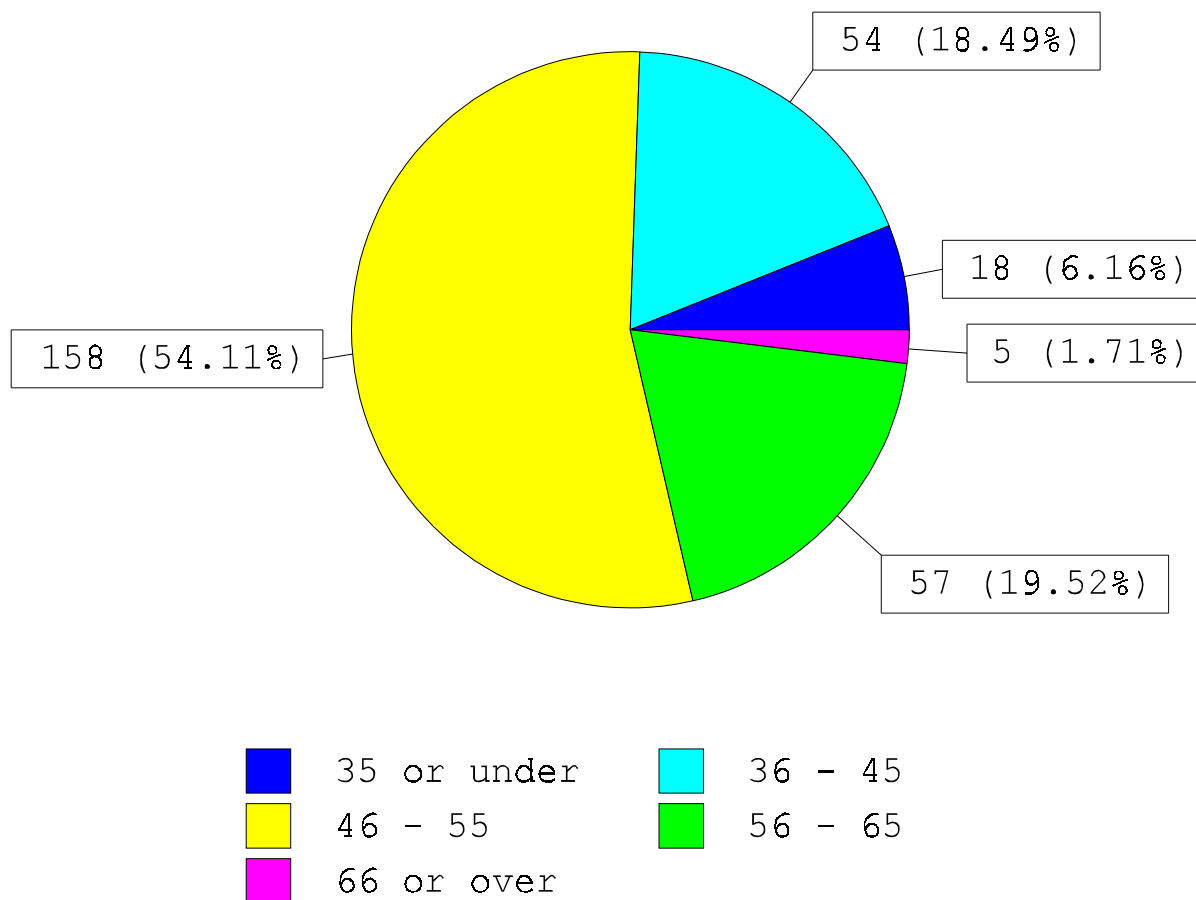
Note: N = 292, four respondents did not provide data regarding their sex.

Figure 4.2
New Jersey Respondents Grouped by Sex



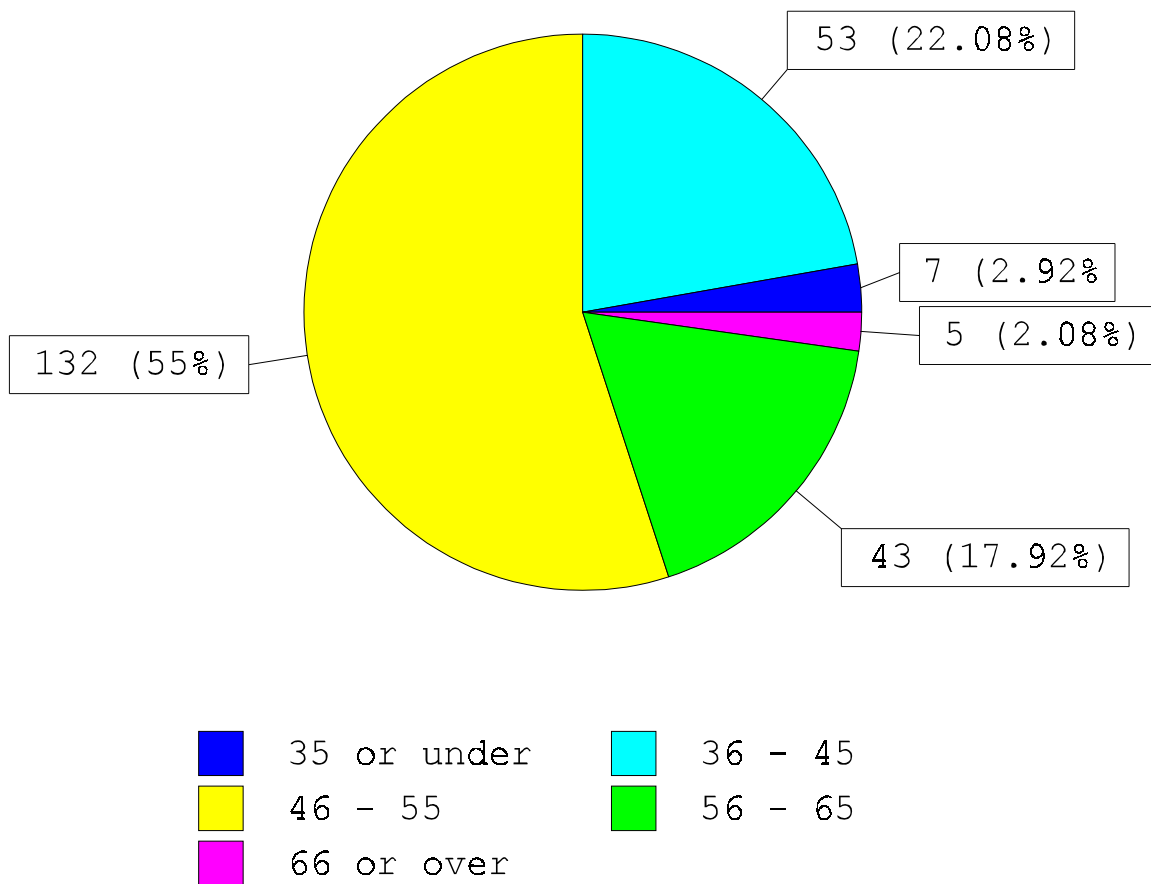
Note: N = 240, five respondents did not provide data regarding their sex.

Figure 4.3
Pennsylvania Respondents Grouped by Age



Note: $N = 292$, four respondents did not provide data regarding their age. Percentages do not total 100 due to rounding.

Figure 4.4
New Jersey Respondent Grouped by Age



Note: N = 240, five respondents did not provide data regarding their age.

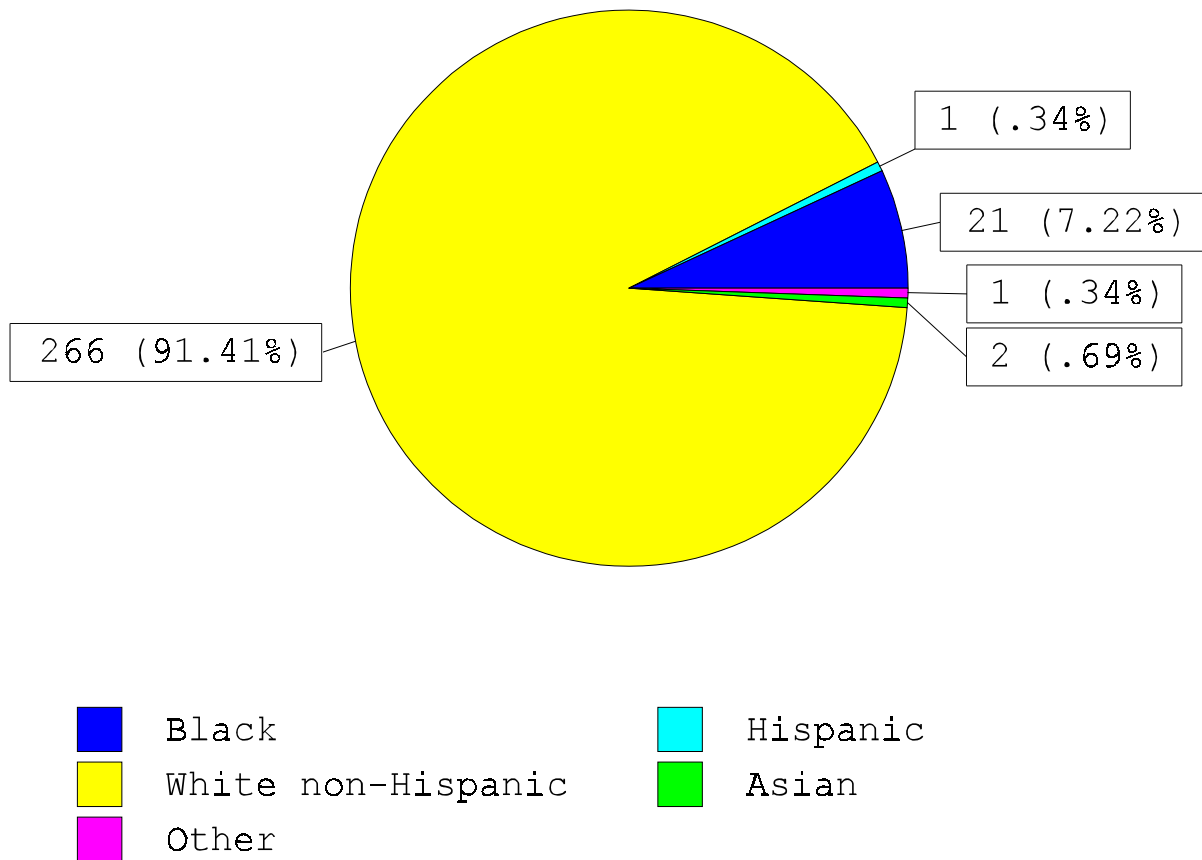
As Figures 4.5 and 4.6 show, the overwhelming majority of both states' respondents were white (91.41% of the Pennsylvania respondents, 89.08% of the New Jersey respondents). Blacks constituted 7.22% of the Pennsylvania respondents and 7.14% of the New Jersey respondents.⁵⁷ Somewhat surprisingly, Asians, Hispanics, and members of other racial and ethnic groups were almost nonexistent among both groups of employees. The differences in the states' ratios of white and non-white respondents were not statistically significant.

The majority of both states' respondents said they held upper-management positions (see Figures 4.7 and 4.8). Among those from Pennsylvania, 73.88% indicated that they were upper-managers; among those from New Jersey, this figure was 69.71%. This difference was not statistically significant. Self-described middle-managers comprised 27.8% of the New Jersey respondents and 20.27% of those employed in Pennsylvania (this difference also was not statistically significant). Fewer than 6% of the respondents from either state reported holding a position other than upper-level or middle-level manager.

As expected, both states' respondents were highly educated. Slightly more than 92% of the New Jersey respondents and over 86% of the Pennsylvania respondents were college graduates. There was a statistically significant difference between the proportions of the states' respondents who held college degrees ($t = 2.189$, $p = .029$, two-tailed). Nearly one-half (48.97%) of the Pennsylvania respondents held graduate or professional degrees. Among those employed in New Jersey, this figure was a very impressive 63.33%. This difference was also statistically significant ($t = 3.388$, $p = .001$, two-tailed). (Figures 4.9 and 4.10 provide educational attainment data for the states' respondents.)

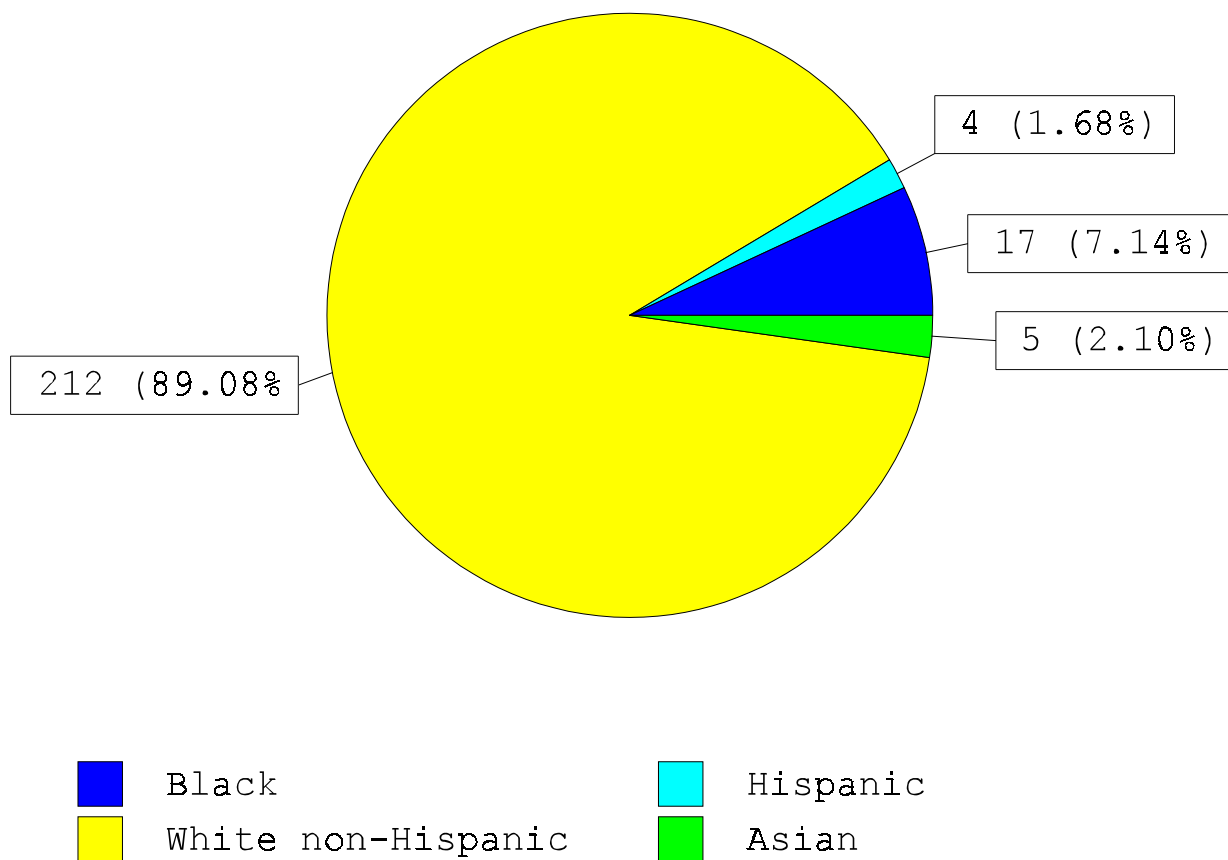
⁵⁷ According to data provided by the Center for Women in Government (CWG) at the State University of New York at Albany [in Elling (1999), see note 56], African Americans comprise 9.2% of Pennsylvania's population and hold 5.6% of the top gubernatorial appointments. For New Jersey, these figures are 13.3% and 9.8% respectively. Comparable data for Asians, Hispanics, and members of other minority groups were not provided.

Figure 4.5
Pennsylvania Respondents Grouped by Race/Ethnicity



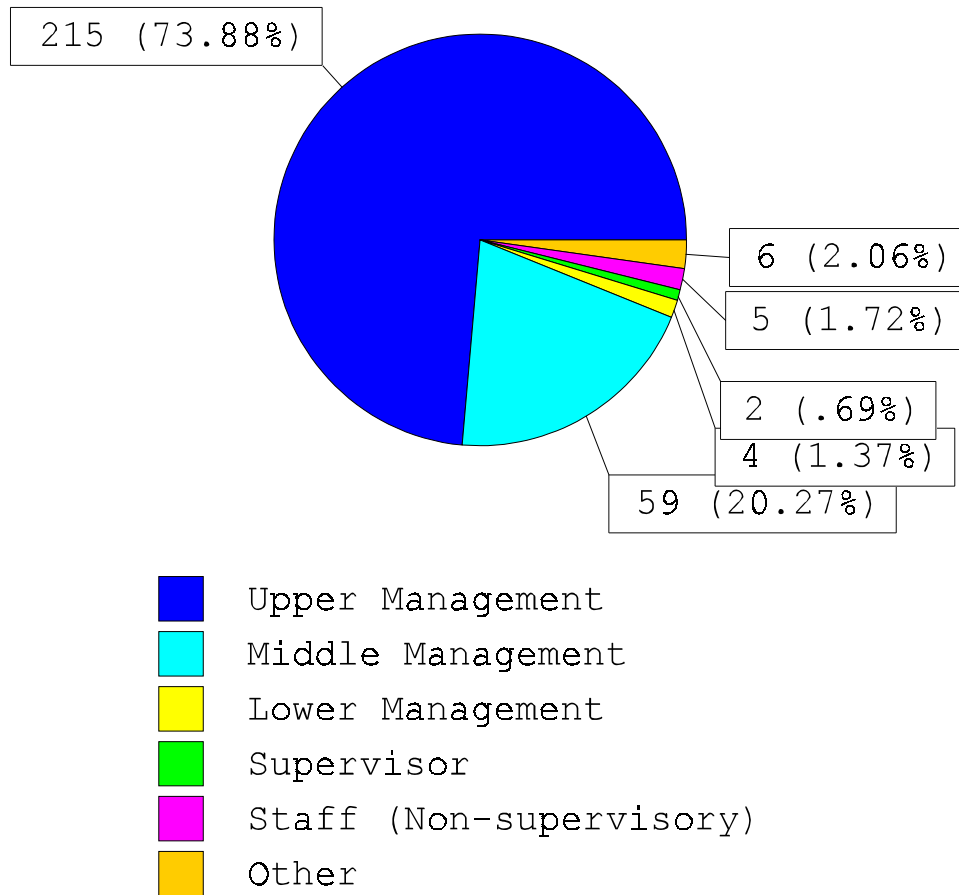
Note: N = 291, five respondents did not provide race/ethnicity data.

Figure 4.6
New Jersey Respondents Grouped by Race/Ethnicity



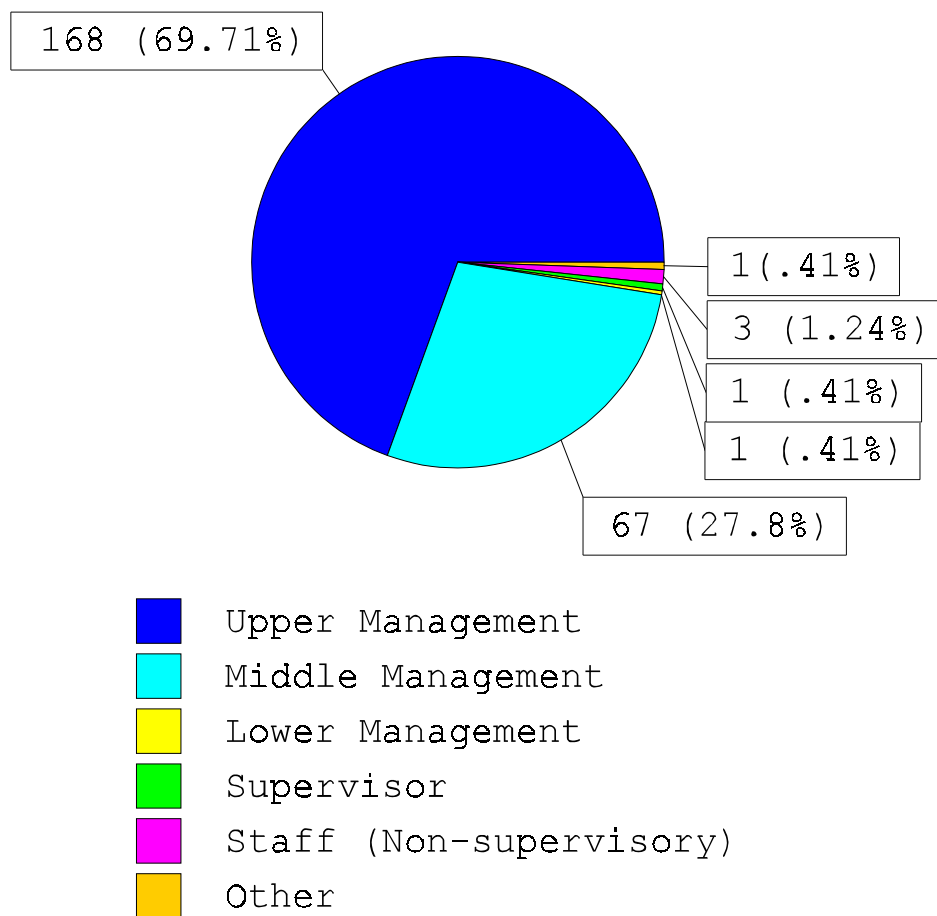
Note: N = 238, seven respondents did not provide race/ethnicity data.

Figure 4.7
Pennsylvania Respondents Grouped by Reported Rank



Note: N = 291, five respondents did not provide data regarding rank. Percentages do not total 100 due to rounding.

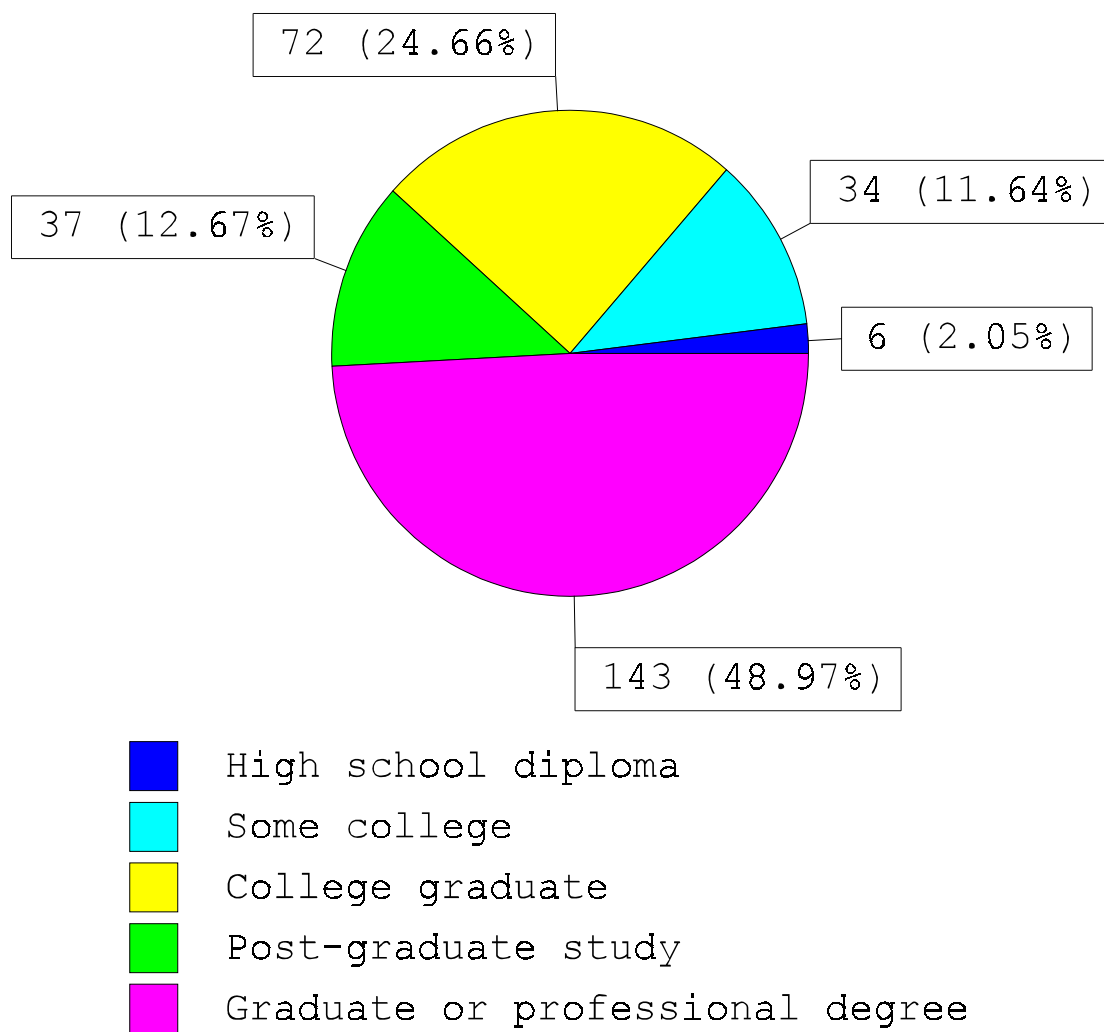
Figure 4.8
New Jersey Respondents Grouped by Reported Rank



Note: $N = 241$, four respondents did not provide data regarding rank. Percentages do not total 100 due to rounding.

