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

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[REDACTED]
JUN 4 1979

The Honorable Barry Goldwater
United States Senate

Dear Senator Goldwater:

We refer to your April 25, 1979, letter requesting this Office to investigate the practice of the White House Press Office of providing the Media with prerecorded audio and video tapes of selected White House news activities at Government expense. Specifically you have requested us to rule on whether appropriated funds are being used by the White House Press Office for political purposes.

As suggested in your letter, a member of my staff discussed this request with Mr. Ray Strassburger, Minority Counsel of the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation. Mr. Strassburger was unable to provide us with any specific examples of instances where the White House Press Office had expended appropriated funds for what he considered to be political purposes. In this connection, it would constitute an enormous task to review the entire audio and video news release files of the White House Press Office. Moreover, such a large unprogramed project exceeds resources available to this Office as a result of our reduced budget and staffing limitations.

On the other hand, we have long held that 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

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invite your attention to section 601 of the Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, (Pub. L. No. 95-431, October 10, 1978, 92 Stat. 1021), prohibiting the use of funds appropriated in that Act for publicity or propaganda purposes not authorized by the Congress. We have held that this provision prohibits agency officials from using funds, subject to this restriction, solely for publicity of a nature tending to emphasize the importance of the agency or a particular agency activity. 31 Comp. Gen. 311 (1952). However, no such similar provision has been included in the Treasury, Postal Service, and General Government Appropriations Act applicable to the Executive Office of the President. Moreover, even if such provision were applicable to the White House Press Office, it would not provide useful criteria for distinguishing between bona fide news releases and political propaganda.

Without definitive guidelines, we could not reasonably be expected to determine, even with exhaustive investigation, that prerecorded news releases contained political material. We are therefore unable to respond to your request for an investigation of the White House Press Office practice of providing the Media with prerecorded news releases that could be used for political purposes.

Sincerely yours,

R.F.KELLER

Deputy]

Comptroller General
of the United States