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OFFICE OF THE VICE PRESIDENT

WASHINGTON

July 14<sup>20</sup>, 1975

M E M O R A N D U M

Restrictions on Political Participation  
by Employees of the Vice President's Office

The attached memorandum outlines the principal restrictions on political activities which may be of concern to employees of the Vice President's Office. Tabs A, B and C set out relevant statutory material.

Please note, in reviewing these materials, that the Hatch Act contains an exemption for employees paid out of appropriations for the President's Office, and does not apply at all to employees of Congress. Accordingly, members of the Vice President's staff (except those on detail from other agencies) are not subject to the restrictions on political activity outlined in the Act (5 U.S.C. 7321 et seq., Tab B) or its implementing regulations (5 CFR Part 333, Tab C).

However, there are important legal restraints relating generally to politics and elections which all employees of the Vice President's Office are required to observe. In particular, all Federal officials, including Senators, Congressmen, and employees of the Legislative and Executive Branches of the Government are subject to the criminal and civil sanctions set forth in Title 18 of the United States Code, Chapter 29 -- "Elections and Political Activities" (Tab A).

Please bear in mind that exemption from the Hatch Act does not imply that political activities may be freely undertaken. It is, of course, improper to engage in political activities during normal working hours or otherwise to use appropriated funds for political purposes. In addition, employees of the Vice President's Office should be aware that their own voluntary after-hours political activities may be interpreted as an expression of the Vice President's views, and for this reason you are urged to use discretion in these activities.

Should you have any question about the legality or propriety of your official actions, please contact me (Ext. 4242).

PJW  
Peter J. Wallison  
Counsel to the Vice President



I. Miscellaneous Restrictions on all Federal Employees

1. Improper use of Government office (Criminal)

It is a Federal crime

(a) for a candidate in a Federal election to procure support for his candidacy by directly or indirectly promising to support the appointment of any person to public or private position (18 U.S.C. 599);

(b) directly or indirectly to promise any employment, position, compensation, contract, appointment or other benefit made possible in whole or in part by Act of Congress to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with a primary or general election (18 U.S.C. 600);

(c) directly or indirectly to deprive or threaten to deprive any person of any employment, position or other benefit made possible by Act of Congress on account of any political activity, support of, or opposition to any candidate or any political party in any election (18 U.S.C. 601).

2. Interference and Intimidation (Criminal)

It is a Federal crime

(a) to interfere with the right of any other person to vote as he may choose for or against any candidate for Federal elective office by intimidation, threats, coercion or attempts to intimidate, threaten or coerce (18 U.S.C. 594), or to use any part of an appropriation for relief or public works projects or to exercise or administer any authority under any appropriation act for the purpose of interfering with any individual's right to vote in a Federal election (18 U.S.C. 598);

(b) for a person employed in any administrative position by the United States, or by any department or agency thereof, in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, to use his official authority for the purpose of interfering with, or affecting, the nomination or the



election of any candidate for Federal elective office (18 U.S.C. 595);

(c) for any member of Congress, officer, employee or consultant of the Federal Government to discharge or promote or degrade or in any manner change the official rank or compensation of any other member of Congress, officer, employee or consultant for giving or withholding any contribution of money or other thing of value for any political purposes (18 U.S.C. 606).

**3. Proper identification of campaign literature and political agents (Criminal)**

It is a Federal crime to distribute written or printed campaign material relating to a candidate which does not identify its source (18 U.S.C. 612); or for a candidate for Federal elective office or an employee or agent of such candidate to participate in any plan to misrepresent an individual as acting on behalf of another candidate, which representation is damaging to that candidate (18 U.S.C. 617).

**4. Political contributions and expenditures (Criminal and Civil)**

**(a) Use of Federal premises**

✓ It is a Federal crime to solicit or receive any contribution of money or other thing of value for any political purpose in any room or building occupied in his or her official capacity by a member of Congress, officer, employee or consultant of the Federal Government (18 U.S.C. 603).

**(b) Contributions among Government employees**

It is a Federal crime for any member of Congress, officer, employee or consultant of the United States or department or agency thereof, directly or indirectly to solicit or receive any political contributions from any other Federal officer, employee, consultant or member of Congress (18 U.S.C. 602) or for any person in the service of the United States, or any department or agency thereof, directly or indirectly to give or hand over to any other person in the service of the United States, any money or other valuable thing on account of or to be applied to the promotion of any political object (18 U.S.C. 607).



(c) Proscribed classes of contributors

(1) Corporations and unions

It is a Federal crime for national banks, corporations and labor organizations (18 U.S.C. 610), Government contractors (18 U.S.C. 611), and foreign nationals (18 U.S.C. 613) to contribute to the campaigns of candidates for Federal elective office. However, provision is made for corporations, unions and contractors to establish funds to which members and employees may contribute voluntarily.

(2) Government contractors

✓ It is a crime for individuals as well as corporations having government contracts to make or solicit political contributions (18 U.S.C. 611).

