

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

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December 15, 1936.

Honorable James P. Buchanan, Chairman,
Select Committee of the House,
House of Representatives.

My dear Mr. Chairman:

I have your letter of December 12, as follows:

"Under date of October 9th last, Senator Byrd, Chairman of the Select Committee appointed in pursuance of Senate Res. 217 (74th Congress, 2nd Session) transmitted to the heads of executive departments and independent establishments a 'Questionnaire of Information Services', a copy of which you probably have in your files. From the replies to this questionnaire I find that there are a great number of employees in the Executive Branch of the government who appear to be performing services such as are incident to what is customarily regarded as a 'Publicity Expert'.

"For instance, the Farm Credit Administration shows, among others, the employment of a 'Director of Information' at a salary of \$8,500 per annum, two-thirds of whose time is devoted to publicity work. The Federal Communications Commission shows employment of an 'Information Expert' at \$4,600, in the person of Mr. C. F. Wiener, all of whose time appears to be devoted to the work of the office so defined. The Federal Alcohol Administration shows 'Public Relations Counsel' at a salary of \$6,000, in the person of David A. Barbes, all of whose time appears to be devoted to the work indicated by his title. As further illuminative of the showing made I attach hereto a copy of a page of the response to the questionnaire submitted by the Social Security Board. In connection with this page I call your attention to the fact that the title of Mr. Louis Resnick as it appears in the Congressional Directory of April, 1936, is 'Director, Bureau of Informational Service'. Under a statute adopted in 1913 (U.S.C. Title V, Section 54) it is provided that no money appropriated by any Act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose, and I now beg to inquire of you how the statute just mentioned is reconciled with the employment of so many people on publicity work in the absence of specific appropriations for the purpose.

A-32332

- 2 -

"This inquiry is made by me, as its Chairman, for the information and benefit of the Select Committee of the House appointed in pursuance of House Res. 460 (74th Congress, 2nd Session), which is anxious to have a reply from you at the earliest date possible.

"In addition to the information just requested, the House Committee will be grateful for any suggestion that occurs to you as to the best method of implementing the statute mentioned in the event it is desired to control the amount of money that is to be expended in the Executive Branch for publicity purposes. The Committee recognizes that the present statute is not sufficiently definitive of its purpose to enable you to determine in every instance, from the information that normally comes to you, whether or not it is being violated."

The statutory provision referred to in your letter appears in the act of October 22, 1913, 38 Stat. 208, 212, in the following terms:

"No money appropriated by this or any other Act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose."

It is to be noted that the inhibition is only against the use of appropriated money "for the compensation of any publicity expert." Manifestly, it cannot be said that every employee who gives out information or answers inquiries is a publicity expert. Neither can it be said that every employee who prepares a press release or a magazine article is a publicity expert. And I think you will agree that this office would not be warranted, under existing law, in withholding the compensation of an employee merely because a part, or even all, of the official duties to which he may be assigned consist of preparing or disseminating information when

A-82332

- 3 -

neither his appointment nor the payroll designate him as a publicity expert and no other information is available to this office to establish that he is a publicity expert.

In view of the wording of the statutory provision above quoted, it cannot be presumed that its purpose was to prevent all departments and establishments of the Government from giving to the public, either upon inquiry or voluntarily, information as to their activities. In fact, there may be agencies of the Government the regular duties of which are to acquire and disseminate information, and other agencies which may have imposed upon them by law a work the proper and successful accomplishment of which requires, or at least would be aided by, timely dissemination of accurate information relating to their activities and purposes.

It may be that in some agencies of the Government employees are at times assigned to the duty of preparing or disseminating information for the purpose of reflecting credit upon the activity, or upon the officials charged with its administration, rather than for the purpose of furthering the work which the law has imposed upon it. If it be the desire of the Congress to prevent expenditures for such publicity work, it is suggested that legislation intended for that purpose should be directed against the administrative officials responsible therefor, rather than against the employees to whom the actual work may be assigned. This might be accomplished

A-82332

- 4 -

by the enactment of a provision as follows:

"No money appropriated by this or any other Act shall be used to pay compensation to any officer or employee in the Executive Branch of the Government who hereafter voluntarily engages in, or directs, authorizes, or knowingly permits any subordinates to engage in, any publicity activity not authorized by law."

Then, if it be desired to place a limitation on the amount which any agency of the Government may expend in connection with its authorized information service, there might be attached to the appropriation made for its administrative expenses a proviso as follows:

"Provided, That not exceeding \$ _____ of the amount appropriated herein may be expended for the collection, preparation and dissemination of information."

If I can be of any further assistance in this matter, I shall be pleased to have you call on me.

Sincerely yours,

(Signed) R. N. Elliott

Acting Comptroller General
of the United States,