Figure 4.9

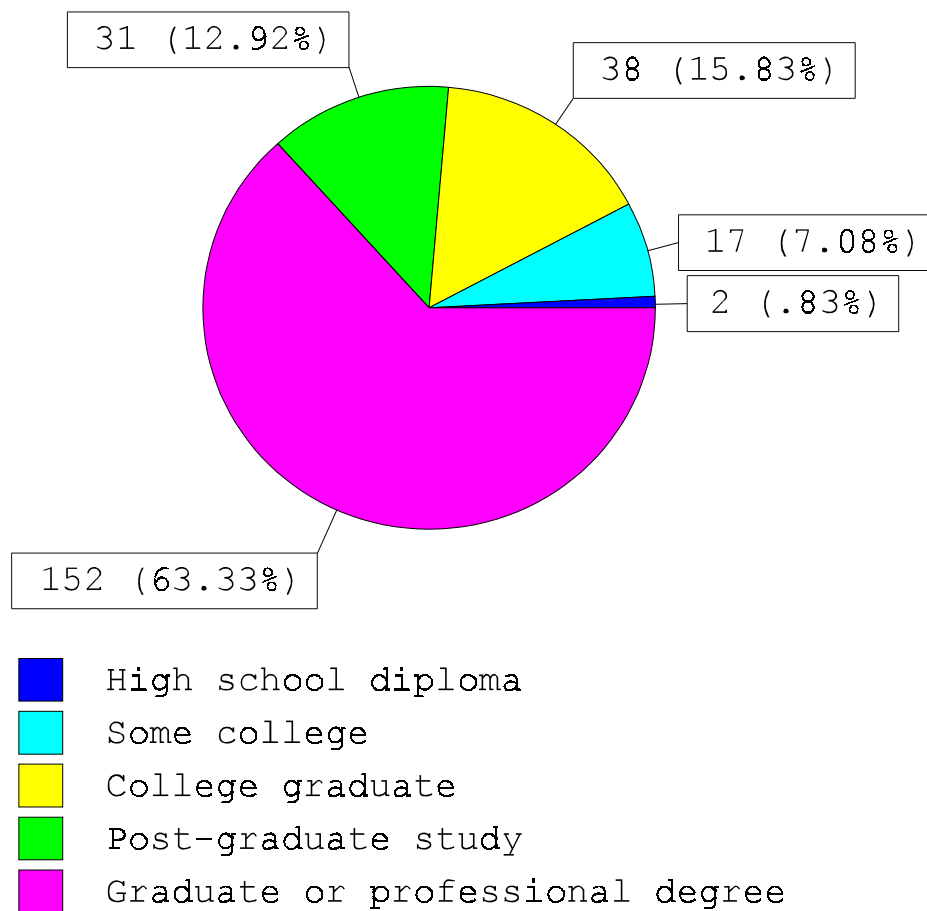
Pennsylvania Respondents Grouped by Educational Attainment



Note: N = 292, four respondents did not provide data regarding level of educational attainment. Percentages do not total 100 due to rounding.

Figure 4.10

New Jersey Respondents Grouped by Educational Attainment



Note: $N = 240$, five respondents did not provide data regarding level of educational attainment. Percentages do not total 100 due to rounding.

Not surprisingly, many respondents held long tenures in state government. As shown in Figures 4.11 and 4.12, 47.72% of the Pennsylvania officials had been employed in state government 21 years or longer. Among those from New Jersey, this figure was almost one-half (49.79%). (The difference was not statistically significant.) Pennsylvania, compared to New Jersey, did have a substantially higher proportion of respondents who had worked in state government fewer than five years (19.24% versus 9.96%). This difference was statistically significant ($t = 2.748$, $p = .006$, two-tailed).

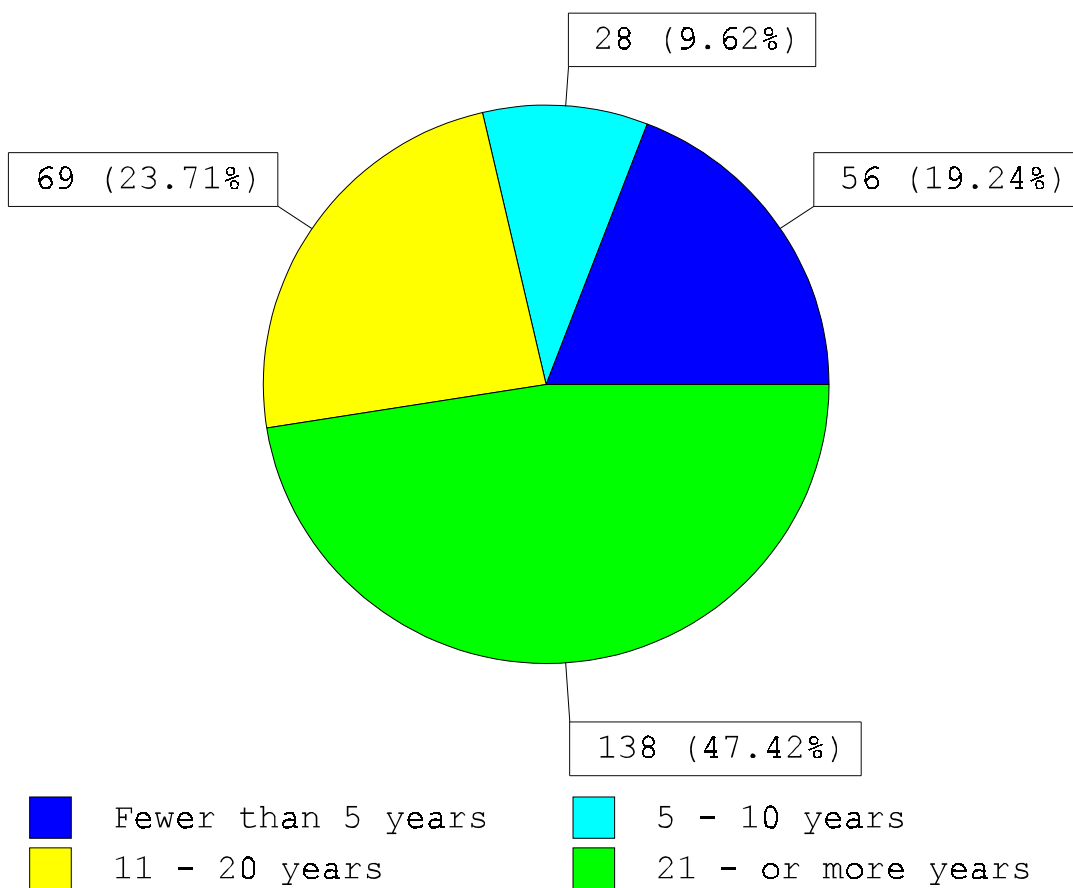
The vast majority of both states' respondents were presently employed in the city where the state capital was located (see Figures 4.13 and 4.14). Slightly more than 93% of the Pennsylvania respondents worked in Harrisburg, and nearly 89% of the New Jersey respondents worked in Trenton (a statistically significant difference, $t = 2.141$, $p = .033$, two-tailed).

Very few officials from either state reported being presently members of a union that represented state government workers. A total of 19 respondents, 11 from Pennsylvania and 8 from New Jersey, were union members (a non-statistically significant difference). In both states, however, a considerably higher proportion of the respondents had been union members at one time. Eighty-two of the 291 Pennsylvania respondents (28.18%) and 91 of the 241 New Jersey respondents (37.76%) indicated that at some time during their state government careers they had been members of a union.⁵⁸ [The difference between the states was statistically significant ($t = 2.206$, $p = .028$, two-tailed).]

⁵⁸ Five Pennsylvania respondents and four New Jersey respondents did not answer the question that asked whether they had ever been members of a union that represented state government employees.

Figure 4.11

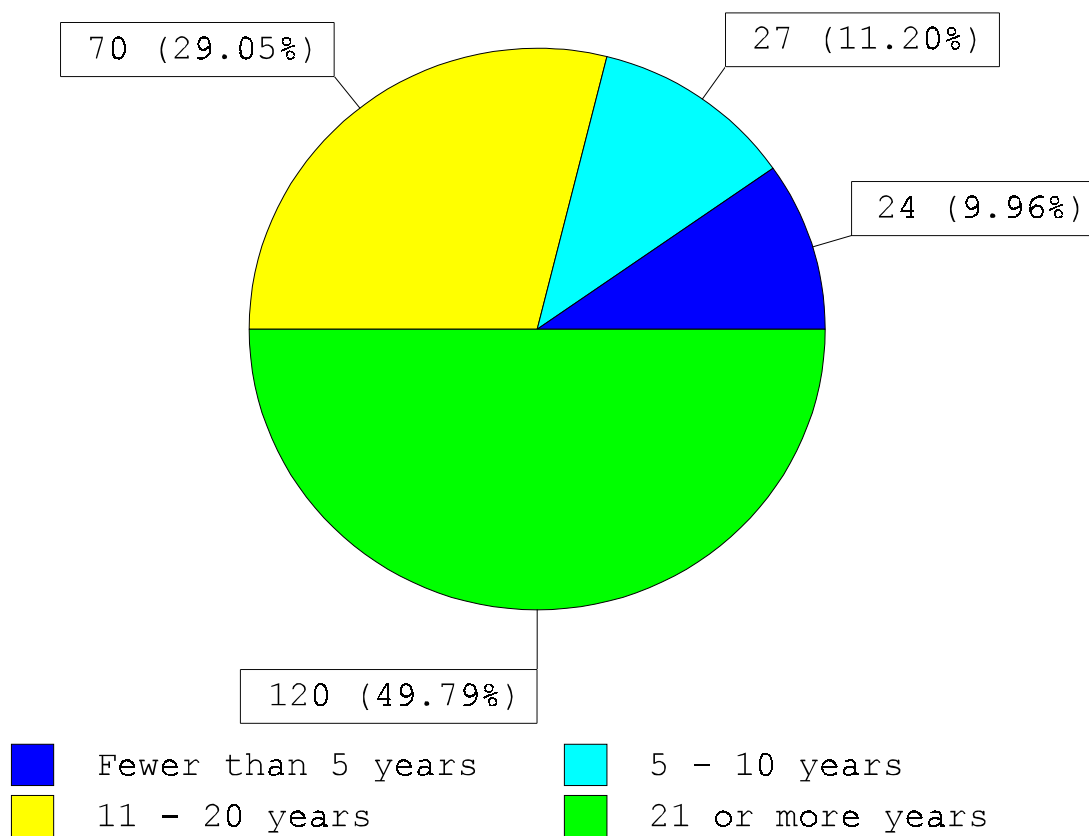
Pennsylvania Respondents Grouped by Years Employed in State Government



Note: N = 291, five respondents did not provide tenure data. Percentages do not total 100 due to rounding.

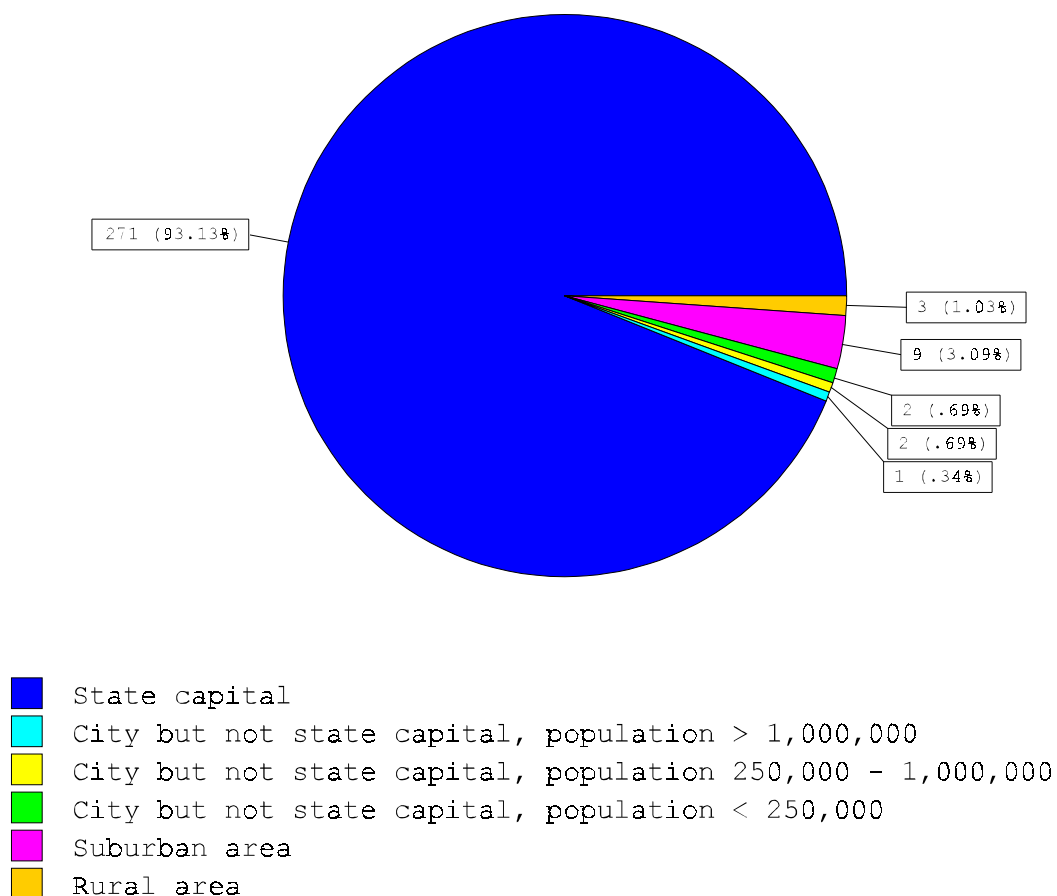
Figure 4.12

New Jersey Respondents Grouped by Years Employed in State Government



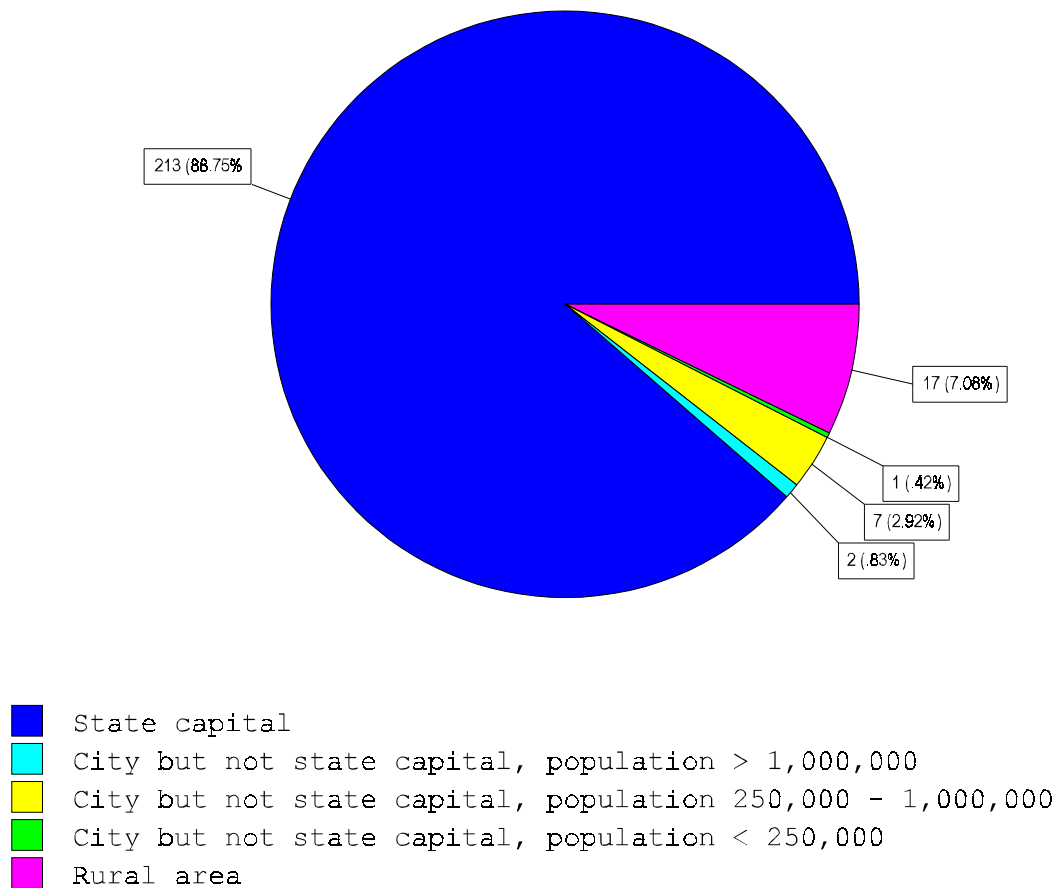
Note: $N = 241$, four respondents did not provide tenure data. Percentages do not total 100 due to rounding.

Figure 4.13
 Pennsylvania Respondents Grouped by Area Where Employed



Note: N = 291, five respondents did not provide data regarding where employed. Percentages do not total 100 due to rounding.

Figure 4.14
New Jersey Respondents Grouped by Area Where Employed



Note: N = 241, four respondents did not provide data regarding area where employed. Percentages do not total 100 due to rounding.

With regard to agency task, 72 of the 296 (24.32%) Pennsylvania respondents were employed by departments or agencies that are principally engaged in economic development (see Tables 1 and 2). Seventy (23.65%) were categorized as administration, 66 (22.30%) as regulatory, 39 (13.18%) as legal and law enforcement, 30 (10.14%) as education, and 19 (6.42%) as health and human services.⁵⁹ Among the 245 New Jersey respondents, the breakdown was as follows: 81 (33.06%) designated as economic development, 56 (22.86%) as administration, 48 (19.59%) as health and human services, 42 (17.14%) as regulatory, 14 (5.71%) as legal and law enforcement, and 4 (1.63%) as education.

The respondents' agency task breakdowns closely approximated the agency task designations of those in the larger populations surveyed. Among Pennsylvania's 512 total participants, 127 (24.80%) were classified as economic development, 125 (24.41%) as administration, 110 (21.48%) as regulatory, 54 (10.55%) as education, 53 (10.35%) as legal and law enforcement, and 43 (8.40%) as health and human services. New Jersey's 450 participants were grouped as follows: 151 (33.56%) as economic development, 91 (20.22%) as administration, 85 (18.89%) as health and human services, 82 (18.22%) as regulatory, 30 (6.67%) as legal and law enforcement, and 11 (2.44%) education. Clearly, the states varied considerably in terms of how their employee populations and respondents were distributed by agency task. Possible explanations for the variation include differences between the states' administrative hierarchies, differences in state policy priorities, the way in which Monitor Publishing Company selected executive branch officials to be included in the *State Yellow Book*, and errors I committed in making agency task designations.

The final demographic information collected pertains to the civil service status of the Pennsylvania respondents. As discussed earlier, exempt officials in Pennsylvania have considerable political freedom relative to their nonexempt counterparts. (As also noted previously, the civil service status of the New Jersey officials is insignificant for the purposes of this research.) A total of 194 Pennsylvania respondents (including the five who indicated they

⁵⁹The figures are determined by subtracting the number of communicated refusals and the number of officials who had either retired, resigned, or were on medical leave from the number of respondents.

were appointees) held non-civil service positions and thus were technically exempt from Section 905.2 of the state's Civil Service Act.⁶⁰ Ninety-eight held civil service positions. Of these 98, however, 42 were designated as "civil service - leave of absence."⁶¹ These individuals were civil service employees who voluntarily had left their classified positions in order to take unclassified (non-civil service) jobs, but they maintained the right to return to the classified service at their discretion. These individuals were exempt from Section 905.2 while holding their unclassified positions, but would once again be subject to the restrictions upon returning to the classified service. The inclusion of this last category of officials allowed for comparisons to be made among exempt, non-exempt, and "temporarily exempt" employees.⁶²

Research propositions

The study investigated numerous research propositions, the majority of which were designed to assess the existence and magnitude of any chilling effects spawned by Pennsylvania's restrictive statutory climate. The study's primary aim was to evaluate any "between-state" differences that stemmed from more and less restrictive statutory climates. As

⁶⁰ As discussed earlier, it is very likely that a considerable proportion of these individuals were at one time members of the classified service and thus subject to Section 905.2. Among the 186 exempt (non-appointed) officials who provided tenure data, 114 (61.29%) had worked in state government 11 years or longer.

⁶¹ Information regarding the civil service status of the Pennsylvania employees was provided by Chris R. Dunlap, an official with the state's Bureau of Labor Relations. The status of four respondents could not be determined.

⁶² As Chapter Six discusses, Pennsylvania's classified (non-exempt and "temporarily exempt") employees were grouped together for the purpose of conducting "within-state" comparisons. These employees' survey responses were compared to those of non-classified (exempt) employees. On average, non-classified officials held higher-level positions than did those who were classified. Among non-classified officials, 80.11% reported holding upper management positions, with the remaining workers indicating that they held a job other than upper-level manager. Among the classified workers, 63.54% reported being upper managers. The difference between these proportions was statistically significant (chi-square = 9.139, $p = .003$). Also, compared to non-classified officials, classified employees reported having longer tenures in state government. Only 7.23% of the classified employees had worked in state government ten or fewer years. Among the non-classified employees, this figure was 38.71%. This difference was statistically significant (chi-square = 30.993, $p = .000$).

discussed above, the research design also allowed for “within-state” comparisons between Pennsylvania’s exempt and nonexempt officials.⁶³ The research propositions now will be examined, beginning with those that called for between-state comparisons.

Between-state comparisons

I expected to find evidence of chilling effects engendered by Pennsylvania’s restrictive statutory climate across a wide range of measures. I believed that a major contributing factor to the chilling effects would be the confusion the Pennsylvania officials would have regarding their state’s political activity laws. The complexity of Pennsylvania’s little Hatch Act and the straightforwardness of New Jersey’s statute appeared likely to result in the Pennsylvania officials being less knowledgeable than the New Jersey officials about whether various political activities were permissible for civil servants in their state. Further, I expected the overall prohibitive nature of Pennsylvania’s statutory climate to lead that state’s respondents to overstate the restrictiveness of Section 905.2, much in the same way federal officials overstated the prohibitions of the federal Hatch Act in the research conducted by the Commission on Political Activity of Government Personnel. I believed the New Jersey employees, too, might overstate the restrictiveness of their state’s laws, but to a lesser extent than the Pennsylvania officials. Since almost all partisan activities are allowable in New Jersey (so long as they are engaged in while away from the job), it would be rather difficult to understate the restrictiveness of that state’s little Hatch Act.