(3) Persons on relief

It is a Federal crime to solicit or receive any payment for any political purpose from any person who is receiving any work relief funded by an Act of Congress (18 U.S.C. 604); or to furnish or disclose for political purposes any list or names of persons receiving such relief funded by an Act of Congress (18 U.S.C. 605).

(d) Contributions in name of another

It is a Federal crime to make a campaign contribution in the name of another or to permit one's name to be used to effect such a contribution (18 U.S.C. 614).

(e) Limitations on contributions

With certain exceptions, it is a Federal crime for any individual to contribute more than \$1,000 to any single candidate for Federal elective office or more than \$25,000 in aggregate political contributions in any calendar year (18 U.S.C. 608); or to make a contribution in currency (as opposed to check) in excess of \$100 (18 U.S.C. 615).

(f) Mandatory channeling of funds through political committees

Under the new Federal election campaign laws, all contributions must be deposited with an authorized

political committee which is obliged to keep records of both contributions and expenditures.

(g) The meaning of "contribution"

The term "contribution" is defined differently for purposes of the various statutes referred to in this memorandum. An original donation of funds for a political purpose is always a contribution; and in some cases a transfer between different political committees may be a contribution by statutory definition. Special care should be taken to avoid any physical handling of political funds in a Federal building or premises. Counsel for the relevant political committee should be consulted before engaging in receipt or solicitation of political funds.

(h) Expenses paid by the Republican National Committee (RNC)

RNC funds may be used for political activities of the President or the Vice President which are of benefit to the party. Until the President is formally nominated, political expenses uniquely on his behalf as distinct from the party should be paid from his own campaign funds. The Vice President will not be a candidate for nomination or election unless and until the President, after his own nomination, determines to recommend to the Republican convention that the Vice President be nominated.

II. The Hatch Act

Although the Hatch Act does not apply to employees of the Vice President's Office (except those on detail), the following outline is provided for informational purposes.

The Provisions of the Act (Title 5, U.S.C. Sec 7321, et. seq.) and implementing regulations (5 CFR Part 733 may be summarized as follows:

1. General

Government employees are prohibited from taking "an active part in political management or political campaigns", or from using their official authority or influence "for the purpose of interfering with or affecting the result of an election (5 U.S.C. 7324; see also 5 U.S.C. 7322, and Executive Order 11222). The Hatch Act does not apply to employees of Congress.



## 2. Types of employees covered.

With very few exceptions, all Federal employees in the Executive Branch of the Government (including employees of the Postal Service) are subject to the political activity provisions of Federal law. These provisions apply to full-time and part-time employees in both the competitive and excepted service. Those who are employed on an intermittent or occasional basis, such as experts or consultants, are only covered by the restrictions for the entire twenty-four hours of any day of actual employment.

Title 5, U.S.C. Sec. 7324 exempts certain specified officers and employees from the prohibition on taking an active part in political management or in political campaigns. These are:

(a) An employee paid from the appropriation for the Office of the President;

(b) The head or assistant head of an Executive department or military department; and

(c) An employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws.

As to employees of the Vice President's Office, the test is which appropriation is used to pay the employee's salary. The Civil Service Commission has interpreted this provision to exempt persons paid from appropriations to the White House Office and Special Assistance to the President (Office of the Vice President), but it has determined that employees paid from other appropriations for the Executive Office of the President, including those of the Domestic Council, OTP, OMB, and NSC, are subject to the Act.

The Executive Director of the Domestic Council is paid from the White House Office appropriations and is exempt; the remainder of the Council's employees are paid from a separate appropriation and are covered. All detailed employees are fully subject to the Act.

## 3. Employees on Leave

A Federal employee on annual leave, sick leave, leave without pay, administrative leave, or furlough continues to be covered by the Hatch Act's restrictions.



#### 4. Exemptions

Federal officers and employees are not prohibited from taking an active part in non-partisan elections. This is an election (and the preceding campaign) in which none of the candidates is nominated or elected by a political party whose candidates for presidential elector received votes at the last preceding election. Also exempted are activities which are not partisan in character, such as constitutional amendments, referendums, and approval of municipal ordinances (5 U.S.C. 7326).

#### 5. Political management

Membership in a political party, organization, or club is permitted, but the employee may not hold office in the party, organization or club, or be a member of any of its committees. He may attend meetings open to the general membership and vote on candidates and issues, but he may not take an active part in the management of the club, organization, or party.

Attendance as a spectator at a political convention is permitted. However, the employee is not allowed to take part in the deliberations or proceedings of the convention or any of its committees. He may not be a candidate for, or serve as, a delegate, alternate, or proxy at such a convention.

Volunteer work for a partisan candidate, campaign committee, political party, or nominating convention of a political party is prohibited, whether the work involves contact with the public or not. If, however, an employee engages in a profession or business, such as a musician in a band or orchestra which participates in parades, public events and similar functions, he may perform in that capacity even though the particular event is politically sponsored.

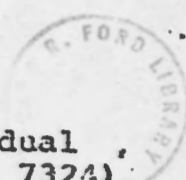
#### 6. Political campaigns; candidacy

An employee may not be a candidate in a partisan election for any public office.

