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

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The Honorable Hubert H. Humphrey  
United States Senate



Dear Senator Humphrey:

This is in further reply to your letter dated October 5, 1972, for information regarding a State Department mailing list used for mailing political material. 32

As you are aware, the background events regarding the use of this list were reported by the press around September 27, 1972. Our inquiries of officials at the State Department, the White House, and the Republican National Committee generally confirmed the published story that the use of the mailing list was accidental.

The sequence of events developed in our interviews are shown below.

The Director of Communications, Executive Branch, White House, told us that he had requested a mailing list from the Department of State. He said the list was to be used for mailing a speech to be given by an official of the Department of State at the United Nations on September 25, 1972.

In response to the request, the State Department prepared a list from its files of the names of members of national and local organizations, educational institutions, and other groups. The names were printed on plain, white, gummed labels and sent to the White House on September 11, 1972.

At the Office of the Director of Communications, White House, we were informed that the labels were then sent to the Republican National Committee where the mailing was to be made at no cost to the Government. We were also told that this procedure had been set up to avoid the possibility of any politically oriented material being sent from the White House at Government expense.

After the labels were sent to the Republican National Committee, the Director of Communications cancelled the mailing request.

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The Deputy Chairman for Communications, Republican National Committee, told us that he had received a request from Mr. Leo Cherne, Vice-Chairman of the Democrats for Nixon, New York City, for a list of Jewish community leaders. He told us that because of the hectic conditions in the Committee mailing room someone accidentally used the Department labels in filling the request. He also informed us that Mr. Cherne's envelopes were sent to Washington to have the labels applied and that they were then returned to New York where they were stamped and mailed on or about September 21, 1972 containing a letter signed by Leo Cherne dated September 15, 1972.

We were told by Department of State officials that the total direct costs to the Department to run the list on gummed labels amounted to \$15.31. Mr. Cherne reimbursed the Department for these costs on October 31, 1972.

As regards the legal aspects of the matter, we could find no specific federal law prohibiting the release of such lists to non-government organizations. However, we would point out for your information that 5 U.S.C. 7324 prohibits Federal employees from using their official authority for the purpose of interfering with or affecting the result of an election. Whether the release of the mailing list in question by the State Department would be in violation of 5 U.S.C. 7324 is a matter for determination by the United States Civil Service Commission rather than this Office.

Also, 18 U.S.C. 595 prohibits persons employed in administrative positions by the United States, or any agency thereof, from using their official authority for the purpose of interfering with or affecting certain elections. Any question concerning a violation of this code provision is a matter for consideration by the Department of Justice.


The State Department has no written policy on the use of its mailing lists. However, traditionally, the Department mailing lists are never intentionally given to any organization for non-official purposes.

From our present investigation it appears that the use of the Department of State list for mailing political material was unintentional in that the government officials concerned assumed that the mailing was to be for non-political material.

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We hope that this information will be of assistance to you.  
If we can be of further help to you please let us know.

Sincerely yours,

  
Comptroller General  
of the United States