

Mr. GARDNER. Hold it right there if you would, please, on the word "partisan."

Mr. SHRIVER. I would like to say that the same kind of regulation existed administratively under VISTA.

Mr. GARDNER. You mentioned the word "partisan." What would be your interpretation of the municipal election for the mayor's race where you have two individuals speaking out on two different separate platforms? Would this be nonpartisan or partisan?

Mr. SHRIVER. It is not my definition of what is partisan. It is a question of what is defined.

Mr. GARDNER. What is your interpretation as far as OEO is concerned?

Mr. SHRIVER. If the local election is described and billed and advertised as a nonpartisan election, I would assume it is a nonpartisan election.

Mr. GARDNER. Just out of curiosity, what would a Democratic primary be?

Mr. SHRIVER. This is Donald Baker, the General Counsel of our agency.

Mr. BAKER. The word "partisan" as interpreted in the Hatch Act by the Civil Service Commission relates to one of the national parties and an election or campaign related to or identified with a national party. There are a great number of municipal elections, not infrequently State supreme court elections and others, in which individuals are not identified by labels of a national party stripe, and those cases are not interpreted by the Civil Service Commission as coming within the coverage of the Hatch Act, with the sole exception that even though legally an election may be nonpartisan, from time to time it does happen that one or the other or both of the parties will get so involved—

Mr. GARDNER. Who determines whether it is nonpartisan?

Mr. BAKER (continuing). And people get so identified—

Mr. GARDNER. Who determines whether or not it is nonpartisan on the part of your organization, OEO? For example, if it is a community action program, does the head of your local organization determine whether the election is nonpartisan?

Mr. BAKER. I think if an election is nonpartisan by local law, the Civil Service Commission—and they are the experts—normally would interpret it as being nonpartisan unless, as I say, one of the individuals in the party got their foot into it so heavily that they have ignored—

Mr. GARDNER. Would you repeat that again, please?

Mr. BAKER. What I am saying is that in some elections it has been known to happen in municipal elections in the country, which are by definition and local or State statute nonpartisan, that one or the other of the parties has gotten so involved and individual contestants so identified with one of the parties that although the word nonpartisan was on the ballot, that it becomes, and the Civil Service has identified in individual cases a particular election as taking on the aspects of a partisan, but that is not normally the case.

Chairman PERKINS. Will the gentleman yield?

Mr. GARDNER. I yield.

Chairman PERKINS. I am confident that where it is apparent that the law has been violated by some employees, the Office of Economic