The real and imagined prohibitions of Pennsylvania’s little Hatch Act, and presumed chilling effects spawned by the statute, were predicted to be manifest in many different ways. Compared to New Jersey officials, Pennsylvania officials were expected to indicate lower current levels of political activity and to report being less satisfied with their activity. It seemed likely that a greater proportion of the Pennsylvania employees would say that they would increase their level of political activity if there were no state prohibitions. Relatedly, differences between current reported activity levels and anticipated activity levels in the absence of any state

⁶³ In addition to assessing the effects of statutory climate on state officials’ political attitudes and reported behavior, I considered two alternative explanatory variables: agency task and length of tenure. Chapter Five discusses these variables more fully.

restrictions would be greater for the Pennsylvania respondents. Further, a greater proportion of the Pennsylvania officials than those from New Jersey would say that they would be more politically active if they were not state government employees.

Since involvement in partisan campaigns is proscribed under Pennsylvania's Section 905.2, it seemed probable that a larger proportion of Pennsylvania respondents than New Jersey respondents would report that state political activity prohibitions had prevented them from becoming involved in elections. Apolitical tendencies engendered by a stringent statutory climate were expected in the Pennsylvania employees' propensity to engage in permissible activities as well. Thus, compared to New Jersey officials, those from Pennsylvania were predicted to report voting less often and making fewer political contributions. The Pennsylvania employees also would indicate that they engaged in political discussions with others less often and report lower levels of partisan identification than did their New Jersey counterparts.

A greater proportion of Pennsylvania officials than New Jersey officials were expected to say that their state's political activity restrictions had prompted them to consider leaving state government. Relatedly, more of the Pennsylvania employees would indicate that they knew of someone who had left state government because of the prohibitions. I also expected a larger proportion of the Pennsylvania employees to report that they knew of someone who was reprimanded or suspended for violating state political activity laws.

Evidence of chilling effects occasioned by Pennsylvania's little Hatch Act was anticipated in comparisons of the respondents' reported levels of political interest. The inability to participate in many partisan activities (either in the past or now) was predicted to result in the Pennsylvania respondents being less interested in politics at all governmental levels. Moreover, when asked to describe what had happened to their overall political interest since entering state government, a greater proportion of Pennsylvania officials than New Jersey officials were expected to report that their interest had not increased.

Since Pennsylvania and New Jersey have well-established merit systems, I expected employees from both states to respond similarly when asked to compare the pressures to engage in partisan politics encountered by state government employees to those encountered by non-government employees. And since both states' little Hatch Acts protect workers from on-the-job

coercion, large (but relatively equal) proportions of officials from both states were predicted to indicate that abolishing state political activity laws would be harmful to their state's merit system.

Within-state comparisons

I did not expect to find significant differences between Pennsylvania's classified and non-classified employees along many of the political activity and political interest measures discussed in the preceding section. I believed that any chilling effects spawned by Pennsylvania's little Hatch Act would be longer-term in nature. Thus, both groups of employees would be expected to report similar apolitical tendencies. It seemed likely that because of Pennsylvania's restrictive statutory climate, the norm of abstaining from partisan politics has become institutionalized throughout state government. If this is the case, the reported political behavior of Pennsylvania's classified and non-classified employees should be, for the most part, comparable.

Still, I anticipated finding some differences between the classified and non-classified employees, mainly in the areas of statutory knowledge and current political activity. Since only classified workers presently must adhere to Section 905.2, they might be expected to be more knowledgeable about the provisions of the statute than their non-classified counterparts. In addition, I expected both groups of employees to overstate the restrictiveness of the statute.

With regard to current political activity, the non-classified employees might be expected to report being somewhat more politically active and more satisfied with their activity levels. A greater proportion of the classified officials were predicted to indicate that they would increase their level of political activity if there were no prohibiting statutes, and differences between reported current activity levels and anticipated levels of activity in the absence of state prohibitions would be greater for the classified officials. Also, a greater proportion of the classified officials were expected to report that they would be more politically active if they were

not state government employees. I did not expect to find significant differences between Pennsylvania's classified and non-classified employees along any other measures.⁶⁴

Conclusion

This chapter examined the research design employed in the study. It discussed the criteria used in selecting Pennsylvania and New Jersey for the research, and described the study's participants. It reviewed the mail questionnaire, detailed pretesting and mailing procedures, evaluated response rates, and examined the demographic attributes of the respondents. The chapter concluded with numerous between- and within-state research propositions, many of which centered on presumed chilling effects engendered by Pennsylvania's little Hatch Act. (Tables 3 and 4 summarize the propositions.) Chapter Five presents the findings of examining the between-state propositions, while Chapter Six discusses the results related to the within-state propositions.

⁶⁴ Since the primary aim of this study was to compare the effects of statutory climate on state officials' political attitudes and reported behavior, and because the Pennsylvania and New Jersey respondents were quite similar demographically, hypotheses based on employee subgroups (e.g., males versus females, whites versus nonwhites, union workers versus nonunion employees) were not tested. However, Chapter Five examines the impact of two alternative explanatory variables, agency task and tenure, on key dependent variables.

Table 3 BETWEEN-STATE RESEARCH PROPOSITIONS

Statutory Knowledge

1. Compared to New Jersey officials, Pennsylvania officials will be less knowledgeable about the provisions of their state's little Hatch Act.
2. Both states' officials will overstate the restrictiveness of their state's little Hatch Act, with the Pennsylvania employees overstating the restrictiveness to a greater extent than the New Jersey employees.

Current Political Activity

3. Compared to New Jersey officials, Pennsylvania officials will report lower levels of current political activity.

Satisfaction with Current Political Activity

4. Compared to New Jersey officials, Pennsylvania officials will report being less satisfied with their current political activity.

Anticipated Political Activity in the Absence of State Prohibitions

5. A greater proportion of Pennsylvania officials than New Jersey officials will indicate that they would increase their level of political activity if there were no state prohibitions.
6. Differences between current reported activity and anticipated activity in the absence of state prohibitions will be greater for Pennsylvania officials than for New Jersey officials.
7. A greater proportion of Pennsylvania officials than New Jersey officials will report that they would be more politically active if they were not state government employees.

Effects of Political Activity Prohibitions on Specific Political Activities

8. A greater proportion of Pennsylvania officials than New Jersey officials will report that state political activity prohibitions have prevented them from becoming involved in elections.
9. Compared to New Jersey officials, Pennsylvania officials will indicate that they vote less often.
10. Compared to New Jersey officials, Pennsylvania officials will indicate that they make fewer political contributions.

11. Compared to New Jersey officials, Pennsylvania officials will report having less frequent political discussions with others.
12. Compared to New Jersey officials, Pennsylvania officials will report lower levels of identification with political parties.

Prohibitions as a Basis for Leaving State Government

13. A greater proportion of Pennsylvania officials than New Jersey officials will indicate that they have considered leaving state government because of the prohibitions.
14. A greater proportion of Pennsylvania officials than New Jersey officials will report knowing of a former employee who left state government because of the prohibitions.

Violations of Political Activity Statutes

15. A greater proportion of Pennsylvania officials than New Jersey officials will indicate that they knew of someone who was reprimanded or suspended for violating state political activity prohibitions.

Political Interest

16. Compared to New Jersey officials, Pennsylvania officials will report lower levels of interest in politics at the national, state, and local levels.
17. A greater proportion of Pennsylvania officials than New Jersey officials will indicate that since entering state government, their overall political interest has not increased.

Partisan Pressures From Other State Employees

18. Pennsylvania and New Jersey officials will respond similarly when asked to compare the pressures to engage in partisan politics encountered by state government employees to those encountered by non-state government employees.
19. A large (but relatively equal) proportion of both states' officials will indicate that abolishing state political activity laws would be harmful to their state's merit system.

Table 4 WITHIN-STATE RESEARCH PROPOSITIONS (PENNSYLVANIA ONLY)

Statutory Knowledge

1. Non-classified officials, compared to classified officials, will be less knowledgeable about the provisions of Section 905.2.
2. Both classified officials and non-classified officials will overstate the restrictiveness of Section 905.2.

Current Political Activity

3. Classified officials, compared to non-classified officials, will report lower levels of current political activity.

Satisfaction with Current Political Activity

4. Classified officials, compared to non-classified officials, will report being less satisfied with their current political activity.

Anticipated Political Activity in the Absence of State Prohibitions

5. A greater proportion of classified officials than non-classified officials will indicate that they would increase their level of political activity if there were no state prohibitions.
6. Differences between current reported activity and anticipated activity in the absence of state prohibitions will be greater for classified officials than for non-classified officials.
7. A greater proportion of classified officials than non-classified officials will report that they would be more politically active if they were not state government employees.

Effects of Political Activity Prohibitions on Specific Political Activities (No Differences)

8. Classified and non-classified officials will not differ in their responses when asked whether state political activity prohibitions have prevented them from becoming involved in elections.
9. There will be no difference between classified and non-classified officials in reported voting.
10. There will be no difference between classified and non-classified officials in reported campaign contributions.
11. There will be no difference between classified and non-classified officials in reported frequency of political discussions.

12. There will be no difference between classified and non-classified officials in identification with political parties.

Prohibitions as a Basis for Leaving State Government (No Differences)

13. Classified and non-classified officials will not differ in their responses when asked whether they have considered leaving state government because of the prohibitions.
14. Classified and non-classified officials will not differ in their responses when asked whether they knew of a former employee who left state government because of the prohibitions.

Violations of Political Activity Statutes (No Differences)

15. Classified and non-classified officials will not differ in their responses when asked whether they knew of someone who was reprimanded or suspended for violating state prohibitions.

Political Interest (No Differences)

16. There will be no difference between classified and non-classified officials in terms of their reported interest in politics at the national, state, and local levels.
17. There will be no difference between classified and non-classified officials in terms of reported changes in their political interest since entering state government.

Partisan Pressures From Other State Employees (No Differences)

18. Classified and non-classified officials will not differ in their views regarding the partisan pressures encountered by state government employees as compared to those encountered by non-state government employees.
19. Classified and non-classified officials will not differ in their views regarding whether abolishing state political activity laws would be harmful to Pennsylvania's merit system.

Chapter Five

Between-State Findings

The last chapter concluded with numerous between- and within-state propositions. This chapter presents the findings related to the between-state propositions. These results go to the heart of study, as they compare the effects of Pennsylvania's more restrictive statutory climate with those of New Jersey's less restrictive one. As the preceding chapter discussed, I anticipated finding evidence of chilling effects spawned by Pennsylvania's statutory climate across a wide range of measures, including statutory knowledge, reported political activity, reported satisfaction with current political activity, political interest, partisan identification, and voting behavior.

Statutory knowledge

The initial between-state propositions centered on knowledge of state laws regulating civil servants' political activities. Because of the complexity of Pennsylvania's little Hatch Act and the relative simplicity of New Jersey's statute, I had hypothesized that Pennsylvania officials would be less knowledgeable than New Jersey officials about whether various political activities are lawful for civil servants in their state. Survey question #18 asked the participants to indicate, for each of 10 political activities, whether they believe it is legal or illegal for civil servants in their state to engage in the activity during off-hours and while away from the workplace. In order to reduce guessing, the respondents were given the option of answering "not sure" for any activity. Tables 5 and 6 specify these political activities, indicate whether they are legal or illegal, and provide aggregated response totals for both states' officials.

As anticipated, compared to those from New Jersey, the Pennsylvania respondents were less knowledgeable about the permissibility of the activities. For each activity except soliciting funds for a political candidate or party from other state workers,⁶⁵ a larger proportion of Pennsylvania officials than New Jersey officials was incorrect regarding permissibility. Remarkably, fewer than one-half of the Pennsylvania respondents properly identified two

⁶⁵ This activity is illegal for Pennsylvania civil servants. For New Jersey civil servants, it may be either legal or illegal, depending upon whether the employee's agency receives federal funds (see note accompanying Table 6).

proscribed activities as illegal. Only 46.5% indicated that it was unlawful for civil servants in their

Table 5

Pennsylvania Officials' Responses to Political Activity Permissibility Questions (n = 286)

Activity	Said "Legal"	Said "Illegal"	Said "Unsure"
Running for a local school board position in a nonpartisan election. (Legal)	207 (72.38%)	49 (17.13%)	30 10.49%
Attending a political rally or a fund-raising event for a political party or candidate in a partisan election. (Legal)	225 (78.67%)	36 (12.59%)	25 (8.74%)
Signing a nominating petition on behalf of a candidate in a partisan election. (Legal)	229 (80.06%)	19 (6.64%)	38 (13.29%)
Placing a sign supporting a candidate in a partisan election in one's yard. (Legal)	214 (74.83%)	38 (13.29%)	34 (11.89%)
Putting a political sticker on one's personal vehicle. (Legal)	249 (87.06%)	13 (4.55%)	24 (8.39%)
Holding office in a political party, organization, or club. (Illegal)	92 (32.17%)	155 (54.20%)	39 (13.64%)
Driving voters to the polls on behalf of a political party or candidate in a partisan election. (Illegal)	93 (32.52%)	142 (49.65%)	51 (17.83%)
Serving as a delegate to a political party convention. (Illegal)	70 (24.56%)	156 (54.74%)	59 (20.70%)
Acting as a watcher of the polls during a partisan election. (Illegal)	93 (32.52%)	133 (46.50%)	60 (20.98%)
Soliciting funds for a political candidate or party from other state workers. (Illegal)	25 (8.74%)	229 (80.07%)	32 (11.19%)

Note: The responses of the five Pennsylvania officials who indicated that they were political appointees are not included here or in any other analyses discussed in this chapter. For all items except #8 (serving as a delegate to a political party convention), five other respondents did not provide answers. For item #8, six respondents did not provide answers. Percentages may not total 100 due to rounding.

Table 6

New Jersey Officials' Responses to Political Activity Permissibility Questions (n = 242)

Activity	Said "Legal"	Said "Illegal"	Said "Unsure"
Running for a local school board position in a nonpartisan election. (Legal)	225 (92.98%)	7 (2.89%)	10 (4.13%)
Attending a political rally or a fund-raising event for a political party or candidate in a partisan election. (Legal)	225 (92.98%)	1 (.41%)	16 (6.61%)
Signing a nominating petition on behalf of a candidate in a partisan election. (Legal)	221 (91.32%)	1 (.41%)	20 (8.26%)
Placing a sign supporting a candidate in a partisan election in one's yard. (Legal)	222 (91.74%)	5 (2.07%)	15 (6.20%)
Putting a political sticker on one's personal vehicle. (Legal)	226 (93.39%)	5 (2.07%)	11 (4.54%)
Holding office in a political party, organization, or club. (Legal)	194 (80.17%)	24 (9.92%)	24 (9.92%)
Driving voters to the polls on behalf of a political party or candidate in a partisan election. (Legal)	186 (76.86%)	21 (8.68%)	35 (14.46%)
Serving as a delegate to a political party convention. (Legal)	171 (70.66%)	22 (9.09%)	49 (20.25%)
Acting as a watcher of the polls during a partisan election. (Legal)	191 (78.93%)	8 (3.31%)	43 (17.77%)
Soliciting funds for a political candidate or party from other state workers. (May be legal or illegal -- see note below.)	35 (14.46%)	160 (66.12%)	47 (19.42%)

Note: Three respondents did not answer the survey question related to statutory knowledge. For item #10, soliciting funds for a political candidate or party from other state workers, the activity may be legal or illegal. This activity is legal if the employee's agency does not receive federal funding; it is illegal if the agency receives federal funding. Percentages may not total 100 due to rounding.

state to act as poll watcher during a partisan election (32.52% said this activity was legal and 20.98% were unsure), and 49.65% knew they could not drive voters to the polls on behalf of a political party or candidate in a partisan election (32.52% said this was lawful and 17.83% were unsure).

For two other illegal activities, just slightly more than one-half of the Pennsylvania respondents were correct. Only 54.2% indicated that civil servants could not hold office in a political party, organization, or club (32.17% said this activity was permitted and 13.64% were unsure), while 54.78% knew civil servants could not serve as a delegate to a political party convention (24.56% believed this activity was lawful and 20.7% were unsure). Thus, for four of the five statutorily illegal activities, fewer than 55% of the Pennsylvania respondents were correct about the permissibility of the act.

Overall, Pennsylvania officials understated the restrictiveness of their state's little Hatch Act. That is, they tended to believe that the political activities of civil servants are circumscribed to a lesser extent than they actually are. As reported above, all four activities that at least 45% of the respondents were either incorrect or unsure about involved an illegal act. I was quite surprised by this finding because I had presumed that the Pennsylvania employees, like the state employees surveyed by the Commission on Political Activity of Government Personnel, would overstate, not understate, the degree to which their state's civil servants' political activities are restricted. As discussed at the outset, central to the "chilling effects" argument is the notion that ambiguity surrounding strict political activity statutes leads civil servants to overstate the laws' prohibitions.

New Jersey respondents were much more knowledgeable about their state's political activity laws. At least three-quarters of them were correct on eight of the nine activities that are permissible for state civil servants regardless of whether their agencies receive federal funds. And for the other "always permissible" activity, serving as a delegate to a political party convention, 70.66% of the respondents correctly identified it as permissible (9.09% said this activity was prohibited, 20.25% were unsure). For each of the nine "always permissible" activities, fewer than 10% of the respondents erroneously reported that it was illegal. For six of these, eight or fewer officials were incorrect.

Because all but one of the political activities are always permissible for New Jersey civil servants, those respondents who were wrong regarding permissibility necessarily erred on the side of overstating the restrictiveness of their state's little Hatch Act. Thus, the New Jersey officials did slightly overstate the extent to which state civil servants' political activities are circumscribed. That said, it should be emphasized that, overall, the respondents were quite cognizant of the provisions of their state's political activity laws.

In order to determine whether the difference between the states' respondents levels of statutory knowledge was statistically significant, each respondent was assigned a knowledge score. A respondent's score was determined by subtracting from the number of his or her correct responses the number of incorrect responses. No adjustment was made for "not sure" responses. For example, a respondent who was correct about seven activities, incorrect about one, and unsure about two received a score of six. Scores could range from 10 (correct on all items) to -10 (incorrect on all items), although negative scores were rare.⁶⁶ As Table 7 demonstrates, the mean statutory knowledge score for the New Jersey respondents was 8.1, compared to 4.96 for the Pennsylvania respondents. The difference between these means was statistically significant ($p = .000$), confirming my hypothesis that the Pennsylvania officials, compared to their New Jersey counterparts, would be less knowledgeable about their state's political activity laws. State accounted for more than one-fifth of the variation in the respondents' knowledge scores (eta-squared = .2116). Figures 5.1 and 5.2 graphically depict the distribution of both states' respondents' statutory knowledge scores.

⁶⁶ The New Jersey officials' "legal" and "illegal" responses for activity #10 (soliciting funds for a political candidate or party from other state workers, which may or may not be legal, depending upon whether the employee's agency receives federal funds) were counted as correct. Their "not sure" responses were treated the same as for the other nine activities. It should be pointed out that nearly one-fifth of the respondents indicated that they were unsure about this activity.

Table 7

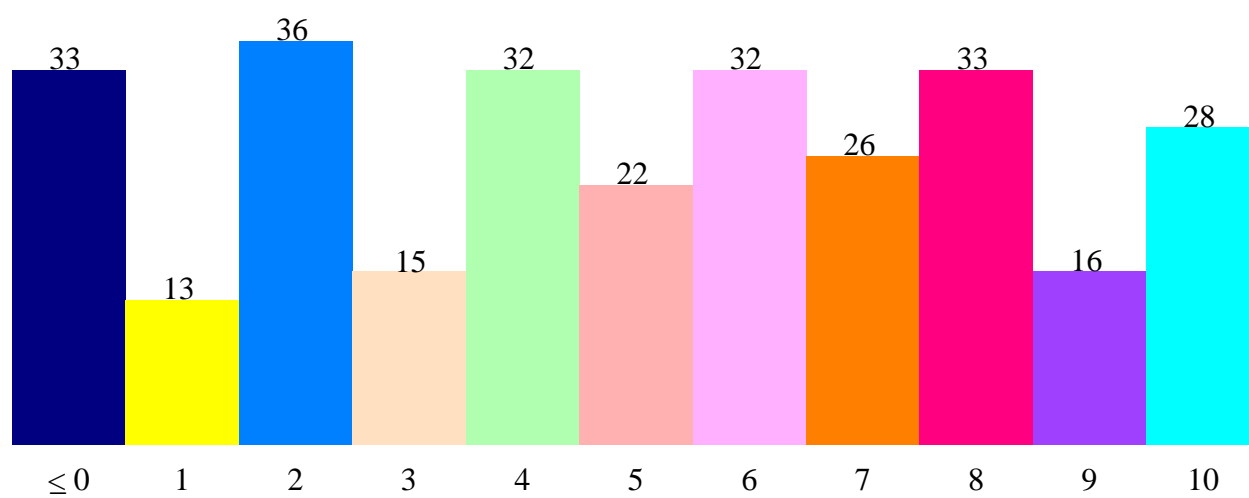
Pennsylvania and New Jersey Respondents' Mean Statutory Knowledge Scores

State	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Pennsylvania	286	4.96	3.24	.19	3.14	.261	12.044	.000
New Jersey	242	8.10	2.74	.18				

Eta (statutory knowledge dependent) = .460

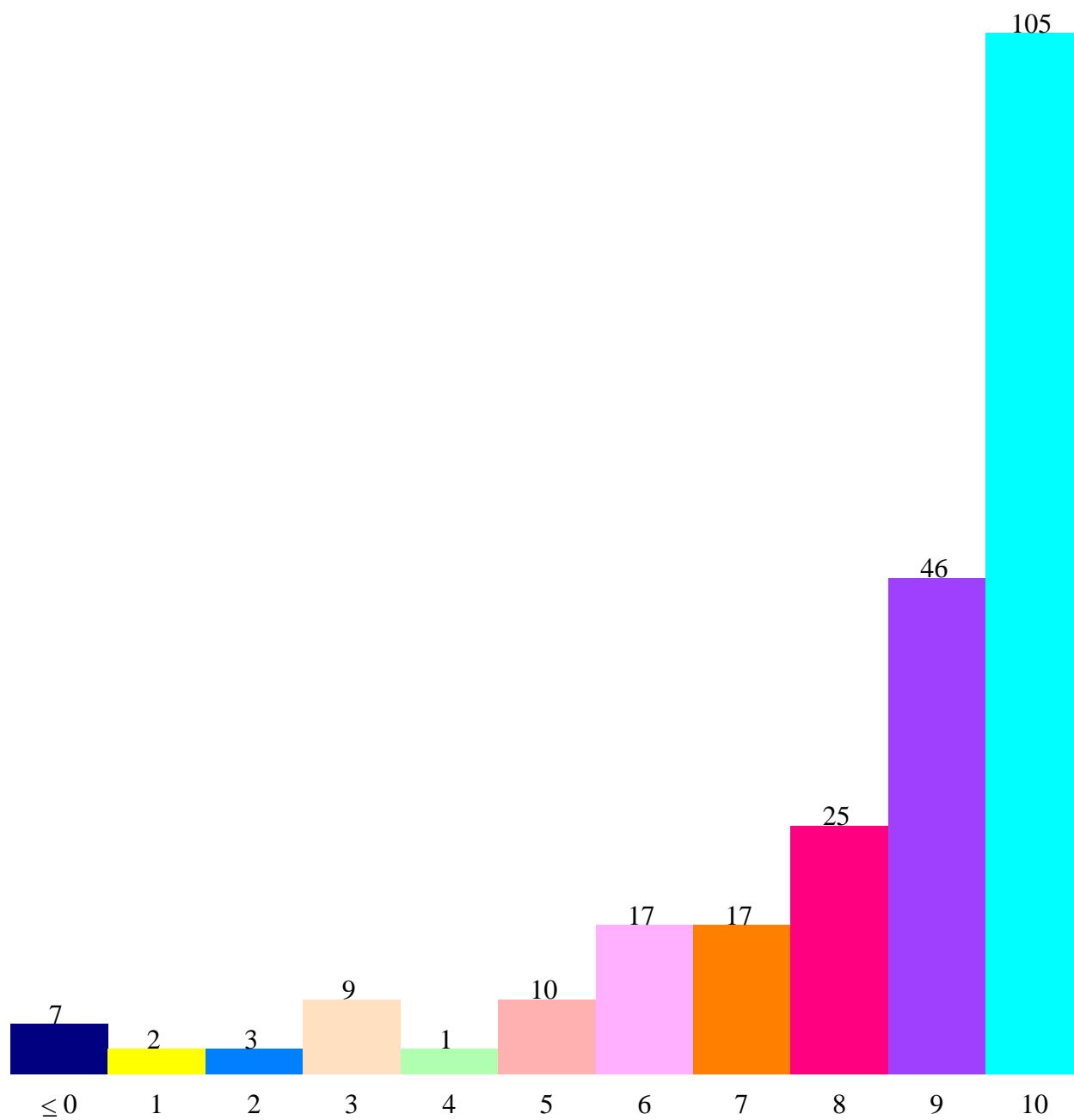
Note: Five Pennsylvania respondents and three New Jersey respondents did not answer the survey question related to statutory knowledge.