Primary and run-off elections to nominate candidates of political parties are partisan even though no party designation appears on the ballot.

#### 7. Political campaigns; campaigning

As noted above, an employee may express his individual opinion on political subjects and candidates (5 U.S.C. 7324). This is frequently done by the employee wearing a badge or button on his person, or displaying a sticker or poster on his car or house.



An employee may not campaign for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting voters to support or oppose a candidate.

An employee may attend a political meeting or rally which is open to the public or the general membership of an organization, including committee meetings of political organizations. However, he may not serve on a committee that organizes or directs activities at a partisan campaign meeting or rally.

An employee may sign nominating petitions for candidates in a partisan election for public office, but may not originate or circulate such petitions.

#### 8. Contributions

An employee may make a financial contribution to a political party or organization, but he may not solicit or collect political contributions (5 U.S.C. 7323).



A

## TITLE 18. CRIMES AND CRIMINAL PROCEDURE

### CHAPTER 29—ELECTIONS AND POLITICAL ACTIVITIES

#### § 591. Definitions<sup>1</sup>

Except as otherwise specifically provided, when used in this section and in sections 597, 599, 600, 602, 603, 610, 611, 614, 615, and 617 of this title—

(a) "election" means—

- (1) a general, special, primary, or runoff election;
- (2) a convention or caucus of a political party held to nominate a candidate;
- (3) a primary election held for the selection of delegates to a national nominating convention of a political party; or
- (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

(b) a "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has—

- (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election; or
- (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution"—

- (1) means a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, which shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid bal-

<sup>1</sup> Effect on State law: The provisions of chapter 29 of Title 18, United States Code, relating to elections and political activities, supersede and preempt any provision of State law with respect to election to Federal office. The terms "election," "Federal office," and "State," as used in the preceding sentence of this footnote, have the meanings given them by section 591 of Title 18, United States Code.

ance thereof that each endorser or guarantor bears to the total number of endorsers or guarantors), made for the purpose of influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President of the United States;

(2) means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

(3) means funds received by a political committee which are transferred to such committee from another political committee or other source;

(4) means the payment, by any person other than a candidate or a political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; but

(5) does not include—

(A) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

(B) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities;

(C) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor;

(D) any unreimbursed payment for travel expenses made by an individual who on his own behalf volunteers his personal services to a candidate; or

(E) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines or other similar types of general public political advertising;

to the extent that the cumulative value of activities by any person on behalf of any candidate under each of clauses (B), (C), and (D) does not exceed \$500 with respect to any election;

## (f) "expenditure"—

(1) means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President of the United States;

(2) means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

(3) means the transfer of funds by a political committee to another political committee; but

(4) does not include—

(A) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(B) nonpartisan activity designed to encourage individuals to register to vote or to vote;

(C) any communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any person to Federal office;

(D) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities;

(E) any unreimbursed payment for travel expenses made by an individual who on his own behalf volunteers his personal services to a candidate;

(F) any communication by any person which is not made for the purpose of influencing the nomination for election, or election, of any person to Federal office;

(G) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of three or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers,

magazines or other similar types of general public political advertising;

(H) any costs incurred by a candidate in connection with the solicitation of contributions by such candidate, except that this clause shall not apply with respect to costs incurred by a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 603(c) of this title; or

(I) any costs incurred by a political committee (as such term is defined by section 603(b) (2) of this title) with respect to the solicitation of contributions to such political committee or to any general political fund controlled by such political committee, except that this clause shall not apply to exempt costs incurred with respect to the solicitation of contributions to any such political committee made through broadcasting stations, newspapers, magazines, outdoor advertising facilities, and other similar types of general public political advertising;

to the extent that the cumulative value of activities by any individual on behalf of any candidate under each of clauses (D) or (E) does not exceed \$500 with respect to any election;

(g) "person" and "whoever" mean an individual, partnership, committee, association, corporation, or any other organization or group of persons;

(h) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(i) "political party" means any association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization;

(j) "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Federal Election Commission;

(k) "national committee" means the organization which, by virtue of the bylaws of the political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Federal Election Commission established under section 437c(a) of Title 2, United States Code; and

(l) "principal campaign committee" means the principal campaign committee designated by a candidate under section 432 (f) (1) of Title 2, United States Code.

#### § 592. Troops at polls

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or

both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

#### § 593. Interference by Armed Forces

Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State;

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election;

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote;

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both; and disqualified from holding any office of honor, profit or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district.

#### § 594. Intimidation of voters

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purposes of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

#### § 595. Interference by administrative employees of Federal, State, or Territorial Governments

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the District of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or



agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization.

#### § 596. Polling Armed Forces

Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

#### § 597. Expenditures to influence voting

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than 2 years, or both.

#### § 598. Coercion by means of relief appropriations

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.



### § 559. Promise of appointment by candidate

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than 2 years, or both.

### § 600. Promise of employment or other benefit for political activity

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

### § 601. Deprivation of employment or other benefit for political activity

Whoever, except as required by law, directly or indirectly, deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

### § 602. Solicitation of political contributions

Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than 3 years or both.

