

Ordering Reaffirmation and Enforcement of Regulations Governing the Soliciting of Contributions for Political Purposes by and From Government Officers or Employees

On request of the Civil Service Commission, the Attorney-General has submitted to me the following opinion:

"Your note of the 15th instant requests me to advise you relative to the subject of political contributions as shown by the respective correspondence which you inclose between the Civil Service Commission and officers of the Republican State committees of Pennsylvania and Ohio.

"In the Pennsylvania case it appears that recently a circular letter was issued by the Republican State Committee, signed 'M. S. Quay, chairman,' stating that financial assistance is needed in the coming Congressional and State election, and that the committee will be greatly obliged if the addressee will aid to the extent of his ability and inclination. This circular letter bore in its caption as well the name of Senator Quay as chairman, and of W. R. Andrews (clerk to the Senate Committee on Immigration) as secretary; and was sent by mail to various Federal officers and employees at their home addresses. Upon advice from the Commission that because of their official relations, neither Senator Quay nor Mr. Andrews could properly serve upon a committee concerned in soliciting and receiving political contributions from Federal officials, or permit their names to be held forth in letters making such solicitation, the circular letter, so far as addressed to Federal officials, was withdrawn. Immediately thereafter another circular letter was issued in identically the same form, except that it bore the signature of the treasurer of the committee, who is not a Federal officeholder. The Commission pointed out the illegality of this circular, because it carried on its heading the names of Senator Quay and Mr. Andrews, and directed its recall; and this ruling is now contested by Mr. Andrews.

"In the Ohio case a circular was issued by the Republican State Executive Committee, bearing the names of Hon. Charles Dick (Member of Congress) and of various Federal officials, and stating that any assistance which the addressee 'can give as one of those directly interested in party success in Ohio will be gratefully acknowledged.' It seems that this circular was sent to certain Federal officials, that the Commission demanded its withdrawal, and that the Executive Committee declines or neglects to accede to this demand.

"The question presented is covered by section 11 of the civil service act, which provides:

"That no Senator, or Representative, or Territorial Delegate of the Congress, or Senator, Representative, or Delegate elect, or any officer or employee of either of said Houses, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in

any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.'

"Whatever the particular form of words adopted in such circulars in order to show a request rather than a demand and to give to responses a quasi-voluntary character, the explicit and comprehensive words of the statute forbidding those barred by their public relations to solicit from Federal officials, directly or indirectly, or to `be in any manner concerned in soliciting or receiving any assessment, subscription, *or contribution* for any political purpose whatever,' unquestionably condemn all such circulars. They should not be sent to Federal officials, or else they should not bear the names of the public officers and employees designated in the act. In 21 Opinions, 300, Attorney-General Harmon said:

"`All who are in the Government service are thus protected against the possibility of actual coercion and from that of the coercion implied in the relation of the person soliciting or receiving to the Government or implied in solicitation or receipt in a public office; but Congress did not attempt to prohibit solicitation by or payment to persons not in the Government service otherwise than in Government offices.'

"It is also pertinent to notice section 14 of the act, viz:

"`That no officer, clerk, or other person in the service of the United States, shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of the House of Representatives, or Territorial Delegate, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.'

"Your power to direct, by appropriate order, under the mandates of these sections, all persons in the executive service of the United States is clear."

I hereby call the attention of all officers and employees in the Federal service to the foregoing opinion, and warn them that the provisions of law as therein construed are to be by them obeyed and enforced.

Any official in the Federal service may, without jeopardy to his official standing, contribute or not, exactly as he pleases, provided he obeys the sections of the civil service act above referred to.

THEODORE ROOSEVELT.

WHITE HOUSE, *October 18, 1902.*