Figure 5.1
Distribution of Pennsylvania Respondents' Statutory Knowledge Scores



Note: Five respondents did not answer the survey question related to statutory knowledge.

Figure 5.2
Distribution of New Jersey Respondents' Statutory Knowledge Scores



Note: Three respondents did not answer the survey question related to statutory knowledge.

Current political activity

As the preceding chapter discussed, I had hypothesized that Pennsylvania's officials would report being less politically active than New Jersey's. Pennsylvania's strict little Hatch Act, the presumed chilling effects spawned by the statute, and New Jersey's relatively permissive statutory climate all were expected to contribute to differences between the states' respondents' reported levels of current political activity.

The first survey question asked the employees to rate their current level of political activity on a 0 - 10 scale (with 0 indicating no political activity and 10 indicating a very high level of political activity).⁶⁷ Figures 5.3 and 5.4 provide the reported current political activity levels for both states' respondents. As expected, New Jersey officials claimed to be more politically active than did Pennsylvania officials. However, the difference between their reported activity levels was not as great as I had anticipated it to be. The mean current political activity score for the New Jersey respondents was 3.76, compared to 3.40 for the Pennsylvania respondents. The difference between these means was statistically significant, but only at the .07 level (see Table 8).

Satisfaction with current political activity

The second survey question asked the officials how satisfied they were with their current level of political activity. A six-point Likert scale (with one indicating "very satisfied" and six "very dissatisfied") was employed for this question. As Figures 5.5 and 5.6 exhibit, the majority of both states' employees were relatively satisfied with their current level of political activity. Nearly 72% of the Pennsylvania respondents and almost 79% of the New Jersey respondents reported being either "very satisfied" or "satisfied" with their activity levels. Interestingly, in both states, those who reported being "very satisfied" were outnumbered by those who indicated that they were "satisfied."

⁶⁷ The question asked was as follows: The level of an individual's political activity is determined by various measures, including voting behavior, participation in both partisan and nonpartisan campaigns and elections, support for political candidates or parties, involvement in local politics, and discussions of political issues with family members, co-workers, and friends, just to name a few. On a 0 - 10 scale (with 0 indicating no political activity and 10 indicating a very high level of political activity), how politically active are you presently?

Figure 5.3

Distribution of Pennsylvania Respondents' Reported Current Political Activity Levels

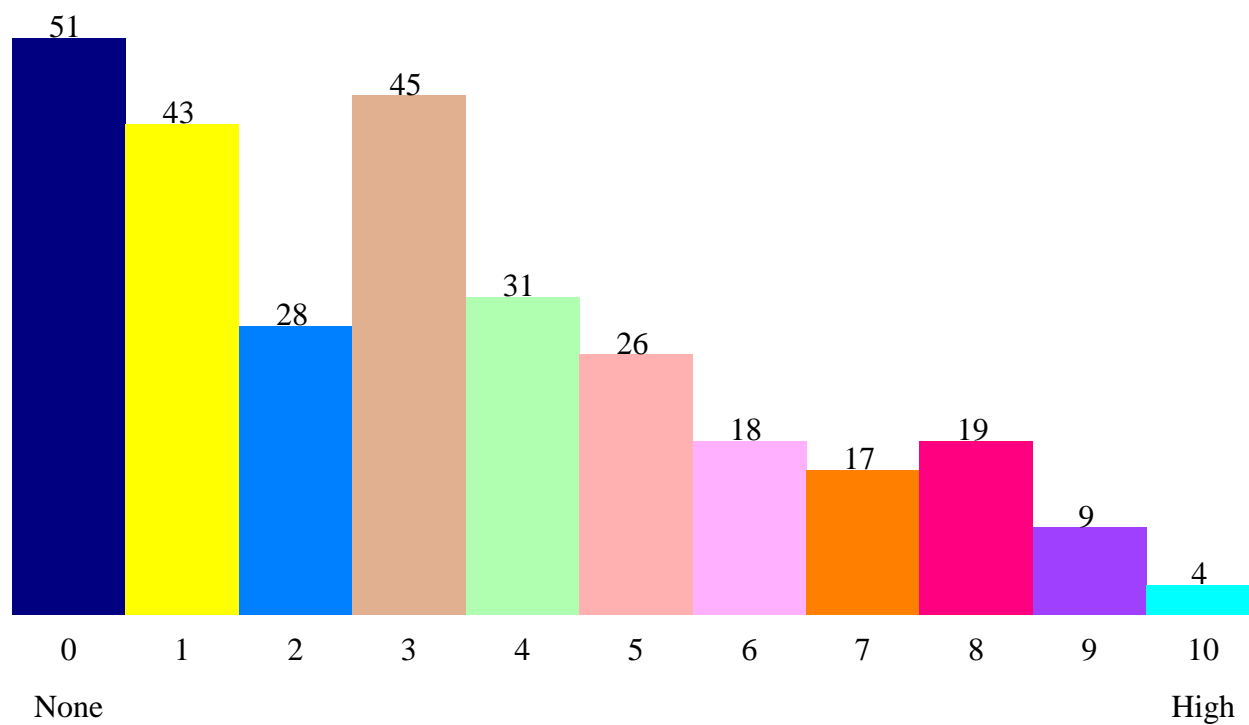


Figure 5.4

Distribution of New Jersey Respondents' Reported Current Political Activity Levels

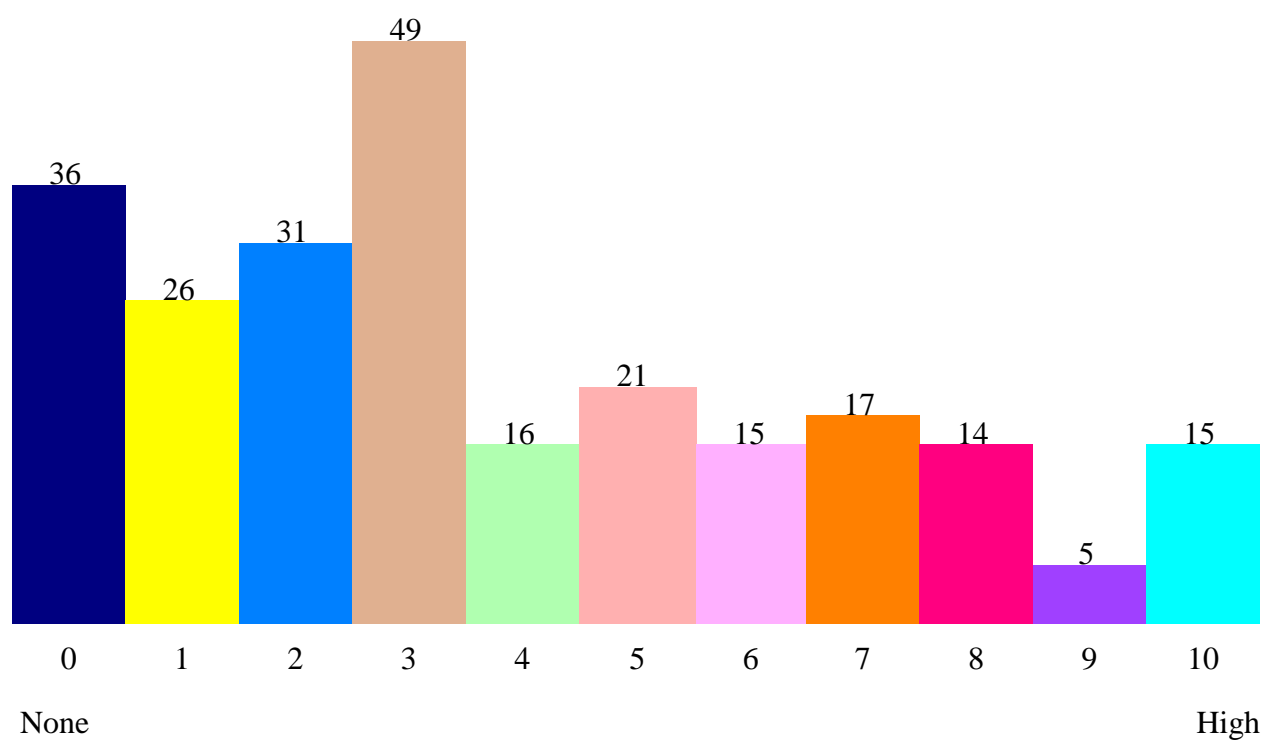


Table 8

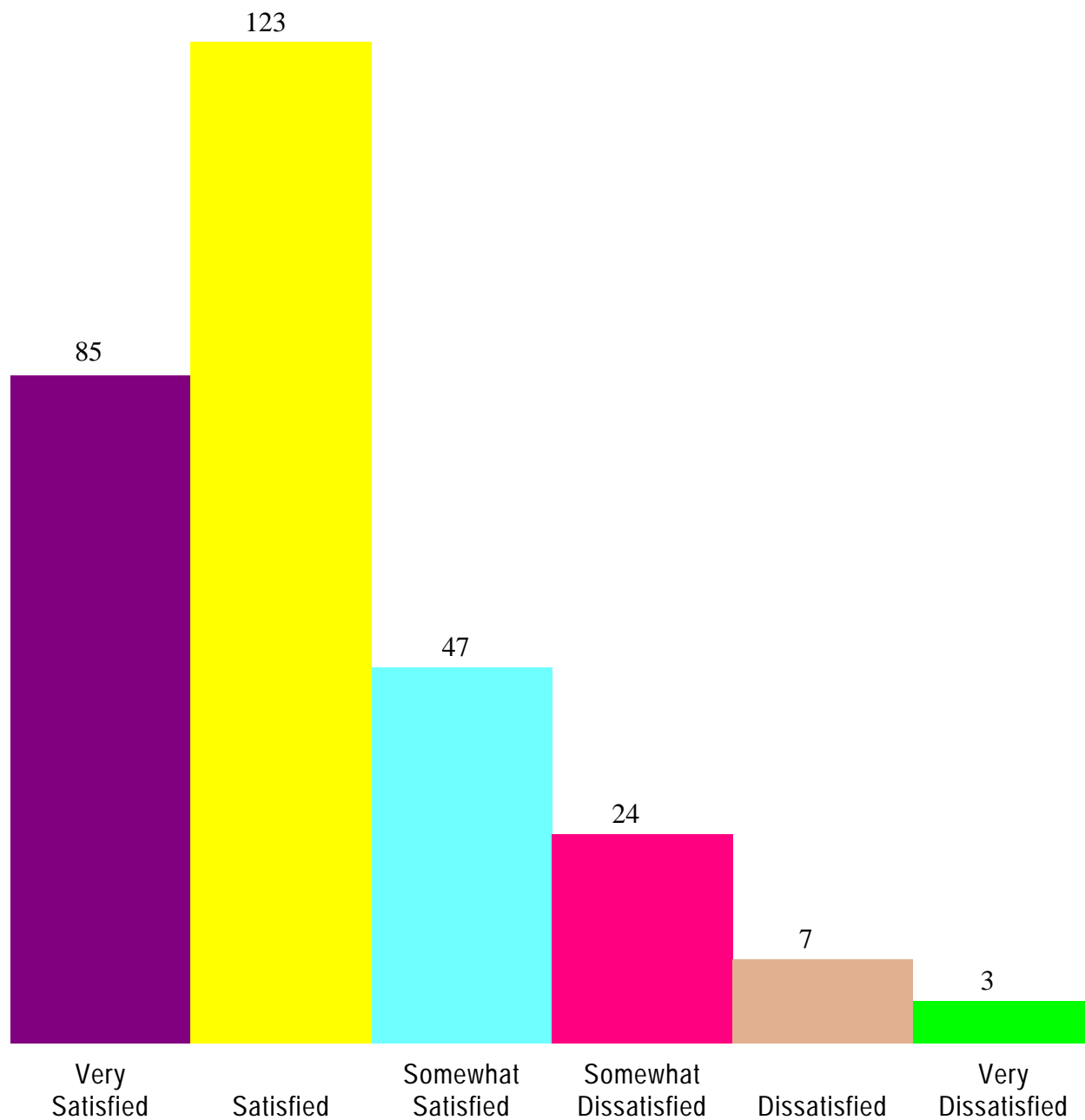
Pennsylvania and New Jersey Respondents' Mean Current Levels of Political Activity

State	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Pennsylvania	291	3.40	2.74	.16	.36	.245	1.468	.072
New Jersey	245	3.76	2.93	.19				

Eta (current activity dependent) = .063

Figure 5.5

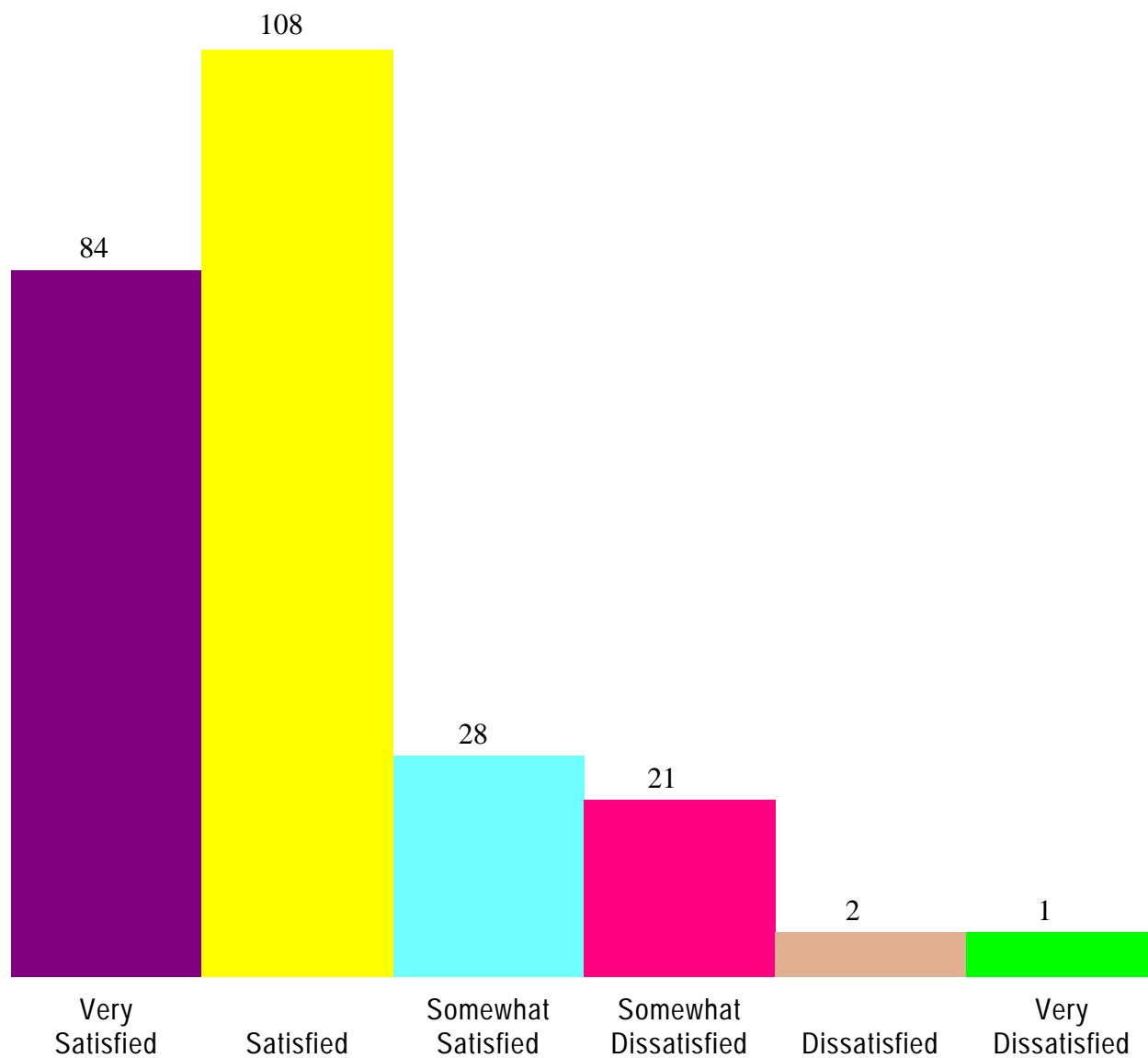
Pennsylvania Respondents' Reported Satisfaction With Current Political Activity



Note: Two respondents did not answer the question that dealt with satisfaction with current political activity.

Figure 5.6

New Jersey Respondents' Reported Satisfaction With Current Political Activity



Note: One respondent did not answer the question that dealt with satisfaction with current political activity.

The Pennsylvania respondents had a mean satisfaction score of 2.15, compared to 1.98 for the New Jersey respondents (a lower score indicates a higher degree of satisfaction). The difference between these means was statistically significant ($p = .0315$, see Table 9), supporting my expectation that employees who work in a highly restrictive statutory climate would be less satisfied with their political activity than those who operate in a less restrictive environment. However, it should be noted that the relationship between these two variables was quite weak ($\eta^2 = .0064$); thus state accounted for less than 1% of the variation in reported satisfaction. I must say that I was quite surprised that only 11.75% of the Pennsylvania officials reported being either “very dissatisfied,” “dissatisfied,” or “somewhat dissatisfied” with their current levels of political activity. I had expected a much larger proportion of that state’s respondents to indicate that they were unhappy with their current amount of activity.

Anticipated political activity in the absence of state political activity prohibitions

Survey question #3 was conjectural, asking the officials to predict what their level of political activity would be if there were no state restrictions on political activity. The same 0 - 10 scale used to assess current political activity was employed for this question. Each official’s response was compared to his or her reported level of current political activity; a difference between these figures indicated that the employee would be more politically active if there were no state prohibitions. As Table 10 indicates, almost one-half (48.80%) of the Pennsylvania respondents reported that they would raise their level of political activity if there were no prohibiting statutes.⁶⁸

⁶⁸ This figure is somewhat higher than that reported in earlier studies. In his study of officials operating in the seven most restrictive states, Pearson (1978) found that 40% of them expressed a desire to increase their levels of political activity. Pearson and Castle (1991), updating Pearson’s work, discovered that 42% of officials in the same seven states and Texas indicated that they would become more politically active pursuant to statutory relaxation. In their 1993 (pre-Hatch Act repeal) study, Pearson and Castle found that slightly more than 47% of federal executives reported that they would be more political active if statutory prohibitions were lifted.

Table 9

Pennsylvania and New Jersey Respondents' Mean Satisfaction with Current Political Activity

State	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Pennsylvania	289	2.15	1.07	.063	.17	.091	1.862	.0315
New Jersey	244	1.98	.97	.062				

Eta (satisfaction dependent) = .080

Note: Two Pennsylvania respondents and one New Jersey respondent did not answer the question that dealt with satisfaction with current political activity.

Table 10

Comparison of Pennsylvania and New Jersey Respondents Who Reported They Would Be More Politically Active If There Were No State Prohibitions

State	Would Be More Politically Active	Would Not Be More Politically Active
Pennsylvania ($n = 291$)	142 (48.80%)	149 (51.20%)
New Jersey ($n = 244$)	69 (28.28%)	175 (71.72%)

Chi-square = 23.394 ($p = .000$)

Phi = .209 ($p = .000$)

Cramer's V = .209 ($p = .000$)

Contingency coefficient = .205 ($p = .000$)

Lambda (anticipated political activity dependent) = .000 (p could not be calculated)

Uncertainty coefficient (anticipated political activity dependent) = .033 ($p = .000$)

Note: One New Jersey respondent did not answer the question that dealt with predicted level of political activity in the absence of state prohibitions.

Only 28.28% of the New Jersey respondents indicated that they would become more active. The difference between the states was statistically significant ($p = .000$), supporting my hypothesis that officials working in a more restrictive statutory climate, compared to those working in a less restrictive one, would be more likely to say their state's political activity laws prevent them from being as politically active as they would like to be. Still, it should be pointed out that the association between state and desire to increase political activity was quite weak (phi-squared = .044).

In order to determine the degree to which the officials believed their current political activities were circumscribed, all respondents were assigned a "difference score." This score was calculated by subtracting each respondent's reported current level of political activity from his or her anticipated level of activity in the absence of state prohibitions. As expected, the mean difference score for the Pennsylvania officials (1.30) was higher than the one indicated by the New Jersey officials (.70). The difference between these means was statistically significant ($p = .000$, see Table 11). State accounted for more than 3% of the variation in difference scores (eta-squared = .035). Figures 5.7 and 5.8 provide the distributions of the difference scores for both states' respondents.

Survey item #16 asked a related question: "Do you believe you would be more politically active than you are presently if you were not employed in state government?" While the difference scores noted above would seem to suggest that a larger proportion of Pennsylvania respondents than New Jersey respondents would have answered "yes" to this question, this was not the case. Among Pennsylvania's respondents, 36.9% indicated that they would be more politically active if they were not state government employees. Among New Jersey's, this was 34.29%.⁶⁹ The difference was not statistically significant (chi-square = .394, $p = .530$).

Effects of prohibitions on specific political activities

Since participating in partisan campaigns is proscribed under Pennsylvania's Section 905.2 but allowed under New Jersey Statute, Title 11A, Section 2-23, I had hypothesized that a

⁶⁹ The reader is reminded that the federal Hatch Act applies to those New Jersey employees whose agencies receive federal funding.

much larger proportion of Pennsylvania officials than New Jersey officials would indicate that since

Table 11

Pennsylvania and New Jersey Respondents' Mean Difference Scores

State	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Pennsylvania	291	1.30	1.76	.103	.60	.13	4.479	.000
New Jersey	244	.70	1.35	.086				

Eta (difference dependent) = .186

Note: One New Jersey respondent did not answer the question that dealt with predicted level of political activity in the absence of state prohibitions, thus no difference score could be assigned.