### § 603. Place of solicitation

Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of moneys or other thing of value for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than 3 years, or both.

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### § 601. Solicitation from persons on relief

Whoever solicits or receives or is in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

### § 605. Disclosure of names of persons on relief

Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and

Whoever receives any such list or names for political purposes, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

### § 606. Intimidation to secure political contributions

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

### § 607. Making political contributions

Whoever, being an officer, clerk, or other person in the service of the United States or any department or agency thereof, directly or indirectly gives or hands over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

### § 608. Limitations on contributions and expenditures\*

#### (a) *Personal funds of candidates and family.*

(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election, to Federal office in excess of, in the aggregate—

\*Notwithstanding section 603(a)(1) of Title 18, United States Code, relating to limitations on expenditures from personal funds, any individual may satisfy or discharge out of his personal funds or the personal funds of his immediate family, any debt or obligation which is outstanding on the date of the enactment of this Act and which was incurred by him or on his behalf by any political committee in connection with any campaign called before the close of December 31, 1932, for election to Federal office. For purposes of the preceding paragraph of this footnote: (1) the terms "election", "Federal office", and "political committee" have the meanings given them by section 601 of Title 18, United States Code; and (2) the term "immediate family" has the meaning given it by section 603(a)(2) of Title 18, United States Code.

(A) \$50,000, in the case of a candidate for the office of President or Vice President of the United States;

(B) \$25,000, in the case of a candidate for the office of Senator or for the office of Representative from a State which is entitled to only one Representative; or

(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner, in any other State.

For purposes of this paragraph, any expenditure made in a year other than the calendar year in which the election is held with respect to which such expenditure was made, is considered to be made during the calendar year in which such election is held.

(2) For purposes of this subsection, "immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

(3) No candidate or his immediate family may make loans or advances from their personal funds in connection with his campaign for nomination for election, or for election, to Federal office unless such loan or advance is evidenced by a written instrument fully disclosing the terms and conditions of such loan or advance.

(4) For purposes of this subsection, any such loan or advance shall be included in computing the total amount of such expenditures only to the extent of the balance of such loan or advance outstanding and unpaid.

*(b) Contributions by persons and committees.*

(1) Except as otherwise provided by paragraphs (2) and (3), no person shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$1,000.

(2) No political committee (other than a principal campaign committee) shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$5,000. Contributions by the national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States shall not exceed the limitation imposed by the preceding sentence with respect to any other candidate for Federal office. For purposes of this paragraph, the term "political committee" means an organization registered as a political committee under section 433, Title 2, United States Code, for a period of not less than 6 months which has received contributions from more than 50 persons and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(3) No individual shall make contributions aggregating more than \$25,000 in any calendar year. For purposes of this paragraph, any contribution made in a year other than the calendar year in which the election is held with respect to which such contribution was made, is considered to be made during the calendar year in which such election is held.

(4) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate, in writing,

to accept contributions on his behalf shall be considered to be contributions made to such candidate; and

(b) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(5) The limitations imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(6) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

(c) *Limitations on expenditures.*

(1) No candidate shall make expenditures in excess of—

(A) ten million dollars, in the case of a candidate for nomination for election to the office of President of the United States, except that the aggregate of expenditures under this subparagraph in any one State shall not exceed twice the expenditure limitation applicable in such State to a candidate for nomination for election to the office of Senator, Delegate, or Resident Commissioner, as the case may be;

(B) twenty million dollars, in the case of a candidate for election to the office of President of the United States;

(C) in the case of any campaign for nomination for election by a candidate for the office of Senator or by a candidate for the office of Representative from a State which is entitled to only one Representative, the greater of—

(i) eight cents multiplied by the voting age population of the State (as certified under subsection (g)); or

(ii) one hundred thousand dollars;

(D) in the case of any campaign for election by a candidate for the office of Senator or by a candidate for the office of Representative from a State which is entitled to only one Representative, the greater of—

(i) twelve cents multiplied by the voting age population of the State (as certified under subsection (g)); or

(ii) one hundred fifty thousand dollars;

(E) seventy thousand dollars, in the case of any campaign for nomination for election, or for election, by a candidate for the office of Representative in any other State, Delegate from the District of Columbia, or Resident Commissioner; or



(F) fifteen thousand dollars, in the case of any campaign for nomination for election, or for election, by a candidate for the office of Delegate from Guam or the Virgin Islands.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for the purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

(3) The limitations imposed by subparagraphs (C), (D), (E), and (F) of paragraph (1) of this subsection shall apply separately with respect to each election.

(4) The Commission shall prescribe rules under which any expenditure by a candidate for presidential nomination for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

(d) *Adjustment of limitations based on price index.*

(1) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (c) and subsection (f) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(2) For purposes of paragraph (1)—

(A) the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term "base period" means the calendar year 1974.

(e) *Expenditures relative to clearly identified candidate.*

(1) No person may make any expenditure (other than an expenditure made by or on behalf of a candidate within the meaning of subsection (c) (2) (B) relative to a clearly identified candidate during a calendar year which, when added to all other expenditures made by such person during the year advocating the election or defeat of such candidate, exceeds \$1,000.



