

1032 ECONOMIC OPPORTUNITY ACT AMENDMENTS OF 1967

sibility to keep the Executive Committee and Board of Directors fully informed on all matters relating to our organization and further upon the advise of the President of the Board of Directors, Dr. Charles Watts, your request should properly be referred to the Executive Committee at its next meeting scheduled for May 18, 1967. Dr. Watts has agreed to make this matter a part of the agenda for the meeting.

I shall inform you of the decision of the Executive Committee regarding your request.

Sincerely yours,

OPERATION BREAKTHROUGH, INC.,
WILLIAM R. PURSELL,
Executive Director.

OPERATIONAL BREAKTHROUGH,
Durham, N.C., May 19, 1967.

Mr. A. C. SORRELL.
Clark & Sorrell,
Durham, N.C.

DEAR MR. SORRELL: In reply to your letter of the 15th and pursuant to my communication of the 17th, I would like to inform you that the Executive Committee of Operation Breakthrough met in regular session on May 18 and declared itself to be in substantial agreement with my opinion and that of the President, Dr. Charles Watts, regarding the proper disposition of your request.

As requested we are making available to you a list of Operation Breakthrough employees who were engaged in agency activities on election Saturday, May 13, 1967. The employees, with their job titles, and the nature of their activities are:

Mrs. Marla Hamilton; Administrative Secretary. Activity relating to the Operation Breakthrough exhibit for the Allied Art's Spring Festival of the Arts at Y.W.C.A.

Miss Edna Cole; Driver. Regularly scheduled N.Y.C. enrollee pick-up and delivery.

Mr. Richard Wescott; N.Y.C. Work Supervisor. N.Y.C. Work supervision at Children's Museum.

This list is, of course, the product of a preliminary investigation and is only as complete as the limitations of such a survey allow. A final record will be compiled from data made available through our regular monthly payroll accounting procedures. This can be forwarded to you, upon request at any time after June 7, 1967. You may rest assured, however, that it will contain no authorization for the expenditure of Operation Breakthrough funds for any election-related activities which may have occurred on the Saturday in question.

Community Action Program Memorandum No. 50-A (December 1, 1966) sets forth a summary description of the restrictions on political activity applicable to the personnel employed by Operation Breakthrough. As you will no doubt recall, paragraph 3 on page 4 of that document is particularly germane to the situation presented by Saturday's municipal elections. It reads:

"Certain non-partisan activities are permitted. These are activities in connection with campaigns for office which are run on a non-partisan basis and are of a strictly local character—that is, completely unrelated to issues and candidates identified with national and state political parties. For instance, elections for local school boards and other local offices are frequently run on a local non-partisan basis. If a state election law provides for a non-partisan ballot for a particular local office or class of local offices, or provides that the local office is considered non-partisan, the campaign for that office or class of offices qualifies for the exception. Local agencies and their employees should note, however, that if a particular candidate or slate in a non-partisan election actively seeks partisan support or identification, the campaign of that candidate or slate will be considered to have become a partisan campaign."

In light of this unequivocal exemption from restriction I felt at the time of the election that I could not in justice interfere with the dictates of individual conscience. The Executive Committee has made it clear that they feel any investigation into the private citizenship activities of the 190 Operation Breakthrough employees would be a tedious, time consuming waste of Operation Breakthrough funds and an unwarranted invasion of personal privacy.