Figure 5.7

Distribution of Pennsylvania Respondents' Difference Scores

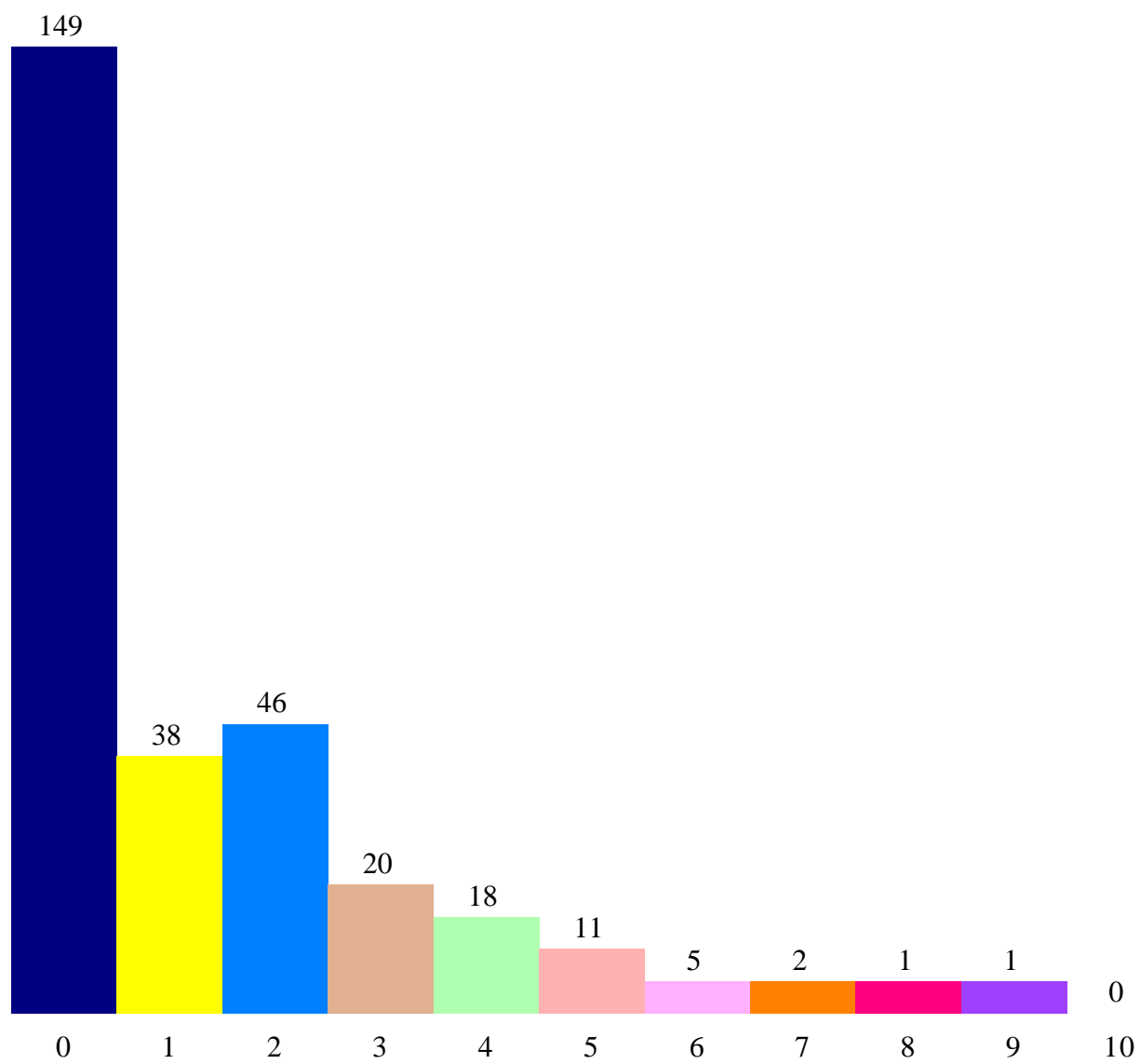
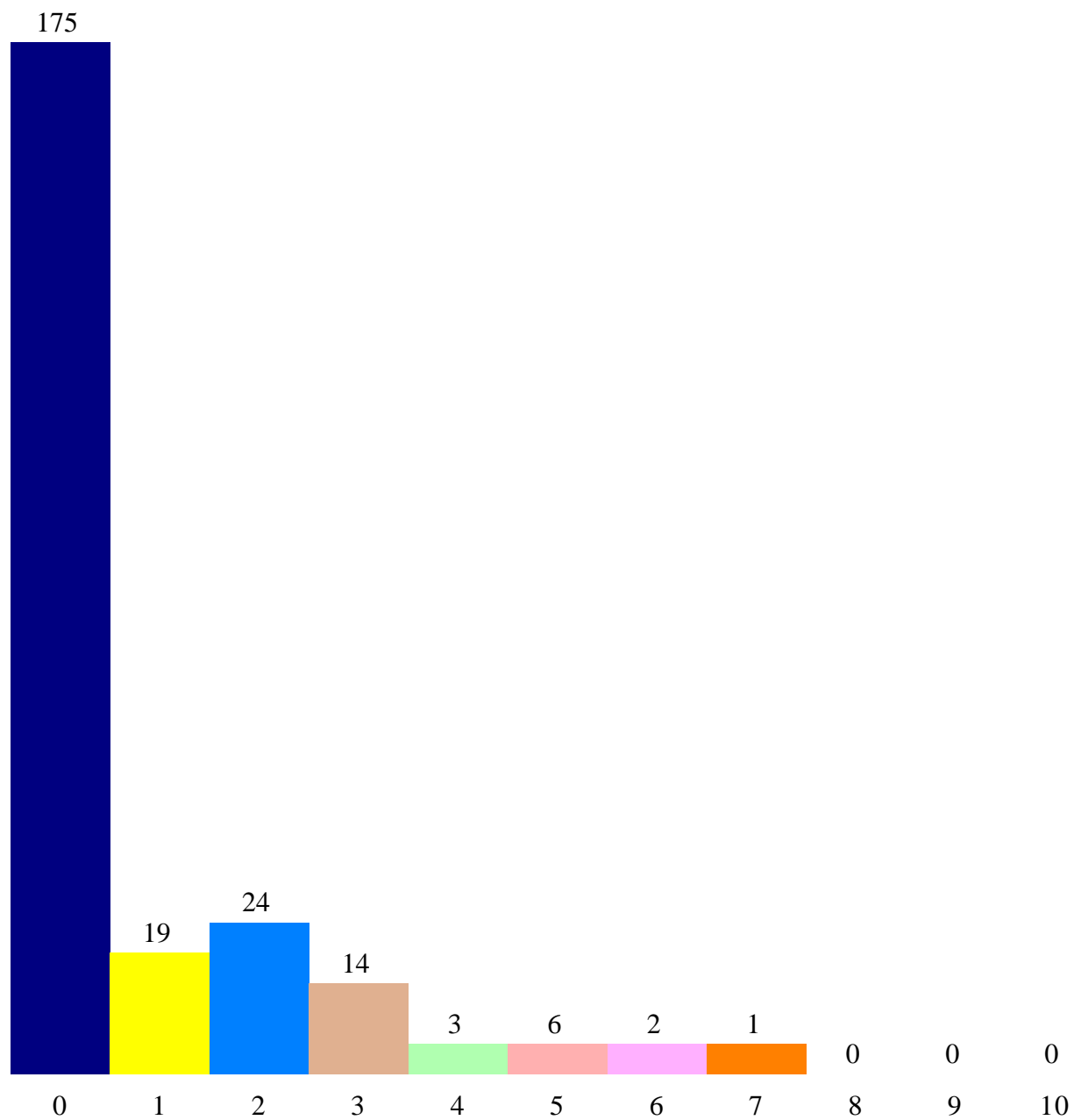


Figure 5.8

Distribution of New Jersey Respondents' Difference Scores



Note: One respondent did not answer the question that dealt with predicted level of political activity in the absence of state prohibitions, thus no difference score could be assigned.

entering state government, there had been a time when they had wanted to do some kind of work in an election but did not because they were state employees (question #12). This hypothesis was not supported. More than four in ten (41.58%) of the Pennsylvania respondents answered “yes” to this question, but surprisingly, almost as many (38.84%) of the New Jersey respondents did as well. The difference between these proportions was not statistically significant (chi-square = .411, $p = .521$).

Question #9 asked the officials to indicate, on a five-point scale, how frequently they had voted in elections (at all levels) during the 1990s. I had speculated that chilling effects engendered by Pennsylvania’s little Hatch Act would be manifest in lower voting levels among that state’s respondents. The mean reported voting frequency score was 1.37 for the New Jersey employees, compared to 1.44 for the Pennsylvania workers (a lower score reflects greater voting frequency). While the New Jersey respondents did report voting more often, the difference between the means was not statistically significant ($t = 1.147$, $p = .126$, one-tailed).

A related question (#11) asked the participants whether, over the past five years, they had made a financial contribution to a political candidate or party. I had hypothesized that a larger proportion of New Jersey officials than Pennsylvania officials would report having made a contribution. Again, this was not so. Among the Pennsylvania respondents, 46.39% indicated that they had made a contribution; among those from New Jersey, this figure was an almost identical 46.12% (chi-square = .004, $p = .950$).

Question #10 asked the respondents how often they had political discussions with family members, co-workers, and friends. I had expected that New Jersey’s officials, compared to those from Pennsylvania, would indicate that they engaged in political discussions more frequently. On a 1 - 5 scale (with 1 indicating “very often” and 5 indicating “never”), the mean political discussion score was 2.21 for the New Jersey respondents and 2.24 for the Pennsylvania respondents. While the New Jersey officials reported slightly higher levels of political discussions, the difference between these means was not statistically significant ($t = .305$, $p = .381$, one-tailed).

The officials also were asked to rate their level of identification with any political party (question #8). I had proposed that since civil servants’ partisan activities are restricted to a far

greater extent in Pennsylvania than in New Jersey, the Pennsylvania officials would report lower levels of partisan identification. Quite surprisingly, the opposite occurred. On a 0 - 10 scale (with 0 indicating no partisan identification and 10 indicating a very strong partisan identification), the mean reported partisan identification score was 5.66 for the Pennsylvania respondents and 4.94 for the New Jersey respondents. As Table 12 indicates, the difference between these means was statistically significant ($p = .004$). The relationship between the variables, however, was weak. Only slightly more than 1% of the variation in partisan identification could be attributed to state ($\eta^2 = .013$).

Prohibitions as a basis for leaving state government

I had hypothesized that many Pennsylvania employees, but relatively few New Jersey workers, would report that they had considered leaving state government because of statutory abridgements of their partisan activities (question #13). Surprisingly, only 15 (5.15%) Pennsylvania respondents acknowledged having done so. Among those from New Jersey, eight (3.27%) indicated that their state's restrictions had prompted them to contemplate leaving state government. The difference between the states was not statistically significant ($\chi^2 = 1.156, p = .282$).

I had anticipated that a greater proportion of Pennsylvania officials than New Jersey officials would report knowing of a former employee from their state who had left state government because of political activity prohibitions (question #14). This hypothesis received weak support. Seventy-three (25.17%) Pennsylvania respondents and 47 (19.18%) New Jersey respondents reported that they knew of such an individual.⁷⁰ The difference between these proportions was statistically significant ($p = .098$, see Table 13). Still, the association between state and knowing of a former employee who had left state government was very weak ($\phi^2 = .005$).

⁷⁰The survey questions that asked the officials if they had ever considered leaving state government because of political activity prohibitions (#13) and if they knew of a former employee who had left state government because of the restrictions (#14) did not distinguish between federal and state prohibitions.

Table 12

Pennsylvania and New Jersey Respondents' Mean Partisan Identification

State	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Pennsylvania	290	5.66	2.83	.17	.72	.27	2.659	.004
New Jersey	244	4.94	3.37	.22				

Eta (partisan identification dependent) = .116

Note: Two respondents, one from each state, did not answer the question on identification with any political party.

Table 13

Pennsylvania and New Jersey Respondents Who Reported Knowing of a Former Employee Who Had Left State Government Because of Political Activity Restrictions

State	Knew of a Former Employee Who Had Left	Did Not Knew of a Former Employee Who Had Left
Pennsylvania ($\underline{n} = 290$)	73 (25.17%)	217 (74.83%)
New Jersey ($\underline{n} = 245$)	47 (19.18%)	198 (80.82%)

Chi-square = 2.38 ($p = .098$)

Phi = -.072 ($p = .098$)

Cramer's V = .072 ($p = .098$)

Contingency coefficient = .071 ($p = .098$)

Lambda (left state government dependent) = .000 (p could not be calculated)

Uncertainty coefficient (left state government dependent) = .005 ($p = .097$)

Note: One Pennsylvania respondent did not answer this question.

Violations of political activity statutes

I had proposed that a larger proportion of Pennsylvania respondents than New Jersey respondents would report knowing of an employee from their state who had been reprimanded or suspended for violating state political activity statutes (question #15). Among Pennsylvania respondents, 68 (23.53%) indicated that they knew of such an individual. Quite surprisingly, 51 (20.83%) New Jersey respondents reported that they too knew of an employee who had been either reprimanded or suspended for breaching political activity laws.⁷¹ The difference between the states was not statistically significant (chi-square = .564, $p = .453$).

Political interest

I had hypothesized that evidence of chilling effects would be manifest in lower levels of reported political interest among the Pennsylvania officials as compared to their New Jersey counterparts. Once again, this was not the case. For two of the three political interest measures, Pennsylvania's respondents reported higher interest levels than did New Jersey's. On a 0 - 10 scale (with 0 indicating no interest and 10 indicating a very high level of interest), the Pennsylvania respondents' mean interest in national politics (question #4) was 6.57, compared to 6.42 for the New Jersey respondents. This difference was not statistically significant ($t = .691$, $p = .245$, one-tailed). The Pennsylvania officials' mean interest in state politics (question #5) was 7.42; the New Jersey officials' was 7.04. These means were significantly different ($p = .0435$), but the relationship between reported interest and state was quite weak (eta-squared = .005, see Table 14). Finally, with regard to interest in local politics (question #6), the New Jersey respondents had a higher mean (5.45, compared to 5.25 for the Pennsylvania respondents), but this difference was not statistically significant ($t = .810$, $p = .210$, one-tailed). Interestingly, both states' respondents, on average, were most interested in state politics and least interested in local politics.

⁷¹ It seems likely that many of these reprimands and suspensions were for violations of the federal Hatch Act, which technically is part of New Jersey's political activity statute (see Appendix B).

Question # 7 asked the officials to describe what had happened to their overall interest in politics (at all levels) since they had entered state government. Although I had anticipated a larger

Table 14

Pennsylvania and New Jersey Respondents' Mean Interest in State Politics

State	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Pennsylvania	291	7.42	2.39	.14	.38	.22	1.697	.045
New Jersey	245	7.04	2.67	.17				

Eta (interest in state politics dependent) = .074

proportion of Pennsylvania officials than New Jersey officials to report that their political interest had not increased, this expectation did not receive support. Two-thirds (66.55%) of the Pennsylvania respondents indicated that their overall political interest either had “increased significantly” or “increased somewhat” since they had become state government employees. Among the New Jersey officials, this figure was just slightly lower, 65.98%.⁷² The difference in these proportions was not statistically significant (chi-square = .019, $p = .890$).

The findings related to political interest were among the most surprising to me. Because of presumed chilling effects occasioned by Pennsylvania’s strict statutory climate, I had expected many officials from that state to reveal tendencies associated with political withdrawal. I had anticipated that the clearest evidence of this withdrawal would be their relatively low levels of reported political interest. To me, the fact that Pennsylvania’s officials, on average, indicated higher levels of political interest than New Jersey’s raises doubts about the chilling effects argument. However, this finding does seem to be consistent with the comment made by one of the “refusers,” that Pennsylvania is very “political.”

Partisan pressures from other state employees

Question #17 asked the respondents whether they believed state employees, compared to non-government employees, encounter more, about the same, or less pressure from co-workers to engage in partisan activities. Since both states’ merit systems protect against on-the-job coercion, I had expected Pennsylvania’s and New Jersey’s officials to respond similarly to this question.

Overall, this hypothesis was supported; only a few differences emerged. A larger proportion of Pennsylvania respondents (37.22%) than New Jersey respondents (30.71%) indicated that they believed state employees encounter less pressure. A slightly smaller proportion of the Pennsylvania respondents (14.78%) than those from New Jersey (16.18%) thought state employees face more pressure. Roughly one-half of both states’ officials (47.88% of those from Pennsylvania, 53.21% of those from New Jersey) considered the pressure to be about the same. While these results suggest that Pennsylvania’s stricter little Hatch Act might be

⁷²The other officials indicated that their overall political interest either had “neither increased nor decreased,” “decreased somewhat,” or “decreased significantly.”

marginally better than New Jersey's statute at curbing perceived partisan pressures on state employees, it should be noted that the difference between the states was not statistically significant (chi-square = 2.538, $p = .281$). Importantly, the findings related to this question suggest that merit system rules in both states are quite effective in checking perceived partisan pressures.

Sentiments toward abolishing political activity prohibitions

The officials were asked whether they believed the removal of all restrictions on the political activities of public employees would harm the merit system in their state by making state government more political (question #19). Again, because both states' merit systems protect against on-the-job coercion, I had expected a relatively large segment of both states' employees to say that repeal of the laws would prove injurious to the merit systems. Among the Pennsylvania respondents, nearly three-quarters (73.29%) reported that the state's merit system would be impaired if the prohibitions were lifted. Among the New Jersey respondents, this figure was somewhat lower, 64.14%. This difference was statistically significant ($p = .025$) but weak (phi-squared = .01, see Table 15), indicating that Pennsylvania officials were slightly more likely than New Jersey officials to see a need for prohibitions on political activity.

Summary of findings related to research propositions

Of the 19 between-state propositions, I found support for 7. As I had anticipated, Pennsylvania officials were considerably less knowledgeable about the provisions of their state's little Hatch Act than New Jersey officials. I also found support for my hypotheses that Pennsylvania employees would report being less politically active and less satisfied with their activity than their New Jersey counterparts. As predicted, more Pennsylvania officials than New Jersey officials indicated that they would increase their levels of political activity in the wake of little Hatch Act liberalization. Also, my expectation that differences between reported current political activity and anticipated activity following statutory relaxation would be greater for Pennsylvania's officials was confirmed. Two other hypotheses, that more Pennsylvania employees than New Jersey workers would report knowing of a former employee who had left state government because of statutory prohibitions and that officials in both states would respond

similarly when asked to compare the partisan pressures encountered by state government employees to those faced by non-government workers, were supported. However, it is important

Table 15

Comparison of Pennsylvania and New Jersey Respondents Who Believed That Eliminating Political Activity Prohibitions Would Harm Their State's Merit System

State	Would Harm State Merit System	Would Not Harm State Merit System
Pennsylvania ($\underline{n} = 277$)	203 (73.29%)	74 (26.71%)
New Jersey ($\underline{n} = 237$)	152 (64.14%)	85 (35.86%)

Chi-square = 5.005 ($p = .025$)

Phi = -.099 ($p = .025$).

Cramer's V = .099 ($p = .025$)

Contingency coefficient = .098 ($p = .025$)

Lambda (harm merit system dependent) could not be calculated

Uncertainty coefficient (harm merit system dependent) = 1.119 ($p = .025$)

Note: Fourteen Pennsylvania respondents and eight New Jersey respondents did not answer. While I am unsure why so many respondents failed to answer this question, one possible explanation is confidentiality concerns.

to note that in all cases of statistical significance except one (state and respondents' statutory knowledge), the relationship between the variables was relatively weak. In my judgment, this was a major finding in itself because it showed that along the vast majority of measures, state was a weak predictor.

Without question, the most important between-state finding was that there was virtually no evidence of chilling effects related to Pennsylvania's strict statutory climate. Despite being less politically active and less satisfied with their activity, Pennsylvania officials, compared to those from New Jersey, reported similar voting, campaign contribution, and political discussions levels. Further, Pennsylvania respondents indicated higher levels of identification with political parties and, overall, reported higher levels of political interest. In sum, there was little evidence to support the "chilling effects" argument that a restrictive statutory climate leads affected workers to develop apolitical tendencies.

Alternative Explanatory Variables

In addition to testing the research propositions, I sought to account for other possible explanations for variations in key dependent variables. I did this by examining the effects of agency task and tenure (the number of years the officials had been employed in state government) on the respondents' reported current levels of political activity, reported satisfaction with current political activity, and differences between current political activity and anticipated activity in the absence of state prohibitions. Controlling for state, statistically significant variation among both Pennsylvania and New Jersey respondents' reported levels of current political activity was found when tenure was the independent variable (see Tables 16 and 17). In both states there was a negative correlation between the number of years the respondents were employed in state government and their reported current levels of political activity.⁷³ That is, current activity levels decreased as the respondents' length of tenure increased.⁷⁴

⁷³ For Pennsylvania, Pearson's $r = -.186$. For New Jersey, $-.284$.

⁷⁴ Pearson (1978) and Pearson and Castle (1990), in their studies of state officials, also found a negative correlation between tenure and reported political activity levels.

Table 16

Pennsylvania Respondents' Reported Current Levels of Political Activity by Number of Years Employed in State Government

Number of Years Employed in State Government	Not Active (Activity Level = 0)	Slightly Active (Activity Level = 1, 2, or 3)	Moderately Active (Activity Level = 4, 5, or 6)	Highly Active (Activity Level = 7, 8, 9, or 10)	Total
Fewer Than 5 (%)	8 (15.38%)	18 (34.62%)	10 (19.23%)	16 (30.77%)	52
5 - 10 (%)	4 (14.29%)	11 (39.29%)	7 (25.00%)	6 (21.43%)	28
11 - 20 (%)	10 (14.71%)	21 (30.88%)	24 (35.29%)	13 (19.12%)	68
21 or More (%)	29 (21.01%)	65 (47.10%)	32 (23.19%)	12 (8.70%)	138
Total	51	115	73	47	286

Chi-square = 20.943 ($p = .013$)

Phi = .271 ($p = .013$)

Cramer's V = .156 ($p = .013$)

Contingency coefficient = .261 ($p = .013$)

Lambda (reported current political activity dependent) = .447 ($p = .655$)

Uncertainty coefficient (reported current political activity dependent) = 2.281 ($p = .015$)

Somer's d (reported current political activity dependent) = -3.298 ($p = .001$)

Note: Responses were grouped in order to facilitate chi-square analyses. Five respondents did not provide length of tenure data. Percentages may not total 100 due to rounding.

Table 17

New Jersey Respondents' Reported Current Levels of Political Activity by Number of YearsEmployed in State Government

Number of Years Employed in State Government	Not Active (Activity Level = 0)	Slightly Active (Activity Level = 1, 2, or 3)	Moderately Active (Activity Level = 4, 5, or 6)	Highly Active (Activity Level = 7, 8, 9, or 10)	Total
Fewer Than 5 (%)	0 (0.00%)	10 (41.67%)	5 (20.83%)	9 (37.50%)	24
5 - 10 (%)	0 (0.00%)	10 (37.04%)	4 (14.81%)	13 (48.15%)	27
11 - 20 (%)	10 (14.29%)	29 (41.43%)	18 (25.71%)	13 (18.57%)	70
21 or More (%)	25 (20.83%)	54 (45.00%)	25 (20.83%)	16 (13.33%)	120
Total	35	103	52	51	241

Chi-square = 28.264 ($p = .001$)

Phi = .342 ($p = .001$)

Cramer's V = .198 ($p = .001$)

Contingency coefficient = .324 ($p = .001$)

Lambda (reported current political activity dependent) = .626 ($p = .531$)

Uncertainty coefficient (reported current political activity dependent) = 3.758 ($p = .000$)

Somer's d (reported current political activity dependent) = -4.476 ($p = .000$)

Note: Responses were grouped in order to facilitate chi-square analyses. Four respondents did not provide length of tenure data. Percentages may not total 100 due to rounding.

In both states, particularly New Jersey, tenure accounted for a relatively large proportion of the variation in respondents' reported current levels of political activity. In New Jersey, it explained 10.76% of the variation; in Pennsylvania, 5.81%.⁷⁵ Tenure was considerably less powerful in explaining respondents' reported satisfaction levels and difference scores. Among New Jersey's officials, .314% of the variation in satisfaction levels and .384% of the variation in difference scores could be attributed to tenure. Among Pennsylvania's employees, these figures were .449% and .706% respectively.

The only other statistically significant finding involved the effect of agency task on New Jersey officials' reported current levels of political activity ($p = .055$). As Table 18 shows, more than one-quarter of the state's respondents who worked in the areas of economic development (27.16%) and regulation (26.19%) described themselves as being either a "seven," "eight," "nine," or "ten." By way of comparison, only 1 of the 14 legal and law enforcement employees indicated being at least a "four" in terms of activity. The Health and Human Services and Education employees also reported being relatively inactive; 32 of the 52 officials employed by agencies or departments with either of these task orientations reported being a "three" or less. In Pennsylvania, differences in agency task yielded no statistically significant differences along any of the key dependent variables.

Overall, agency task explained relatively little of the variation in the dependent variables. For Pennsylvania, it accounted for 2.59% of the variation in reported levels of current political activity, 1.54% of the variation in reported satisfaction with current activity, and 2.19% of the variation in difference scores. For New Jersey, these figures were 1.85%, .008%, and .008% respectively.

Conclusion

This chapter presented the findings related to the between-state research propositions detailed in Chapter Four. Among the major results were that, compared to New Jersey's, Pennsylvania officials were less knowledgeable about their state's political activity laws, less politically active, less satisfied with their current level of activity, and more likely to indicate that

⁷⁵ Explained variation levels were determined by squaring the corresponding eta values. The explained variation discussion provided in this section applies to ungrouped data.