(2) For purposes of paragraph (1)—

(A) "clearly identified" means—

- (i) the candidate's name appears;
- (ii) a photograph or drawing of the candidate appears; or
- (iii) the identity of the candidate is apparent by unambiguous reference.

(B) "expenditure" does not include any payment made or incurred by a corporation or a labor organization which, under the provisions of the last paragraph of section 610 of this title, would not constitute an expenditure by such corporation or labor organization.

(f) *Exceptions for national and State committees.*

(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (g)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

- (A) in the case of a candidate for election to the office of Senator, or of Representative from a State which is entitled to only one Representative, the greater of—
  - (i) two cents multiplied by the voting age population of the State (as certified under subsection (g)); or
  - (ii) twenty thousand dollars; and
- (B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, \$10,000.

(g) *Voting age population estimates.* During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States of each State, and of each congressional district as of the first day of July

next preceding the date of certification. The term "voting age population" means resident population, 18 years of age or older.

(h) *Knowing violations.* No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

(i) *Penalties.* Any person who violates any provision of this section shall be fined not more than \$25,000 or imprisoned not more than 1 year, or both.

§ 609. [Repealed]

§ 610. Contributions or expenditures by national banks, corporations or labor organizations

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than \$25,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both; and if the violation was willful, shall be fined not more than \$50,000 or imprisoned not more than 2 years or both.

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

As used in this section, the phrase "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary

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course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.

### § 611. Contributions by Government contractors

Whoever—

(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of—

- (1) the completion of performance under; or
- (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings;

directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use;

or

(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$25,000 or imprisoned not more than 5 years, or both.

This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation or labor organization for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 610 of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund.

For purposes of this section, the term "labor organization" has the meaning given it by section 610 of this title.

§ 612

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### § 612. Publication or distribution of political statements

Whoever willfully publishes or distributes or causes to be published or distributed, or for the purpose of publishing or distributing the same, knowingly deposits for mailing or delivery or causes to be deposited for mailing or delivery, or, except in cases of employees of the Postal Service in the official discharge of their duties, knowingly transports or causes to be transported in interstate commerce any card, pamphlet, circular, poster, dodger, advertisement, writing, or other statement relating to or concerning any person who has publicly declared his intention to seek the office of President, or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to Congress, in a primary, general, or special election, or convention of a political party, or has caused or permitted his intention to do so to be publicly declared, which does not contain the names of the persons, associations, committees, or corporations responsible for the publication or distribution of the same, and the names of the officers of each such association, committee, or corporation, shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

### § 613. Contributions by foreign nationals

Whoever, being a foreign national, directly or through any other person, knowingly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or

Whoever knowingly solicits, accepts, or receives any such contribution from any such foreign national, shall be fined not more than \$25,000 or imprisoned not more than 5 years or both.

As used in this section, the term "foreign national" means—

- (1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. § 611(b)), except that the term "foreign national" shall not include any individual who is a citizen of the United States; or
- (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(20)).

### § 614. Prohibition of contributions in name of another

(a) No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person.

(b) Any person who violates this section shall be fined not more than \$25,000 or imprisoned not more than 1 year, or both.

### § 615. Limitation on contributions of currency

(a) No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any

campaign of such candidate for nomination for election, or for election, to Federal office.

(1) Any person who violates this section shall be fined not more than \$25,000 or imprisoned not more than 1 year, or both.

**§ 616. Acceptance of excessive honorariums**

Whoever, while an elected or appointed officer or employee of any branch of the Federal Government—

(1) accepts any honorarium of more than \$1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or

(2) accepts honorariums (not prohibited by paragraph (1) of this section) aggregating more than \$15,000 in any calendar year; shall be fined not less than \$1,000 nor more than \$5,000.

**§ 617. Fraudulent misrepresentation of campaign authority**

Whoever, being a candidate for Federal office or an employee or agent of such a candidate—

(1) fraudulently misrepresents himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participates in or conspires to participate in any plan, scheme, or design to violate paragraph (1);

shall, for each such offense, be fined not more than \$25,000 or imprisoned not more than 1 year, or both.



B



## CHAPTER 73—SUITABILITY, SECURITY, AND CONDUCT

### SUBCHAPTER III—POLITICAL ACTIVITIES

Sec.

- 7321. Political contributions and services.
- 7322. Political use of authority or influence; prohibition.
- 7323. Political contributions; prohibition.
- 7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions.
- 7325. Penalties.
- 7326. Nonpartisan political activity permitted.
- 7327. Political activity permitted; employees residing in certain municipalities.

#### § 7321. Political contributions and services

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

#### § 7322. Political use of authority or influence; prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

#### § 7323. Political contributions; prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

#### § 7324. Influencing elections; taking part in political campaigns; prohibitions; exceptions

(a) An employee in any Executive agency or an individual employed by the Government of the District of Columbia may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or

(2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission under the rules prescribed by the President.

(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses and to express his opinion



on political subjects and candidates.

