



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

B-130961

OCT 26 1972

Dear Mr. Moss:

By letter dated October 4, 1972, you requested a ruling from our Office on the financing of trips currently being taken by members of the President's cabinet and chairman of independent agencies for the purpose of making speeches which you characterized as obviously political. It is your view that the expense of such trips should be borne by the Committee to Reelect the President or the Republican National Committee.

The President and his Cabinet and other subordinates have a duty to inform the public on Government policies and, traditionally, policy-making officials have utilized Government resources to disseminate information in explanation and defense of those policies. Your request poses the very difficult problem of distinguishing between such permissible activities for which appropriated funds are available and other activities, similar in nature but for purely political or partisan purposes.

Obviously, there should be a point beyond which it could be concluded that the bounds of propriety have been overstepped. But for us to be able to determine that point and in any given situation to distinguish authoritatively between prohibited and allowable activities we would need some guidelines by which to judge the activities in question. So far as we are aware no such guidelines have been established by legislation, judicial decision, or otherwise. In this connection we would invite your attention to section 1913 of title 18, United States Code, and section 301 of the Independent Offices Appropriation Act, 1965 (78 Stat. 640, 666), prohibiting certain lobbying and propaganda activities. These sections have consistently been interpreted by the Attorney General and this Office as relating only to activities specifically directed toward affecting the course of legislation before the Congress at a particular time. It has never been considered that these statutes were intended to impinge upon the responsibilities of the executive branch for informing the public.

Without definitive guidelines, we could not reasonably expect to obtain proof even by exhaustive investigation that a particular activity

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was devoted solely to political campaign purposes. We therefore are unable to respond to your request for a ruling on the matter presented.

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States

The Honorable John E. Moss
House of Representatives



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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OCT 26 1972

Dear Mr. Freyer:

By letter dated October 5, 1972, you requested our consideration of a matter presented to you by Mr. [redacted] of Washington, North Carolina. Mr. [redacted] requested that you have our Office call upon the President to have his party pay for a trip of Secretary Laird which Mr. [redacted] characterized as political. Mr. [redacted]'s request was apparently prompted by a news item captioned "LAIRD ATTACKS MCGOVERN AT TAXPAYERS' EXPENSE."

The President and his Cabinet and other subordinates have a duty to inform the public on Government policies and, traditionally, policy-making officials have utilized Government resources to disseminate information in explanation and defense of those policies. This request poses the very difficult problem of distinguishing between such permissible activities for which appropriated funds are available and other activities, similar in nature but for purely political or partisan purposes.

Obviously, there should be a point beyond which it could be concluded that the bounds of propriety have been overstepped. But for us to be able to determine that point and in any given situation to distinguish authoritatively between prohibited and allowable activities we would need some guidelines by which to judge the activities in question. So far as we are aware no such guidelines have been established by legislation, judicial decision, or otherwise. In this connection we would invite your attention to section 1913 of title 18, United States Code, and section 301 of the Independent Offices Appropriation Act, 1965 (78 Stat. 640, 666), prohibiting certain lobbying and propaganda activities. These sections have consistently been interpreted by the Attorney General and this Office as relating only to activities specifically directed toward affecting the course of legislation before the Congress at a particular time. It has never been considered that these statutes were intended to impinge upon the responsibilities of the executive branch for informing the public.

Without definitive guidelines, we could not reasonably expect to obtain proof even by exhaustive investigations that a particular activity was devoted exclusively to political campaign purposes. We therefore are unable to honor Mr. [redacted]'s request that demand be made on the

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President to have the Republican Party bear the expenses of Secretary
Laird's trip. Mr. [redacted]'s communication is returned as requested.

Sincerely yours,

(SIGNED) ELMER B. STAATS

Comptroller General
of the United States

Enclosure

The Honorable Richardson Preyer
House of Representatives