Table 18

New Jersey Respondents' Reported Current Levels of Political Activity, Grouped by Agency Task

Number of Years Employed in State Government	Not Active (Activity Level = 0)	Slightly Active (Activity Level = 1, 2, or 3)	Moderately Active (Activity Level = 4, 5, or 6)	Highly Active (Activity Level = 7, 8, 9, or 10)	Total
Administration (%)	4 (7.14%)	28 (50.00%)	13 (23.21%)	11 (19.64%)	56
Legal and Law Enforcement (%)	2 (14.29%)	11 (78.57%)	1 (7.14%)	0 (0.00%)	14
Economic Development (%)	13 (16.05%)	30 (37.04%)	16 (19.75%)	22 (27.16%)	81
Health & Human Services, and Education (%)	7 (13.46%)	25 (48.08%)	13 (25.00%)	7 (13.46%)	52
Regulatory (%)	10 (23.81%)	12 (28.57%)	9 (21.43%)	11 (26.19%)	42
Total	36	106	52	51	245

Chi-square = 20.722 ($p = .055$)

Phi = .291 ($p = .055$)

Cramer's V = .168 ($p = .055$)

Contingency coefficient = .279 ($p = .055$)

Lambda (reported current political activity dependent) could not be calculated

Uncertainty coefficient (reported current political activity dependent) = 2.894 ($p = .022$)

Note: There were only four respondents whose agency task designation was education. These individuals were grouped with the health and human services respondents in order to facilitate chi-square analyses. Percentages may not total 100 due to rounding.

they would increase their political activity if prohibitions were lifted. Importantly, however, Pennsylvania's employees were no less inclined than New Jersey's to engage in permissible political activities. This finding suggests that a more restrictive statutory climate does not engender chilling effects that lead civil servants to develop apolitical tendencies. Many of the between-state propositions were predicated upon such presumed chilling effects. Another major finding was that in both states, tenure was quite powerful in explaining variation in the respondents' levels of reported current activity. However, neither tenure nor agency task explained much of the variation in other key dependent variables. The next chapter reports the findings associated with the within-state propositions.

Chapter Six

Within-State Findings

The last chapter discussed the between-state findings. This chapter presents the results of testing the within-state propositions for the Pennsylvania officials. As Chapter Four discussed, Pennsylvania's survey population included three groups of officials: non-classified employees who are exempt from Section 905.2 of the state's Civil Service Act, classified employees who are subject to the prohibitions, and classified employees who temporarily have assumed non-classified, exempt positions. Since these "temporarily exempt" officials continue to be members of the classified service, they were grouped with other classified (nonexempt) officials for the purpose of conducting within-state comparisons.⁷⁶ As noted in Chapter Four, classified workers, compared to non-classified employees, were less likely to hold upper-level management positions and more likely to have been employed in state government for longer than a decade.

Statutory knowledge

As hypothesized, those Pennsylvania officials who were non-classified were less knowledgeable than the classified officials about the provisions of Section 905.2. Tables 19 and 20 provide both groups' aggregated responses to survey question #18, which asked the officials to indicate, for each of 10 political activities, whether they believe it is legal or illegal for civil servants in their state to engage in the activity during off-hours and while away from the workplace.

For three of the five prohibited activities, the number of non-classified respondents who responded incorrectly outnumbered those who were correct (see Table 20). These activities included holding office in a political party, organization, or club; driving voters to the polls on behalf of a political party or candidate in a partisan election; and acting as a poll watcher during a

⁷⁶For virtually all survey questions, Pennsylvania's classified and "classified but temporarily exempt" officials responded similarly. Since there were only 56 classified respondents and 42 "temporarily exempt" respondents, these groups were combined in order to facilitate statistical analyses. There were 194 non-classified, exempt respondents. However, the responses of the five exempt officials who indicated that they were political appointees were excluded from all within-state analyses presented in this chapter. As Chapter Four noted, the civil service status of four Pennsylvania officials could not be determined.

Table 19

Pennsylvania Classified Officials' Responses to Political Activity Permissibility Questions (n = 97)

Activity	Said "Legal"	Said "Illegal"	Said "Unsure"
Running for a local school board position in a nonpartisan election. (Legal)	66 (68.04%)	21 (21.65%)	10 (10.31%)
Attending a political rally or a fund-raising event for a political party or candidate in a partisan election. (Legal)	74 (76.29%)	11 (11.34%)	12 (12.37%)
Signing a nominating petition on behalf of a candidate in a partisan election. (Legal)	76 (78.35%)	6 (6.19%)	14 (14.43%)
Placing a sign supporting a candidate in a partisan election in one's yard. (Legal)	70 (72.16%)	14 (14.43%)	13 (13.40%)
Putting a political sticker on one's personal vehicle. (Legal)	85 (87.63%)	6 (6.19%)	6 (6.19%)
Holding office in a political party, organization, or club. (Illegal)	13 (13.40%)	76 (78.35%)	8 (8.25%)
Driving voters to the polls on behalf of a political party or candidate in a partisan election. (Illegal)	14 (14.43%)	66 (68.04%)	17 (17.53%)
Serving as a delegate to a political party convention. (Illegal)	9 (9.28%)	71 (73.20%)	17 (17.53%)
Acting as a watcher of the polls during a partisan election. (Illegal)	16 (16.49%)	63 (64.95%)	18 (18.56%)
Soliciting funds for a political candidate or party from other state workers. (Illegal)	4 (4.12%)	88 (90.72%)	5 (5.15%)

Note: One employee did not answer the survey question related to statutory knowledge. Percentages may not total 100 due to rounding.

Table 20

Pennsylvania Non-classified Officials' Responses to Political Activity PermissibilityQuestions (n = 185)

Activity	Said "Legal"	Said "Illegal"	Said "Unsure"
Running for a local school board position in a nonpartisan election. (Legal)	137 (74.05%)	28 (15.14%)	20 (10.81%)
Attending a political rally or a fund-raising event for a political party or candidate in a partisan election. (Legal)	147 (79.46%)	25 (13.51%)	13 (7.03%)
Signing a nominating petition on behalf of a candidate in a partisan election. (Legal)	149 (80.54%)	13 (7.03%)	23 (12.43%)
Placing a sign supporting a candidate in a partisan election in one's yard. (Legal)	142 (77.76%)	23 (12.43%)	20 (10.81%)
Putting a political sticker on one's personal vehicle. (Legal)	161 (87.03%)	6 (3.24%)	18 (9.73%)
Holding office in a political party, organization, or club. (Illegal)	78 (42.16%)	76 (41.08%)	31 (16.76%)
Driving voters to the polls on behalf of a political party or candidate in a partisan election. (Illegal)	78 (42.16%)	73 (39.46%)	34 (18.38%)
Serving as a delegate to a political party convention. (Illegal)	61 (33.15%)	82 (44.56%)	41 (22.28%)
Acting as a watcher of the polls during a partisan election. (Illegal)	77 (41.62%)	69 (37.30%)	39 (21.08%)
Soliciting funds for a political candidate or party from other state workers. (Illegal)	21 (11.35%)	137 (74.05%)	27 (14.59%)

Note: For all activities except #8 (serving as a delegate to a political party convention), four respondents did not provide answers. For item #8, five respondents did not provide answers. Percentages may not total 100 due to rounding.

partisan election. For six of the ten activities, at least one-quarter of the non-classified officials were either incorrect or uncertain about the legality of the act. For only two activities were more than 80% of the non-classified respondents correct. These activities, both legal, were signing a nominating petition on behalf of a candidate in a partisan election (80.54%) and putting a political sticker on one's personal vehicle (87.03%). Overall, like Pennsylvania officials in general, the non-classified employees understated the restrictiveness of their state's little Hatch Act. I had expected them to overstate, not understate, the degree to which civil servants' political activities are circumscribed.

The classified officials were considerably more knowledgeable about the provisions of Section 905.2. For nine of the ten activities, more than two-thirds were correct regarding permissibility. For the other activity, acting as a poll watcher, 64.95% of the classified respondents correctly identified it as illegal. At least 75% of the classified respondents were correct about five activities, and roughly nine in ten were right about two: putting a political sticker on one's personal vehicle (87.63%) and soliciting funds for a political candidate or party from other state workers (90.72%). Both of these activities are lawful. While initially I had speculated that the classified employees would overstate the restrictiveness of Pennsylvania's little Hatch Act, generally speaking they neither overstated nor understated its provisions.

The mean statutory knowledge score for Pennsylvania's classified officials was 6.45, compared to 4.15 for the non-classified employees. The difference between these means was statistically significant ($p = .000$, see Table 21), with type of official accounting for more than 11% of the variation in statutory knowledge ($\eta^2 = .114$). While some of the difference in the states' overall mean statutory knowledge scores (4.96 for Pennsylvania, 8.10 for New Jersey) can be attributed to the non-classified officials' very low mean score, it should be noted that the difference between the Pennsylvania classified officials' mean score and that of the New Jersey officials was also statistically significant ($t = 4.947$, $p = .000$, two-tailed). Figures 6.1 and 6.2 show the distribution of the classified and non-classified officials' statutory knowledge scores.

Table 21

Pennsylvania Classified and Non-classified Respondents' Mean Statutory Knowledge Scores

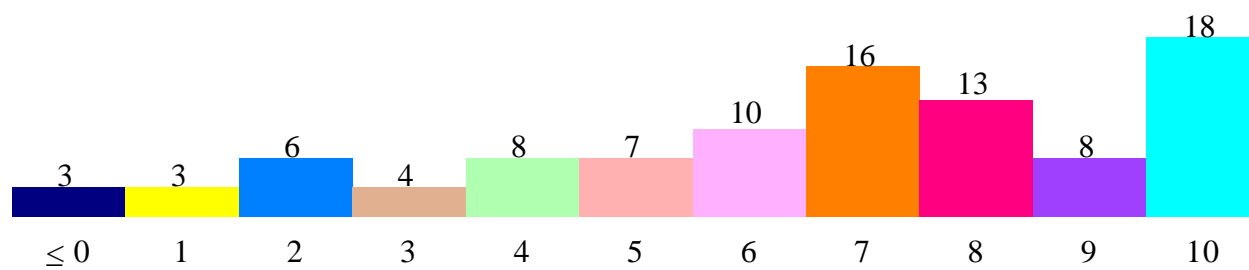
Group	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Classified	97	6.45	2.82	.29	2.30	.38	6.003	.000
Non-classified	185	4.15	3.19	.23				

Eta (statutory knowledge dependent) = .338

Note: Five respondents (one classified, four non-classified) did not answer the question.

Figure 6.1

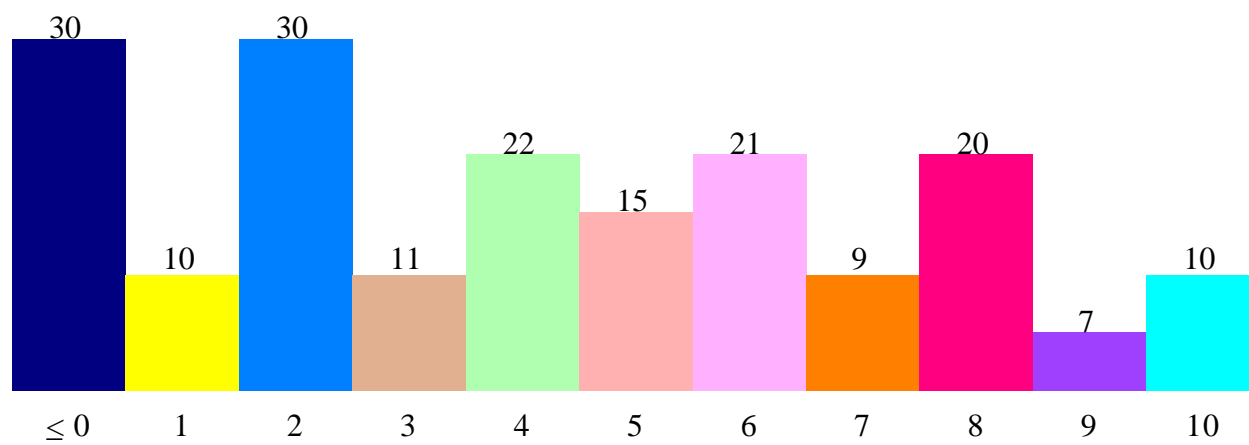
Distribution of Pennsylvania Classified Respondents' Statutory Knowledge Scores



Note: One respondent did not answer the question.

Figure 6.2

Distribution of Pennsylvania Non-classified Respondents' Statutory Knowledge Scores



Note: Four respondents did not answer the question.

Current political activity

Figures 6.3 and 6.4 provide reported current political activity levels for Pennsylvania's classified and non-classified employees. As I had hypothesized, Pennsylvania's classified officials reported lower levels of current political activity than their non-classified counterparts. Nearly two-thirds (64.29%) of the classified respondents indicated that they were either a "zero," "one," "two," or a "three." Among the non-classified respondents, only slightly more than one-half (54.50%) described themselves as a "three" or lower. Eight of the 98 (8.16%) classified respondents reported being a "seven" or higher, compared to 39 of the 189 (20.63%) non-classified respondents. The mean reported current political activity level for classified officials was 2.86, compared to 3.63 for non-classified officials, a statistically significant difference ($p = .008$, see Table 22). It appears that most of the between-state variation in reported current political activity can be attributed to the classified officials' lower levels of activity. The difference between the Pennsylvania non-classified officials' mean reported activity level and that of the New Jersey officials (3.76) was not statistically significant ($t = .447$, $p = .655$, two-tailed). That said, it should be pointed out that type of official explained less than 2% of the variation in Pennsylvania employees' reported current political activity (eta-squared = .018).

Satisfaction with current political activity

As Figures 6.5 and 6.6 indicate, the majority of classified and non-classified officials were reasonably satisfied with their current political activity levels. Nearly two-thirds (64.95%) of the classified workers and more than three-quarters (75.53%) of the non-classified employees reported being either "very satisfied" or "satisfied" with their current activity levels. On the 1 - 6 satisfaction scale, classified respondents had a mean of 2.27, compared to 2.10 for non-classified respondents (a lower score indicates a higher level of satisfaction). While the non-classified

Figure 6.3
Distribution of Pennsylvania Classified Respondents'
Reported Current Political Activity Levels

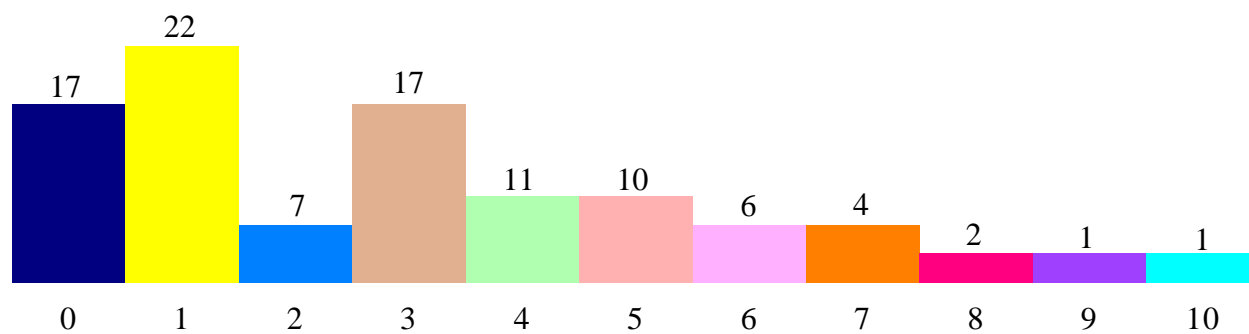


Figure 6.4
Distribution of Pennsylvania Non-classified Respondents'
Reported Current Political Activity Levels

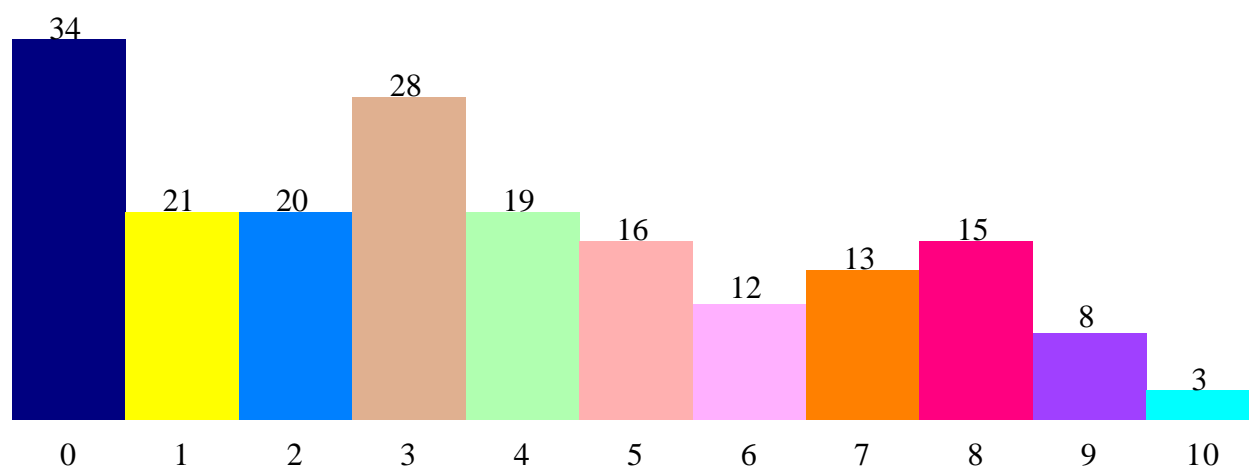


Table 22

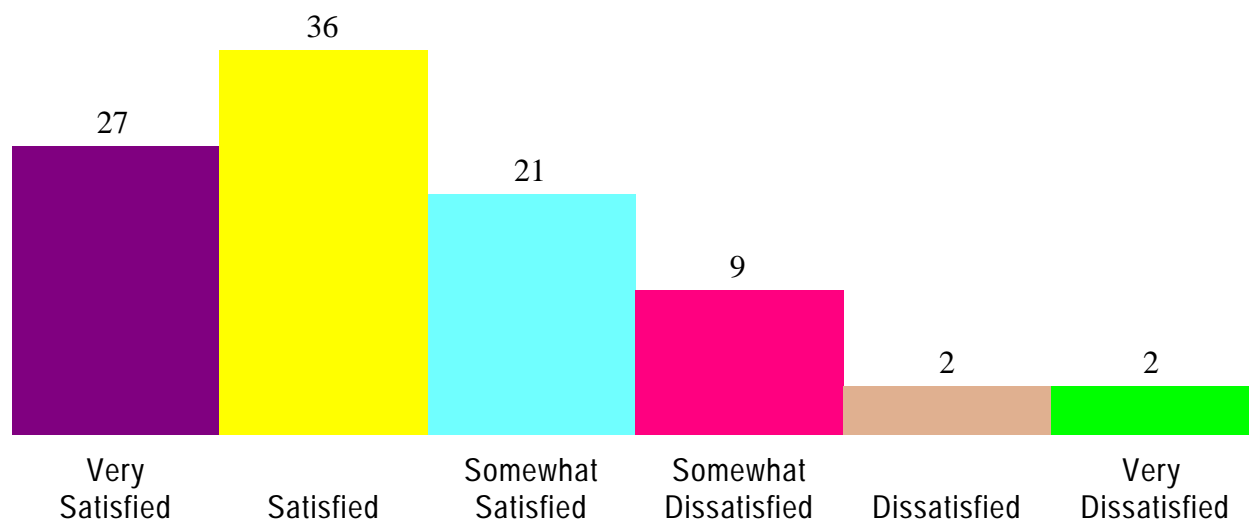
Pennsylvania Classified and Non-classified Respondents' Mean Current Levels of Political Activity

Group	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Classified	98	2.86	2.38	.24	.77	.32	2.427	.008
Non-classified	189	3.63	2.87	.21				

Eta (current activity dependent) = .134

Figure 6.5

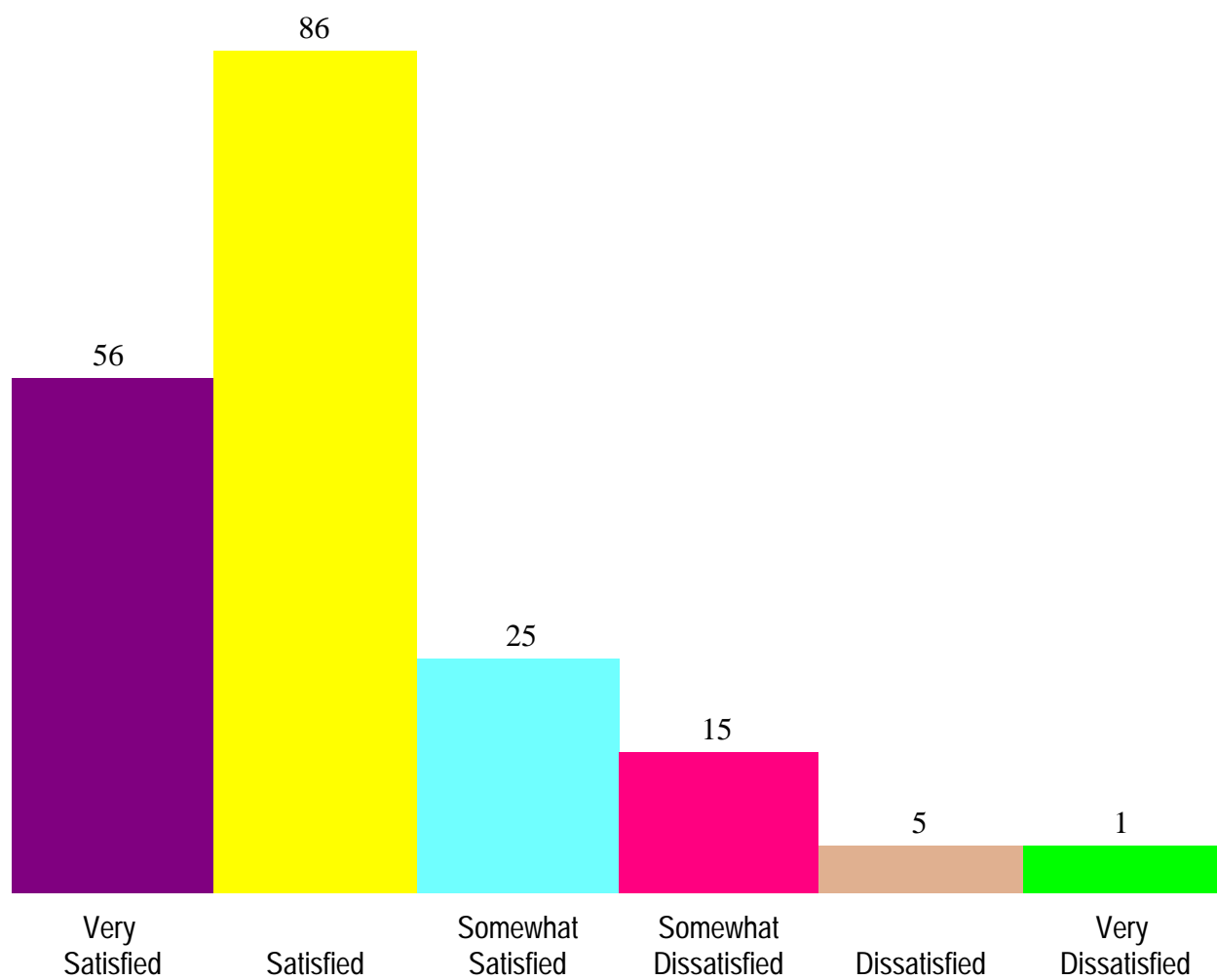
Pennsylvania Classified Respondents' Reported Satisfaction With Current Political Activity



Note: One respondent did not answer this question.

Figure 6.6

Pennsylvania Non-classified Respondents' Reported Satisfaction With Current Political Activity



Note: One respondent did not answer this question.

respondents reported a slightly higher satisfaction level, the difference in the means was not statistically significant ($t = 1.282$, $p = .1005$, one-tailed).