(c) Subsection (a) of this section does not apply to an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(d) Subsection (a)(2) of this section does not apply to—

(1) an employee paid from the appropriation for the office of the President;

(2) the head or the assistant head of an Executive department or military department;

(3) an employee appointed by the President, by and with the consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws;

(4) the Commissioners of the District of Columbia; or

(5) the Recorder of Deeds of the District of Columbia.

#### § 7325. Penalties

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Civil Service Commission finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Commission.

#### § 7326. Nonpartisan political activity permitted

Section 7324 (a)(2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

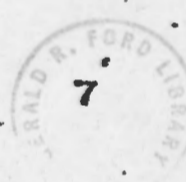
(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purpose of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

#### § 7327. Political activity permitted; employees residing in certain municipalities

(a) Section 7324 (a)(2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Civil Service Commission may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside.



to the extent the Commission considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.



c



# CODE OF FEDERAL REGULATIONS

## Title 5

### ADMINISTRATIVE PERSONNEL

#### PART 733-POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

##### Subpart A—The Competitive Service

###### GENERAL PROVISIONS

###### § 733.101 Definitions.

In this subpart:

- (a) "Employee" means an individual who occupies a position in the competitive service;
- (b) "Agency" means an executive agency and the government of the District of Columbia;
- (c) "Political party" means a National political party, a State political party, and an affiliated organization;
- (d) "Election" includes a primary, special, and general election;
- (e) "Nonpartisan election" means—

(1) An election in which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; and

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character; and

(f) "Partisan" when used as an adjective refers to a political party.

###### PERMISSIBLE ACTIVITIES

###### § 733.111 Permissible activities.

(a) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to—

- (1) Register and vote in any election;
- (2) Express his opinion as an individual privately and publicly on political subjects and candidates;
- (3) Display a political picture, sticker, badge, or button;
- (4) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;
- (5) Be a member of a political party or other political organization and participate in its activities to the extent consistent with law;

(5) Attend a political convention, rally, fund-raising function, or other political gathering;

(7) Sign a political petition as an individual;

(8) Make a financial contribution to a political party or organization;

(9) Take an active part, as an independent candidate, or in support of an independent candidate, in a partisan election covered by § 733.124;

(10) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election;

(11) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(12) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by State or local law; and

(13) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his agency.

(b) Paragraph (a) of this section does not authorize an employee to engage in political activity in violation of law, while on duty, or while in a uniform that identifies him as an employee. The head of an agency may prohibit or limit the participation of an employee or class of employees of his agency in an activity permitted by paragraph (a) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests.

###### PROHIBITED ACTIVITIES

###### § 733.121 Use of official authority; prohibition.

An employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

###### § 733.122 Political management and political campaigning; prohibitions.

(a) An employee may not take an active part in political management or in a political campaign, except as permitted by this subpart.

(c) of this section include but are not limited to:

(1) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;

(2) Organizing or reorganizing a political party organization or political club;

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose;

(4) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a partisan candidate, political party, or political club;

(5) Taking an active part in managing the political campaign of a partisan candidate for public office or political party office;

(6) Becoming a partisan candidate for, or campaigning for, an elective public office;

(7) Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office;

(8) Acting as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate;

(9) Driving voters to the polls on behalf of a political party or partisan candidate;

(10) Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature, or similar material;

(11) Serving as a delegate, alternate, or proxy to a political party convention;

(12) Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office; and

(13) Initiating or circulating a partisan nominating petition.

**§ 733.123 Prohibited activity; exception of certain employees.**

(a) Sections 733.121 and 733.122 do not apply to an employee of an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(b) Section 733.122 does not apply to —

(1) An individual exempted under section 7324(d) of title 5, United States Code;

(2) An employee of The Alaska Railroad who resides in a municipality on the line of the

railroad in respect to political activities involving that municipality;

(3) Subject to the conditions of section 733.124, an employee who resides in a municipality or other political subdivision designated by the commission under that section; or

(4) An employee who works on an irregular or occasional basis, on the days that he performs no services.

**§ 733.124 Political management and political campaigning; exception of certain elections.**

(a) Section 733.122 does not prohibit activity in political management or in a political campaign by an employee in connection with —

(1) A nonpartisan election, or

(2) Subject to the conditions and limitations established by the Commission, an election held in a municipality or political subdivision designated by the Commission under paragraph (b) of this section.

(b) For the purpose of subparagraph (2) of paragraph (a) of this section, the Commission may designate a municipality or political subdivision in Maryland or Virginia in the immediate vicinity of the District of Columbia or a municipality in which the majority of voters are employed by the Government of the United States, when the Commission determines that, because of special or unusual circumstances, it is in the domestic interest of employees to participate in local elections. Information as to the documentation required to support a request for designation is furnished by the Commission on request. The Commission has designated the following municipalities and political subdivisions, effective on the date specified:

**IN MARYLAND**

Annapolis (May 16, 1941).

Berwyn Heights (June 15, 1944).

Bethesda (Feb. 17, 1943).

Bladensburg (Apr. 20, 1942).