I had expected that since state prohibitions no longer applied to them, non-classified officials would report being much more satisfied with their political activity levels than classified officials. The fact that Pennsylvania non-classified officials were less satisfied with their current activity levels than New Jersey officials (who had a mean reported satisfaction level of 1.98) suggests that something other than laws might be preventing many non-classified employees from being as politically active as they would like to be. Of course, there is always the possibility that some officials were not as satisfied with their activity as they otherwise might have been because they were more politically active than they wanted to be.

Anticipated political activity in the absence of state prohibitions

The distributions of the classified and non-classified respondents' "difference scores" (calculated by subtracting their reported current levels of political activity from their anticipated levels of activity in the absence of state prohibitions) appear in Figures 6.7 and 6.8. Among the classified officials, 61.22% had positive difference scores: they indicated that they would raise their level of political activity if there were no prohibiting statutes. As I had anticipated, this figure was considerably lower for the non-classified employees (41.80%). This difference was statistically significant ($p = .002$, see Table 23). I also had hypothesized that the classified officials' mean difference score would be higher than that of the non-classified officials. This was the case, as the classified respondents' mean difference score was 1.68, compared to 1.08 for the non-classified respondents ($p = .003$). Still, type of official accounted for less than 3% of the variation in the Pennsylvania officials' difference scores (eta-squared = .026, see Table 24). It also should be pointed out that the non-classified respondents' mean difference score was higher than that of the New Jersey officials' (.70). The difference between these means was statistically significant ($t = 2.561$, $p = .006$, one-tailed), indicating that even exempt Pennsylvania employees anticipated greater increases in activity than the average New Jersey worker.

Interestingly, while more than six in ten classified respondents reported that they would increase their levels of political activity if there were no state prohibitions, only slightly more than

Figure 6.7
Distribution of Pennsylvania Classified Respondents' Difference Scores

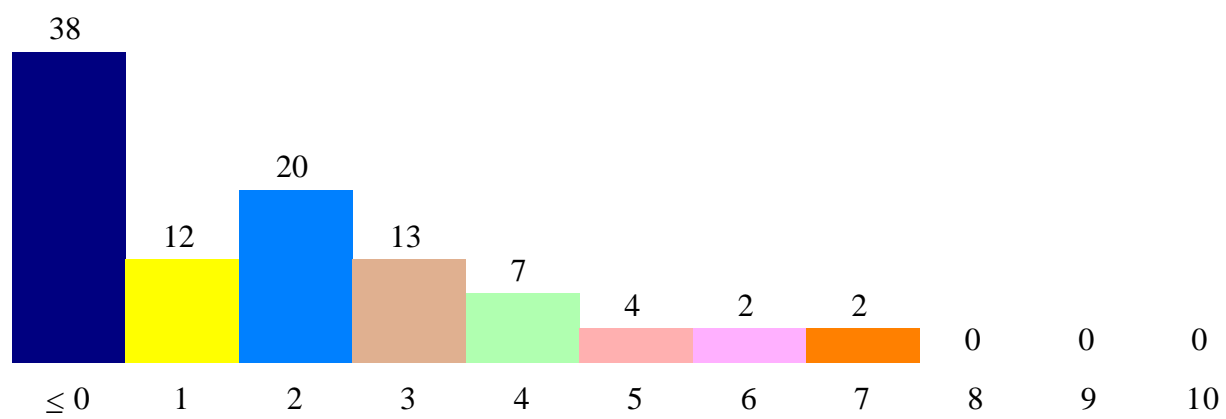


Figure 6.8

Distribution of Pennsylvania Non-classified Respondents' Difference Scores

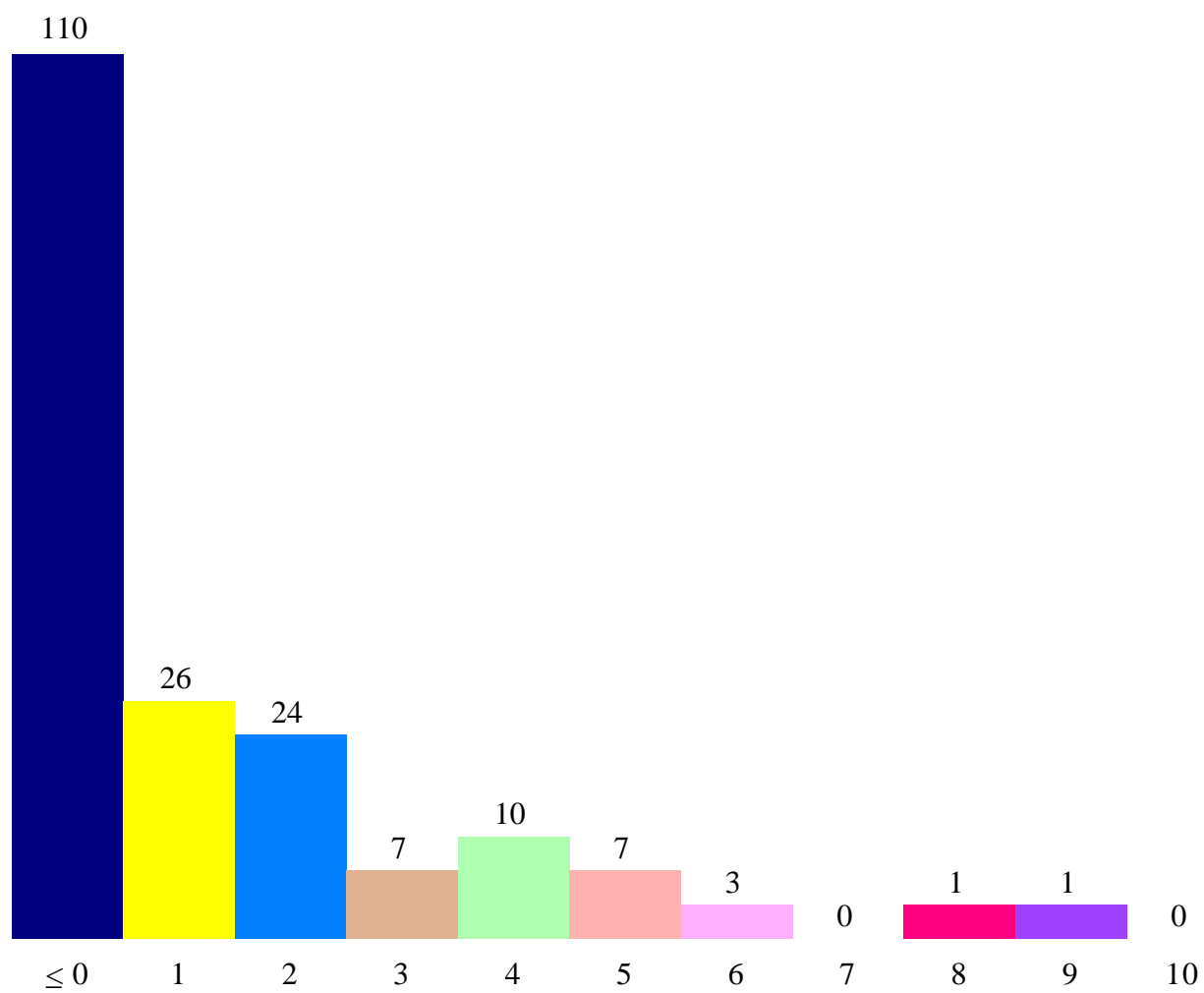


Table 23

Comparison of Pennsylvania Classified and Non-classified Respondents Who Reported They Would Be More Politically Active If There Were No State Prohibitions

Group	Would Be More Politically Active	Would Not Be More Politically Active
Classified ($\underline{n} = 98$)	60 (61.22%)	38 (38.78%)
Non-classified ($\underline{n} = 189$)	79 (41.80%)	110 (58.20%)

Chi-square = 9.751 ($p = .002$)

Phi = .184 ($p = .002$)

Cramer's V = .184 ($p = .002$)

Contingency coefficient = .181 ($p = .002$)

Lambda (difference dependent) = .158 ($p = .025$)

Uncertainty coefficient (difference dependent) = .025 ($p = .002$)

Table 24

Pennsylvania Classified and Non-classified Respondents' Mean Difference Scores

Group	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	t	Sig. (1-tailed)
Classified	98	1.68	1.80	.18	.60	.22	2.764	.003
Non-classified	189	1.08	1.71	.12				

Eta (difference dependent) = .162

four in ten (41.24%) indicated that they would be more politically active if they were not state government employees. This figure was 34.39% for the non-classified officials; the difference was not statistically significant (chi-square = 1.293, $p = .256$). My hypothesis that a considerably higher proportion of classified employees than non-classified employees would indicate that they would be more politically active if they did not work in state government was not supported. Further, it should be remembered that 34.29% of New Jersey's officials reported that they would be more politically active if they were not state government employees.

Effects of prohibitions on specific political activities

I had proposed that classified and non-classified employees would respond similarly when asked if there ever had been a time when they wanted to do some kind of work in an election but did not because they were state government employees. This hypothesis was supported. Among the classified respondents, 40.82% indicated that at some time during their careers, being a state employee had prompted them to forego working in an election. Among the non-classified respondents, this figure was just slightly higher, 41.27%.⁷⁷ The difference was not statistically significant.

With regard to voting behavior, I had speculated that both groups of officials would report similar voting tendencies. On the 1 - 5 voting frequency scale, the classified employees had a mean of 1.50, compared to 1.41 for their non-classified counterparts (a lower score reflects greater voting frequency). Although the non-classified respondents did report voting somewhat more often, the difference between the means was not statistically significant ($t = 1.022$, $p = .154$, one-tailed).

I had expected comparable proportions of the classified and non-classified officials to indicate that they had made a financial contribution to a political candidate or party during the past five years. However, many more non-classified employees than classified employees reported having done so. Over one-half (52.38%) of the non-classified respondents claimed to

⁷⁷ The fact that so many of the non-classified respondents indicated that state political activity prohibitions, at some time, had prevented them from taking part in elections seems to support my presumption that the majority of these individuals at one time were members of the classified service.

have made a contribution, compared to only slightly more than one-third (34.69%) of the classified respondents. This difference was statistically significant ($p = .004$, see Table 25).⁷⁸

My hypothesis that both groups of officials would report similar levels of political discussions with others also was not supported. On the 1 - 5 political discussions scale, the mean was 2.20 for non-classified officials, compared to 2.36 for the classified respondents (a lower score indicates greater frequency of discussions). As Table 26 shows, the difference between these means was statistically significant ($p = .076$), although the relationship is very weak (eta-squared = .007).

I had proposed that classified and non-classified officials would report similar levels of identification with political parties. This hypothesis was generally upheld. On a 0 - 10 scale, the non-classified respondents had a mean partisan identification score of 5.79, compared to 5.39 for the classified respondents. Although the non-classified employees did indicate somewhat higher levels of partisan identification, the difference was not statistically significant ($t = 1.135$, $p = .129$, one-tailed).

Prohibitions as a basis for leaving state government

Among both groups of officials, very few (five classified, ten non-classified) reported that they had considered leaving state government because of statutory restrictions on their partisan activities. While I had anticipated that comparable proportions of classified and non-classified respondents would indicate having done so, I was very surprised by these low numbers. Relatedly, I had anticipated that similar proportions of the classified and non-classified officials would report knowing of a former employee who had left state government because of statutory abridgements of his or her partisan activities. Among each group of respondents, roughly one-quarter (26.80% of the classified, 23.18% of the non-classified) indicated that they knew of such an individual. This difference was not statistically significant (chi-square = .308, $p = .579$).

⁷⁸For this question in particular, respondents may have considered the perceived desirability of their answer. Some classified officials may have felt uneasy about reporting contributions, while some non-classified officials may have been apprehensive about not reporting contributions.

Table 25

Comparison of Pennsylvania Classified and Non-classified Respondents Who Reported Having Made Political Contributions

Group	Had Made a Contribution Over the Past Five Years	Had Not Made a Contribution Over the Past Five Years
Classified ($n = 98$)	34 (34.69%)	64 (65.31%)
Non-classified ($n = 189$)	99 (52.38%)	90 (47.62%)

Chi-square = 8.119 ($p = .004$)

Phi = .168 ($p = .004$)

Cramer's V = .168 ($p = .004$)

Contingency coefficient = .166 ($p = .004$)

Lambda (contribution dependent) = .068 ($p = .512$)

Uncertainty coefficient (contribution dependent) = .021 ($p = .004$)

Table 26

Pennsylvania Classified and Non-classified Respondents' Mean Political Discussions Scores

Group	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Classified	98	2.36	.88	.089	.16	.11	1.436	.076
Non-classified	189	2.20	.92	.067				

Eta (political discussions dependent) = .085

Violations of political activity statutes

I had expected comparable proportions of the classified and non-classified officials to indicate that they knew of a Pennsylvania employee who had been reprimanded or suspended for violating state political activity laws. Almost one-third (30.93%) of the classified respondents reported knowing of such an individual, compared to only 20.21% of the non-classified respondents. This difference, which was statistically significant ($p = .044$, see Table 27), probably reflects the classified officials' greater contact with nonexempt employees.

Political interest

Presumed chilling effects spawned by Pennsylvania's restrictive statutory climate were expected to result in low but relatively equivalent levels of political interest among classified and non-classified officials. Broadly speaking, this did not occur. Compared to their classified counterparts, Pennsylvania's non-classified officials indicated higher levels of interest in both national and state politics. On the 0 - 10 interest scale, the non-classified respondents had a 6.75 mean interest level in national politics, which was higher than the classified respondents' 6.21. This difference in means was statistically significant ($p = .045$); however, exempt status explained only slightly more than 1% of the variation in interest ($\eta^2 = .012$, see Table 28). The non-classified employees' mean interest level in state politics was 7.59, compared to 7.00 for the classified workers. This difference was also statistically significant ($p = .024$), but again, type of official accounted for relatively little of the variation in interest levels ($\eta^2 = .014$, see Table 29). Interestingly, the classified officials had a slightly higher mean interest level in local politics (5.26, compared to 5.21 for the non-classified officials); the difference, however, was not statistically significant ($t = .138$, $p = .445$, one-tailed).

In addition, I had hypothesized that a relatively large proportion of the classified and non-classified officials would report a diminution in their overall political interest since they had entered state government. The opposite occurred. Roughly two-thirds of both groups (69.39% of the classified respondents, 64.89% of the non-classified respondents) indicated that their overall interest either had "increased significantly" or "increased somewhat." The difference between the groups was not statistically significant ($\chi^2 = .583$, $p = .445$). Most of the

Table 27

Comparison of Pennsylvania Classified and Non-classified Respondents Who Reported Knowing of an Employee Who Had Been Reprimanded or Suspended for Violating Political Activity Laws

Group	Knew of an Employee Who Had Been Reprimanded or Suspended	Did Not Know of Someone Who Had Been Reprimanded or Suspended
Classified ($n = 97$)	30 (30.93%)	67 (69.07%)
Non-classified ($n = 188$)	38 (20.21%)	150 (79.79%)

Chi-square = 4.044 ($p = .044$)

Phi = -.119 ($p = .044$)

Cramer's V = .119 ($p = .044$)

Contingency coefficient = .118 ($p = .044$)

Lambda (reprimanded/suspended dependent) = .000 (p could not be calculated)

Uncertainty coefficient (reprimanded/suspended dependent) = .013 ($p = .047$)

Note: Two respondents, one classified and the other non-classified, did not answer the question.

Table 28

Pennsylvania Classified and Non-classified Respondents' Mean Interest in National Politics

Group	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Classified	98	6.21	2.47	.25	.54	.31	1.707	.045
Non-classified	189	6.75	2.56	.19				

Eta (interest in national politics dependent) = .101

Table 29

Pennsylvania Classified and Non-classified Respondents' Mean Interest in State Politics

Group	<u>n</u>	Mean	S.D.	S.E. Mean	Mean Diff.	S.E. Diff.	<u>t</u>	Sig. (1-tailed)
Classified	98	7.00	2.22	.22	.59	.30	1.981	.024
Non-classified	189	7.59	2.46	.18				

Eta (interest in state politics dependent) = .117

other officials reported that their overall political interest had “neither increased nor decreased”; only 7.14% of the classified respondents and 11.70% of the non-classified respondents indicated that their political interest had “decreased somewhat” or “decreased significantly.” This difference failed to reach statistical significance (chi-square = 1.47, $p = .225$).

As was the case with the between-state comparisons, the within-state findings related to political interest cast considerable doubt upon the chilling effects argument. Although the non-classified officials had higher overall levels of political interest than their classified counterparts, they were slightly less likely than their co-workers to indicate that their political interest had increased since entering state government. To me, this suggests that differences in the groups’ levels of political interest probably can be attributed to the fact that the non-classified officials had higher levels of political interest when they first became state government employees, not to chilling effects spawned by Pennsylvania’s statutory climate.

Partisan pressures from other state employees

I had proposed that classified and non-classified officials would respond similarly when asked whether they believed state government employees, compared to non-government employees, encounter more, about the same, or less pressure to engage in partisan activities. This did not happen, as considerably more classified respondents (44.79%) than non-classified respondents (33.70%) indicated that the pressure was less for state employees. As Table 30 shows, this was a statistically significant difference ($p = .069$). Only 11 (11.45%) classified respondents and 30 (16.30%) non-classified respondents reported that they believed state government employees face greater partisan pressures. This difference was not statistically significant (chi-square = 1.185, $p = .276$).

Table 30

Comparison of Pennsylvania Classified and Non-classified Respondents Who Indicated That State Employees Encounter Less Partisan Pressure Than Non-Government Employees

Group	State Employees Encounter Less Pressure Than Non-government Employees	State Employees Encounter About the Same or More Pressure Than Non-government Employees
Classified ($n = 96$)	43 (44.79%)	53 (55.21%)
Non-classified ($n = 184$)	62 (33.70%)	122 (66.30%)

Chi-square = 3.314 ($p = .069$)

Phi = .109 ($p = .069$)

Cramer's V = .109 ($p = .069$)

Contingency coefficient = .108 ($p = .069$)

Lambda (partisan pressure dependent) = .000 (p could not be calculated)

Uncertainty coefficient (partisan pressure dependent) = .009 ($p = .070$)

Note: Seven respondents (two classified, five non-classified) did not answer the question.

Sentiments toward abolishing political activity prohibitions

Since Pennsylvania's highly restrictive statutory climate would appear to be a powerful deterrent to on-the-job political coercion, I had hypothesized that a high proportion of both classified and non-classified officials would indicate that removing all restrictions on the political activities of state workers would prove detrimental to Pennsylvania's merit system. Among the classified respondents, 80.21% predicted that the merit system would be harmed. A somewhat smaller proportion of the non-classified respondents (70.06%) indicated that lifting the restrictions would undermine the state's merit system. As Table 31 shows, the difference between the groups was statistically significant ($p = .069$), but the relationship between type of respondent and prediction is quite weak.

Conclusion

This chapter presented the results of analyses that were used to test the propositions involving Pennsylvania's exempt and nonexempt officials. As was the case with the between-state propositions discussed in Chapter Five, some of the propositions were confirmed while many others were not. As anticipated, non-classified employees were less knowledgeable about the provisions Section 905.2 than their classified counterparts. Additionally, the non-classified officials reported being more politically active, were more likely to say they would increase their political activity if prohibitions were lifted, and had higher difference scores; all of these findings were expected. Unexpectedly, however, both groups were relatively satisfied with their levels of political activity.

There were differences between the classified and non-classified officials along certain other measures, including whether they recently had made a campaign contribution, how frequently they engaged in political discussions with others, and their levels of interest in state and national politics. In all of these cases, compared to classified workers, non-classified employees reported higher levels of activity and interest. Importantly, however, for each of these measures, type of official explained very little of the variation. In fact, it seems that much of the difference in the groups' reported political behavior can be explained by the non-classified officials' overall higher levels of political interest, which they appear to have had when they first entered state

Table 31

Comparison of Pennsylvania's Classified and Non-classified Respondents Who Believed That Eliminating Political Activity Prohibitions Would Harm Their State's Merit System

Group	Would Harm State Merit System	Would Not Harm State Merit System
Classified ($\underline{n} = 96$)	77 (80.21%)	19 (19.79%)
Non-classified ($\underline{n} = 177$)	124 (70.06%)	53 (29.94%)

Chi-square = 3.303 ($p = .069$)

Phi = -.110 ($p = .069$)

Cramer's V = .110 ($p = .069$)

Contingency coefficient = .109 ($p = .069$)

Lambda (harm merit system dependent) could not be calculated

Uncertainty coefficient (harm merit system dependent) = .011 ($p = .065$)

Note: Fourteen respondents (two classified and twelve non-classified) did not answer the question.

government, and by the fact they had spent less time in government than their classified counterparts.

Chapter Seven reviews the study's main findings and addresses its limitations. In addition, it discusses areas for further research and offers policy recommendations about state-level prohibitions on political activity.

Chapter Seven

Summary, Conclusions, and Recommendations

The last two chapters presented the findings related to the between- and within-state research propositions that were detailed in Chapter Four. This chapter reviews the study's main findings and considers its limitations. It also discusses areas for further research and offers policy recommendations regarding states' little Hatch Acts.

Review of the main findings

I will summarize the study's main findings by returning to the two fundamental questions it investigated: (1) In what ways do differences in states' statutory climate affect public administrators' political attitudes and reported behavior? and (2) To what extent does a highly restrictive little Hatch Act spawn chilling effects that lead affected government employees to develop apolitical tendencies? With regard to the first question, statutory climate was shown to have a significant effect upon civil servants' knowledge of little Hatch Act provisions. Compared to New Jersey officials who worked in a more permissive statutory environment, Pennsylvania officials were considerably less knowledgeable about their state's laws. Given that penalties for violating state political activity prohibitions tend to be quite severe, this finding was quite disturbing. Also, it should be remembered that the study included mainly upper-level managers; one would expect these individuals to be more knowledgeable than most about the legality of certain political activities.

Statutory climate also appeared to have considerable influence on the state employees' reported levels of political activity. Compared to New Jersey officials, Pennsylvania's reported being less politically active and less satisfied with their levels of activity. This latter group of officials' higher "difference scores" indicated that real and imagined state prohibitions prevented many of them from being as politically active as they wanted to be. Nearly one-half of the respondents working in Pennsylvania, compared to only slightly more than one-quarter of those employed in New Jersey, reported that they would raise their levels of activity if there were no state proscriptions. Not surprisingly, a larger proportion of the Pennsylvania workers indicated that they would increase their political activity significantly. Moreover, more than one-fourth of those officials operating in Pennsylvania's more restrictive environment reported knowing of a

former employee who had left state government because of the proscriptions. Taken together, these results suggest that a more stringent statutory climate suppresses civil servants' political activities to a greater extent than does a more permissive one.

But what about the anticipated chilling effects? Does a stringent statutory climate lead civil servants to develop an aversion to engaging in permissible political activities? The evidence here suggests that it does not. Central to the chilling effects argument is the notion that confusion surrounding prohibitions on political activity leads civil servants to err on the side of caution and do little politically. In this study, those employees who operated in Pennsylvania's stricter statutory environment were indeed confused about the provisions of their state's little Hatch Act, but they erred on the side of understating, not overstating, the degree to which civil servants' political freedoms were circumscribed. And importantly, compared to employees in New Jersey who enjoyed greater political freedom, these officials were generally no less inclined to engage in permissible activities. In fact, along two measures, partisan identification and overall political interest, the officials working in the stricter environment reported higher levels. In sum, the between-state comparisons provided no evidence to support the common belief that a restrictive statutory climate engenders chilling effects that lead civil servants to shy away from permissible activities.

Limitations of the study

The study had several limitations. First, it was confined to two states. Although I believe that Pennsylvania and New Jersey were excellent states for this research, I realize that the results presented here may not be generalizable to all restrictive and nonrestrictive statutory environments. The fact that Pennsylvania officials reported relatively high levels of partisan identification makes me wonder if evidence of chilling effects would have been found had a highly restrictive but less partisan state been selected for the study. Of course, the partisanship indicated by Pennsylvania's employees raises the question of whether strict prohibitions on political activity are simply a legislative response to a state work force lawmakers perceive as inappropriately partisan.⁷⁹

⁷⁹ The reader is reminded that, unlike many other highly restrictive states, Pennsylvania did not ease its little Hatch Act following the 1974 federal Hatch Act amendments.