Bowie (Apr. 11, 1952).

Brentwood (Sept. 25, 1940).

Capital Heights (Nov. 12, 1940).

Cheverly (Dec. 18, 1940).

Chevy Chase, sections 1 and 2 (Mar. 4, 1941).

Chevy Chase, section 3 (Oct. 8, 1940).

Chevy Chase, section 4 (Oct. 2, 1940).

McCrin's Additions 1, 2, 3, and 4 to Chevy Chase (Feb. 13, 1941).

Chevy Chase View (Feb. 26, 1941).

College Park (June 13, 1945).

Cottage City (Jan. 15, 1941).

District Heights (Nov. 2, 1940).

Edmonston (Oct. 24, 1940).

Fairmont Heights (Oct. 21, 1940).  
 Forest Heights (April 22, 1949).  
 Garfield Park (Oct. 2, 1940).  
 Glenside (May 21, 1941).  
 Glen Echo (Oct. 22, 1940).  
 Greentree (Oct. 4, 1940).  
 Hyattsville (Sept. 20, 1940).  
 Kensington (Nov. 8, 1940).  
 Landover Hills (May 5, 1945).  
 Montgomery County (April 30, 1954).  
 Morningside (May 19, 1949).  
 Mount Rainier (Nov. 22, 1940).  
 North Beech (Sept. 20, 1940).  
 North Brentwood (May 6, 1941).  
 North Chevy Chase (July 22, 1942).  
 Northwest Park (Feb. 17, 1943).  
 Prince Georges County (June 19, 1962).  
 Riverdale (Sept. 26, 1940).  
 Rockville (April 15, 1948).  
 Seat Pleasant (Aug. 31, 1942).  
 Somerset (Nov. 22, 1940).  
 Takoma Park (Oct. 22, 1940).  
 University Park (Jan. 18, 1941).  
 Washington Grove (April 5, 1941).

#### IN VIRGINIA

Alexandria (April 15, 1941).  
 Arlington County (Sept. 9, 1940).  
 Clifton (July 14, 1941).  
 Fairfax County (Nov. 10, 1949).  
 Town of Fairfax (Feb. 9, 1954).  
 Falls Church (June 6, 1941).  
 Hamdon (April 7, 1945).  
 Loudoun County (Oct. 1, 1971).  
 Portsmouth (Feb. 27, 1958).  
 Prince William County (Feb. 14, 1967).  
 Vienna (March 18, 1946).

#### OTHER MUNICIPALITIES

Anchorage, Alaska (Dec. 29, 1947).  
 Benicia, Calif. (Feb. 20, 1948).  
 Bremerton, Wash. (Feb. 27, 1946).  
 Centerville, Ga. (Sept. 16, 1971).  
 Crane, Indiana (Aug. 3, 1967).  
 Elmer City, Wash. (Oct. 28, 1947).  
 Huachuca City, Ariz. (April 9, 1959).  
 New Johnsonville, Tenn. (April 26, 1956).  
 Norris, Tenn. (May 6, 1959).

Port Orchard, Wash. (Feb. 27, 1948).  
 Sny-Leban Township, N. H. (July 2, 1963).  
 Sierra Vista, Ariz. (Oct. 5, 1955).  
 Warner Robins, Ga. (Mar. 19, 1973).

(c) An employee who resides in a municipality or political subdivision listed in paragraph (b) of this section may take an active part in political management and political campaigns in connection with partisan elections for local offices of the municipality or political subdivision, subject to the following limitations:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.

(2) Candidacy for, and service in, an elective office shall not result in neglect of or interference with the performance of the duties of the employee or create a conflict, or apparent conflict, of interests.

#### Subpart B—The Excepted Service

##### § 733.201 Jurisdiction.

Sections 733.111–733.124 apply to an employee in the excepted service. It is the responsibility of the employing agency to investigate and decide allegations of prohibited political activity on the part of such an employee.

#### Subpart C—The Job Corps

##### § 733.301 Coverage.

This subpart applies to each officer, employee, and enrollee of the Job Corps established by the Economic Opportunity Act of 1964, as amended, who is alleged to have engaged in political activity in violation of that act.

#### Subpart D—The U. S. Postal Service

##### § 733.401 Jurisdiction.

Sections 733.111–733.124 apply to an employee of the U. S. Postal Service. By agreement with this agency, the Civil Service Commission investigates and adjudicates an allegation of political activity in violation of these sections by a covered agency employee.







OFFICE OF THE VICE PRESIDENT  
WASHINGTON

November 4, 1975

MEMORANDUM FOR: THE VICE PRESIDENT'S STAFF  
FROM: SUSAN C. HERTER *SCA*  
SUBJECT: Security Program Directive

1. As directed by the Vice President, the attached memorandum establishes the security program for the Office of the Vice President. It outlines procedures and provides guidance for the protection of classified information.

2. The directive includes detailed instructions for handling, safeguarding, storing, preparing, and destroying classified materials.