The study could have included a better mix of upper-, middle-, and lower-level managers. My selection of the *State Yellow Book* as the source for the study's populations necessarily meant that a disproportionate number of upper-level officials would be included. Relatedly, more commonality among the officials' agency task designations would have allowed for greater insight into the effects of agency type on state employees' political behavior.

Perhaps the study's greatest limitation was that it failed to properly account for non-statutory influences on state employees' political attitudes and reported behavior. The survey focused exclusively on the effects of statutory climate. Still, many respondents from both states returned their questionnaires with written comments suggesting that bureaucratic norms, fear of reprisal, and "signals" from political superiors were major influences on state employees' political behavior. For example, one Pennsylvania respondent wrote: "Being employed by the state does put a minor damper on political activities, more because of how activity might be perceived by the administration rather than the legality/illegality of it." Another Pennsylvania official communicated that ". . . while state laws may not prohibit participation, concern about the well-being of one's office as viewed by others may be a prohibiting factor." A New Jersey worker captured rather succinctly a fear that was expressed by numerous officials from both states: "Political activities are greatly affected by whether one's party is in power, . . . one hesitates too [sic] campaign against the administration that employs you."

Respondents from both states were quite critical of top-down efforts to politicize state government. Somewhat surprisingly, the majority of these complaints were leveled by New Jersey officials. One such official noted that, "In my opinion, people understand the laws -- it's how do they work around them?" She added, "Political appointees are very adept at communicating, in code, to each other and [to] others to get across the same message [as] if they were off-site and off-hours." She further cautioned that ". . . all [of] these things are subtle. No one strong-arms anyone anymore these days. That's a thing of the past. Subtlety -- that's the key. [Be]cause if it's misunderstood, it can always be denied."

One New Jersey official stated that "political patronage is approaching [the] 'Boss Tweed' days of old." Another wrote:

My years of experience have shown me that the level of political participation of government employees is set by the Office of the Governor. Informal “messages” (e.g., looking the other way) are strongly determinative of an employee’s level of political activity. If the message is that the Governor’s Office is looking the other way, then political employees will take full advantage and will even break the law.

It is, of course, quite possible that the relatively high number of New Jersey officials who wrote about politicization of the bureaucracy is a reflection of the state’s permissive statutory climate. However, the anecdotal evidence presented here is insufficient for establishing such a link.

Areas for further research

Without question, more research needs to be conducted on non-statutory influences on public employees’ political activities. I suspect that in different states, bureaucratic norms related to what is “appropriate” political behavior vary tremendously. An effort could be made to see how these norms vary in accordance with such factors as statutory climate, state political culture, and the party of the incumbent gubernatorial administration and legislative majority. Longitudinal studies could be conducted to determine if, and in what ways, norms change under different governors, particularly those of different parties.

As Chapter Four indicated, there is a dearth of scholarship related to the partisan activities of rank and file workers at all governmental levels. Virtually all of the prior literature has centered on the activities of public managers, mainly upper-level officials. It very well may be that chilling effects spawned by little Hatch Acts are manifest more in the attitudes and behavior of lower-level workers than higher-level employees. A study comprised mainly, or even exclusively, of rank and file workers might confirm this. In addition, research into the effects of more and less restrictive statutory climates on union and non-union employees might help determine whether political activity prohibitions impact union workers more than their non-union counterparts.

The current study could be expanded in several other ways. Officials from states with alternative political cultures could be examined. Populations could be limited to just a few agency types in order to better assess the ways in which agency task influences civil servants’

political activities, attitudes and behavior. In-depth interviewing could be employed to gain a better sense of how bureaucratic norms affect government workers' political behavior. Interviews also may be conducive to enhancing our understanding of how non-career officials use "signals" in their efforts to stifle (or encourage) subordinates' partisan activities. Finally, given that it has been more than six years since the 1993 Hatch Act amendments, it may be a good time to revisit federal employees' political activities. Researchers could attempt to see if, and in what ways, federal workers have become more politically active pursuant to easing of the laws. They also might try to determine whether statutory relaxation has led to more allegations of political coercion or greater perceptions of politicization of the federal work force.

Policy recommendations

Often, research findings simply confirm what we have known all along. Sometimes, however, study results surprise us, compelling us to reconsider our most basic beliefs. The latter happened to me with this research.

When I began the study, I was certain that I would find that a restrictive statutory climate enjoins government workers from engaging in both proscribed and permissible political activities. I was most concerned with corroborating the existence of chilling effects, because they were crucial to my conviction that strict little Hatch Act prohibitions should be eased by state policy makers. To a certain extent, the results of this study have allayed my fears of, in the words of former Supreme Court Justice William O. Douglas, "faceless, nameless bureaucrats who are inert in their localities and submissive to some master's voice." Still, I continue to have concerns about Hatch Act prohibitions. The following two recommendations stem from these concerns.

First, lawmakers in those states with highly restrictive little Hatch Acts should reconsider the merits of the laws. Although this study failed to establish the existence of chilling effects engendered by Pennsylvania's statutory climate, it did show that political activity laws were, at least in part, responsible for preventing nearly one-half of the state's respondents from being as politically active as they wanted to be. In my judgment, this should not happen in a nation where, presumably, all citizens share the constitutionally protected freedoms of speech,

association, and assembly. I would like to see these policy makers ease their states' laws, perhaps modeling them after the federal Hatch Act.

Secondly, all states, particularly those with more stringent little Hatch Acts, must do a better job of communicating the provisions of the laws to state employees. This study showed Pennsylvania's officials to be particularly ignorant of state prohibitions. This finding was consistent with prior research that has assessed federal and state workers' statutory knowledge. It seems to me that if states make a firm commitment to informing government employees of their political rights, this problem soon would be remedied. In my view, governors would have to take the lead in such efforts. Realistically, however, governors probably have much more to lose than to gain from "empowering" state employees.

Conclusion

The United States enters the twenty-first century enjoying peace and unprecedented economic prosperity. But good times tend to be followed by bad times, and the United States faces the daunting task of trying to lead the entire world into the uncertainty of a new age. The manner in which the nation deals with future challenges ultimately will be decided through political processes. I long for the day when all Americans, including those who have dedicated their lives to public service, are extended full rights to participate in these processes.

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APPENDIX A
SECTION 905.2 OF THE CIVIL SERVICE ACT FOR THE
COMMONWEALTH OF PENNSYLVANIA

Appendix A
Section 905.2 of the Civil Service Act for the
Commonwealth of Pennsylvania

Section 905.2. Political Activity

- (A) No person in the classified service shall use his official authority or influence for the purpose of interfering with or affecting the result of an election.
- (B) No person in the classified service shall take an active part in political management or in a political campaign. Activities prohibited by this subsection include, but are not limited to, the following activities:
- (1) Serving as an officer of a political party, a member of a National, State or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.
 - (2) Organizing or reorganizing a political party organization or political club.
 - (3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.
 - (4) Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club.
 - (5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.
 - (6) Becoming a candidate for, or campaigning for, an elective public office in a partisan election.
 - (7) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.
 - (8) Acting as recorder, watcher, challenger or similar officer at polls on behalf of a political party or a candidate in a partisan election.

- (9) Driving voters to the polls on behalf of a political party or a candidate in a partisan election.
 - (10) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material.
 - (11) Serving as a delegate, alternate or proxy to political party convention.
 - (12) Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.
 - (13) Initiating or circulating a partisan nominating petition.
 - (14) Soliciting, paying, collection or receiving a contribution at or in the workplace from any employee for any political fund or other partisan recipient.
 - (15) Paying a contribution at or in the workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan recipient.
- (C) An employee or individual to whom subsection (A) or (B) applies retains the right to vote and to express an opinion on political subjects and candidates, and may engage in the following activities:
- (1) Register and vote in any election.
 - (2) Express an opinion as an individual privately and publicly on political subjects and candidates.
 - (3) Display a political picture, sticker, badge or button when not on duty and at locations other than the workplace.
 - (4) Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization.
 - (5) Be a member of a political party or other political organization or club and participate in its activities to the extent consistent with this section.
 - (6) Attend a political convention, rally, fund-raising function or other political gathering.

- (7) Sign a political petition as an individual.
 - (8) Make a financial contribution to a political party or organization.
 - (9) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.
 - (10) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employee or the neutrality, efficiency or integrity of a Commonwealth agency.
- (D) Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person is a member of the classified service under this act.
- (E) Subsection C does not authorize an employee to engage in political activity while on duty or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of the agency in an activity permitted by subsection (C), if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.
- (F) A person in the classified service who violates this section shall be removed from employment and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual: Provided, That, the commission at its discretion may impose a penalty of suspension without pay for at least thirty days, but not more than one hundred twenty days, if it finds that the violation does not warrant termination.
- (G) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
- (1) "Agency" means an agency employing persons in the classified service.
 - (2) "Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to

another, including in cash, by check, by draft, through a payroll deduction or allotment plan, or by pledge or promise, whether or not enforceable, or otherwise.

- (3) "Election" means a primary, municipal, special and general election.
- (4) "Employee" means a person in the classified service.
- (5) "Employer" or "employing authority" means the immediate employing agency head, agency principals or an employee's supervisor.
- (6) "Partisan" when used as an adjective refers to a political party.
- (7) "Political fund" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or any other entity.

(905.2 added June 26, 1989, P.L.47, No.10)

APPENDIX B
NEW JERSEY STATUTE, TITLE 11A, SECTION 2-23

Appendix B

New Jersey Statute, Title 11a, Section 2-23

11A:2-23. Political activity limited

A person holding a position in the career service or senior executive service shall not directly or indirectly use or seek to use the position to control or affect the political action of another person or engage in political activity during working hours.

NEW JERSEY DEPARTMENT OF PERSONNEL RULE
IMPLEMENTING THE ABOVE SECTION

N.J.A.C. 4A: 10-1.2. Political activity

(a) No employee in the career or senior executive service shall directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours. See N.J.S.A. 11A:2-23.

(b) No employee in the career, senior executive or unclassified services whose principal employment is in connection with a program financed in whole or in part by Federal funds or loans, shall engage in any of the following prohibited activities under the Hatch Act (5 U.S.C. 1501 et seq.):

1. Be a candidate for public office in a partisan election. This provision does not apply to the Governor, the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;
2. Use of official authority or influence that interferes with or affects the results of an election or a nomination for office; or
3. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

(c) The Office of the Special Counsel of the United States Merit System Protection Board has responsibility for the investigation of Hatch Act matters.

APPENDIX C
QUESTIONNAIRE

Appendix C

Questionnaire

An Assessment of the Effects of State Laws Regulating the Partisan Political Activities of State Government Employees



A Research Study
Conducted by

John D. Snead
Ph.D. Candidate

Center for Public Administration and Policy
Virginia Tech

QUESTIONNAIRE

THIS NUMBER WILL BE USED TO CONFIRM THE RECEIPT OF COMPLETED QUESTIONNAIRES WHILE MAINTAINING ALL PARTICIPANTS' ANONYMITY

The following questions are designed to assess the effects of state political activity laws on the political activities of government employees in your state. For each question, please circle the number that corresponds to your response. Thank you.

1. The level of an individual's political activity is determined by various measures, including voting behavior, participation in both partisan and nonpartisan political campaigns and elections, support for political candidates or parties, involvement in local politics, and discussions of political issues with family members, co-workers, and friends, just to name a few. On a 0 - 10 scale (with 0 indicating no political activity and 10 indicating a very high level of political activity), how politically active are you presently? On the scale below, please circle the number that best reflects your current level of political activity.

NOT ACTIVE 0 1 2 3 4 5 6 7 8 9 10 HIGHLY ACTIVE

2. Overall, how satisfied are you with your current level of political activity? (Please circle number of most appropriate response.)

- 1 VERY SATISFIED
- 2 SATISFIED
- 3 SOMEWHAT SATISFIED
- 4 SOMEWHAT DISSATISFIED
- 5 DISSATISFIED
- 6 VERY DISSATISFIED

3. Now assume that in your state there are no laws that restrict your political activities. On a 0 - 10 scale, (with 0 indicating no political activity and 10 indicating a very high level of political activity), please circle the number that best reflects what your level of political activity would be in the absence of these laws.

NOT ACTIVE 0 1 2 3 4 5 6 7 8 9 10 HIGHLY ACTIVE

4. On a 0 - 10 scale (with 0 indicating no interest and 10 indicating a very high level of interest), please circle the number that best reflects your interest in national politics.

NO INTEREST 0 1 2 3 4 5 6 7 8 9 10 HIGH INTEREST

more pressure, about the same pressure, or less pressure from co-workers to engage in partisan political activities? (Please circle number of most appropriate response.)

- 1 MORE PRESSURE FROM CO-WORKERS
- 2 ABOUT THE SAME PRESSURE FROM CO-WORKERS
- 3 LESS PRESSURE FROM CO-WORKERS

18. Listed below are 10 political activities. Based upon your understanding of the laws in your state, please indicate whether you believe it is legal or illegal for civil servants to perform each activity during off-hours and while away from the workplace. (For each item, please circle number of most appropriate response.)

	LEGAL	ILLEGAL	NOT SURE
Holding office in a political party, organization, or club.	1	2	3
Driving voters to the polls on behalf of a political party or candidate in a partisan election.	1	2	3
Running for a local school board position in a nonpartisan election.	1	2	3
Serving as a delegate to a political party convention.	1	2	3
Attending a political rally or a fund-raising event for a political party or candidate in a partisan election.	1	2	3
Signing a nominating petition on behalf of a candidate in a partisan election.	1	2	3
Placing a sign supporting a candidate in a partisan election in one's yard.	1	2	3
Acting as a watcher of the polls during a partisan election.	1	2	3
Putting a political sticker on one's personal vehicle.	1	2	3
Soliciting funds for a political candidate or party from other state workers.	1	2	3

19. Do you believe that removal of all restrictions on the partisan political activities of public employees would harm the merit system in your state by making state government more political? (Please circle number of appropriate response.)

- 1 YES
- 2 NO

20. Which of the following best describes your primary source of knowledge regarding your state's laws that deal with the partisan political activities of government employees? (Please circle number of most appropriate response.)

- 1 EMPLOYEE HANDBOOK
- 2 PERSONNEL DEPARTMENT PUBLICATIONS
- 3 NON-PERSONNEL DEPARTMENT PUBLICATIONS
- 4 COMMUNICATIONS WITH PERSONNEL DEPARTMENT EMPLOYEES
- 5 YOUR SUPERVISOR
- 6 CO-WORKERS
- 7 OTHER _____ (PLEASE SPECIFY)

21. Are you presently a member of a union that represents state government employees? (Please circle number of appropriate response.)

- 1 YES
- 2 NO

22. Have you ever been a member of a union that represents state government employees? (Please circle number of appropriate response.)

- 1 YES
- 2 NO

23. How would you describe your present rank? (Please circle number of most appropriate response.)

- 1 UPPER MANAGEMENT
- 2 MIDDLE MANAGEMENT
- 3 LOWER MANAGEMENT
- 4 SUPERVISOR
- 5 STAFF (NON-SUPERVISORY)
- 6 OTHER _____ (PLEASE SPECIFY)

24. How many years have you been employed in state government? (Please circle number of most appropriate response.)

- 1 FEWER THAN 5
- 2 5 - 10
- 3 11 - 20
- 4 21 OR MORE

25. Which of the following best describes the geographic area where you are now employed? (Please circle number of most appropriate response.)

- 1 STATE CAPITAL
- 2 CITY BUT NOT STATE CAPITAL,
POPULATION > 1,000,000
- 3 CITY BUT NOT STATE CAPITAL,
POPULATION 250,000 - 1,000,000
- 4 CITY BUT NOT STATE CAPITAL,
POPULATION < 250,000
- 5 SUBURBAN AREA
- 6 RURAL AREA

Comments:

Thank you very much for answering the above questions. Please complete the questionnaire by answering the following questions:

26. Level of education: (Please circle number of most appropriate response.)

- 1 HIGH SCHOOL DIPLOMA
- 2 SOME COLLEGE
- 3 COLLEGE GRADUATE
- 4 POST-GRADUATE STUDY
- 5 GRADUATE OR PROFESSIONAL DEGREE

27. Are you: (Please circle number.)

- 1 FEMALE?
- 2 MALE?

28. Which of the following most approximately describes your race/ethnicity? (Please circle number.)

- 1 BLACK
- 2 HISPANIC
- 3 WHITE NON-HISPANIC
- 4 ASIAN
- 5 PACIFIC ISLANDER
- 6 MULTI-RACIAL
- 7 OTHER _____ (PLEASE SPECIFY)

29. Age: (Please circle number.)

- 1 35 OR UNDER
- 2 36 - 45
- 3 46 - 55
- 4 56 - 65
- 5 66 OR OVER

30. If you wish to make any comments regarding this study or state laws that deal with government employees' political activities, please do so on the blank panel to the right.

Please Return This Questionnaire To:
Mr. John D. Snead
1060 Hemlock Lane
Princeton, WV 24740

APPENDIX D
INITIAL COVER LETTER

Appendix D
Initial Cover Letter



VIRGINIA POLYTECHNIC INSTITUTE
 AND STATE UNIVERSITY

Center for Public Administration and Policy

College of Architecture and Urban Studies
 104 Draper Road, Blacksburg, Virginia 24061-0520
 (540) 231-5133 or 231-5830 Fax: (540) 231-7067
 Participant Number: FIELD(Number)

March 15, 1999

FIELD(Courtesy Title) FIELD(First Name) FIELD>Last Name), FIELD(Title)
FIELD(Organization Name)
FIELD(Address)
FIELD(City, State ZIP)

Dear FIELD(Courtesy Title) FIELD>Last Name):

Over the past quarter-century, the federal government and many states have revisited the issue of how to best regulate the partisan political activities of government employees. During this time, the issue of public employees' political activities has captured the interest of many government employees, lawmakers, and academics. Unfortunately, our understanding of the effects of state laws (these laws are sometimes referred to as "little Hatch Acts") that disallow certain political acts remains quite limited.

You are among a select group of state government employees who are being asked to participate in this study, which is designed to enhance our knowledge of the effects of partisan political activity laws on state employees' political behavior. Your name was obtained from a recent edition of the *State Yellow Book*, which provides the names and work addresses of state government officials employed in all 50 states. In order for this study to truly represent the views of officials working in your state, it is important that you complete and return the enclosed questionnaire promptly. A self-addressed, stamped envelope is provided for your convenience.

The **complete confidentiality** of your responses is guaranteed. Each questionnaire has an identification number; however, this number will be used only to check off study participants as they return their questionnaires. You can be assured that your name will never be placed on the questionnaire, included in research findings, or given to any organization or individual.

The results of this research will be used in my dissertation, and hopefully will be included in future scholarly journals that are of interest to the public administration community. If you have any questions or concerns related to this study, you can call me at either (304) 425-1713 (home) or (304) 327-4012 (office). Alternatively, you can send me an e-mail at the following address: jsnead@bscvax.wvnet.edu. I truly appreciate your participation in this study.

Sincerely,

John D. Snead, Ph.D. Student
 Center for Public Administration and Policy
 Enclosure

APPENDIX E
FOLLOW-UP POST CARD

Appendix E

Follow-Up Post Card

Center for Public Administration and PolicyVIRGINIA POLYTECHNIC INSTITUTE
AND STATE UNIVERSITYCollege of Architecture and Urban Studies
104 Draper Road, Blacksburg, Virginia 24061-0520
(540) 231-5133 or 231-5830 Fax: (540) 231-7067

March 22, 1999

Last week you were mailed a questionnaire that deals with the political activities of state government employees.

If you have already returned your questionnaire, please accept my sincere thanks. If not, please make every effort to complete and return your questionnaire today. You are among a select group of state employees who are included in the research project, and **your participation is very important.**

Thank you for assisting me in this research.

Sincerely,

John D. Snead, Ph.D. Student

APPENDIX F
FOLLOW-UP COVER LETTER

Appendix F

Follow-Up Cover Letter**Center for Public Administration and Policy**

VIRGINIA POLYTECHNIC INSTITUTE
AND STATE UNIVERSITY

College of Architecture and Urban Studies
104 Draper Road, Blacksburg, Virginia 24061-0520
(540) 231-5133 or 231-5830 Fax: (540) 231-7067
Participant Number: FIELD(Number)

April 9, 1999

FIELD(Courtesy Title) FIELD(First Name) FIELD>Last Name), FIELD(Title)
FIELD(Organization Name)
FIELD(Address)
FIELD(City, State ZIP)

Dear FIELD(Courtesy Title) FIELD>Last Name):

About three weeks ago I mailed to you a questionnaire dealing with the political activities of state government officials. As of today your questionnaire has not yet been received. If you have recently returned your questionnaire, please accept my sincere thanks. If not, please take just a few minutes to complete and return it today. I am providing a replacement questionnaire along with a self-addressed, stamped envelope for your convenience.

As I indicated to you in my previous letter, you are among a select group of state officials who have been included in this research study. Regardless of whether you are exempt from your state's political activity laws, **your participation in this study is very important**. Additionally, the **complete confidentiality** of your responses is guaranteed; the identification number on your questionnaire is used only to check off study participants as they return their questionnaires. You can be assured that your name will never be placed on the questionnaire, included in research findings, or given to any organization or individual.

The results of this research will be used in my dissertation and hopefully will be included in future scholarly journals that are of interest to the public administration community. If you have any questions, you can call me at either (304) 425-1713 (home) or (304) 327-4012 (office). Alternatively, you can send me an e-mail message at the following address: jsnead@bscvax.wvnet.edu. I truly appreciate your participation in this study.

Sincerely,

John D. Snead, Ph.D. Student
Center for Public Administration and Policy

Enclosure

Vita

John David Snead
1060 Hemlock Lane
Princeton, WV 24740

(304) 425-1713 (H)

(304) 327-4080 (W)

EDUCATION

- May 2000 Doctor of Philosophy in Public Administration and Policy,
Virginia Polytechnic Institute and State University, Blacksburg,
VA 24061
(Dissertation accepted by committee on February 7, 2000)
- December 1997 Certificate of Advanced Graduate Study in Public Administration
and Policy, Virginia Polytechnic Institute and State University,
Blacksburg, VA 24061
- July 1990 Master of Business Administration, Radford University, Radford,
VA 24142
- May 1985 Bachelor of Science in Business Administration, Bluefield State
College, Bluefield, WV 24701

WORK EXPERIENCE

- 1989 - Present Bluefield State College, Bluefield, WV 24701
Instructor (1989); Assistant Professor (1993); Associate Professor
(1996); Interim Division Chair (1999); teaching concentrated in the
business administration curriculum
- 1986 - 1989 One Valley Bank, Princeton, WV 24740
Director of Marketing
- 1985 - 1986 Northwestern Mutual Life, Princeton, WV 24740
Agent
- 1980 - 1985 Holiday Inn, Princeton, WV 24740

PUBLICATIONS AND PRESENTATIONS

- Snead, J. D. (2000). An inquiry into the effects of statutory climate on the political attitudes and behavior of state-level public administrators. Dissertation, Virginia Polytechnic Institute and State University, Center for Public Administration and Policy (successfully defended February 7, 2000).
- Bourne, G. S. & Snead, J. D. (1999). Environmental determinants of organizational ethical climate: A community perspective. Journal of Business Ethics, 21, 283-290.
- Bourne, G. S. & Snead, J. D. (1997). Environmental determinants of organizational ethical climate: A community perspective [Summary]. Best Paper Proceedings of the 75th Annual Meeting of the Academy of Management, 682.
- Globalism in the twenty-first century (November 1994). Paper presented at the Forum on U.S. Policy Imperatives (Bluefield State College).

PROFESSIONAL ORGANIZATIONS

American Society of Public Administration
Pi Alpha Alpha
Phi Kappa Phi
Academy of Management
Phi Eta Sigma