3. Those persons who may handle classified materials in the course of their duties should note particularly:

- statements which must be signed as a condition of employment and upon termination of employment.
- that periodic checks will be made by the Staff Security Officer to insure compliance with the provisions of this directive.
- requirements for safe combinations and the frequency that combinations must be changed.
- how accountability of Top Secret material is assured.
- requirement to be briefed on procedures.
- when the classification "Administratively Confidential" may be used.
- action to be taken in the event of loss or compromise.

- rules regarding access.
- penalties for carelessness in compliance with this directive.
- procedures established for the destruction of classified material.

4. It would be appreciated if you would familiarize yourself with the full contents of this memo at the earliest possible moment.

5. Mr. Ralph Martin has been designated to perform the duties as Staff Security Officer for the Office of the Vice President. MSGT John Owens will be the Assistant Staff Security Officer. The Staff Security Officer and Assistant Staff Security Officer will also serve as Top Secret Control Officer and Assistant Top Secret Control Officer respectively.



THE VICE PRESIDENT  
WASHINGTON

November 4, 1975

MEMORANDUM FOR: THE VICE PRESIDENT'S STAFF

FROM: THE VICE PRESIDENT

SUBJECT: Security Procedures

1. Purpose. To establish procedures and provide guidance for the security of classified information and material within the Office of the Vice President.

2. Guiding Directives.

a. Executive Order 11652, March 8, 1972, Subject: Classification and Declassification of National Security Information.

b. National Security Council Directive, May 17, 1972, Subject: National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information.

c. White House Staff Memorandum, November 1, 1974, Subject: Safeguarding Classified and Sensitive Information.

(Note: A review of these directives will be included as part of the indoctrination briefing.)

3. Policy.

Executive Order 11652 states in part: "Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and safety of our people, and our allies. To protect against actions hostile to the United States, of both overt and covert nature, it is essential that such official information and material be given only limited dissemination."

The safeguarding of classified information within the Office of the Vice President will comply with the letter and spirit of those directives listed in paragraph 2.

#### 4. General Information.

a. Staff Security Officer/Top Secret Control Officer.  
A Vice Presidential Staff Security Officer and Assistant Staff Security Officer will be assigned to perform the duties outlined in this instruction. They will normally be on the staff of the Assistant to the Vice President for National Security Affairs. The Security Officer and Assistant Security Officer will serve as Top Secret Control Officer and Assistant Top Secret Control Officer for the Office of the Vice President respectively, and will be responsible for the overall supervision of the Top Secret Control program. They will maintain positive control over the movement of all Top Secret material under their jurisdiction.

b. National Security Classifications. Generally, National Security Information/Classified Information and Material shall be in one of three categories.

(1) CONFIDENTIAL. The classification applied to national security information or material the unauthorized disclosure of which could cause damage to the national security.

(2) SECRET. The classification applied to national security information or material the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security.

(3) TOP SECRET. The classification applied to national security information or material the unauthorized disclosure of which could cause exceptionally grave damage to the national security.

#### c. Administrative Classification Categories.

(1) FOR OFFICIAL USE ONLY. Used to protect official information concerning office procedures, personnel actions, movement schedules, background information and other types of knowledge that is not for general publication or release outside official government channels.

(2) ADMINISTRATIVELY CONFIDENTIAL. Used to protect and identify sensitive correspondence and information that is not for public dissemination.

These administrative categories will not be used in conjunction with classification categories of CONFIDENTIAL, SECRET and TOP SECRET.

d. Security Clearances. No person shall be given access to classified information or material unless a favorable background investigation has been completed.

(1) Security Clearance Procedures.

(a) The Assistant to the Vice President for Administration will:

1. Be responsible for the processing of full field investigations for personnel assigned to the Vice President's staff with the exception of Department of Defense detailees.

2. Inform the Staff Security Officer of individuals whose full field investigations have been satisfactorily completed and approved and of any subsequent changes.

3. Notify the Staff Security Officer as soon as he is aware that a staff member is planning to terminate his employment.

(b) The Staff Security Officer will provide newly cleared persons with a security orientation briefing covering policy and procedures for handling classified information and material. (Sample Check Sheet Atch 1). After the briefing individuals will sign a Statement of Understanding of Security Procedures (Atch 2). This statement will be kept on file by the Staff Security Officer.

(NOTE: There is no such thing as an Interim Security Clearance for persons employed by the Office of the Vice President. Under no circumstances will uncleared persons be given access to classified material. Access to classified material will be denied until the individual has received the security orientation briefing and signed the Statement of Understanding of Security Procedures.)

(c) The Staff Security Officer will, as part of an individual's departure debriefing, remind individuals of their continuing responsibilities to protect classified information to which they have had access during the performance of their official duties. After being debriefed,

the individual will sign a Security Termination Statement acknowledging his responsibilities (Atch 3).

(2) Clearances required for access to certain Top Secret information or material will be controlled by the Staff Security Officer.

e. Access to Classified Material. Custodians of classified information and material are responsible for providing the required degree of protection at all times.

(1) CONFIDENTIAL, SECRET and TOP SECRET. Classified information and material will only be disclosed to an individual after it has been determined that the individual possesses the required clearance and has a valid "need to know". Persons releasing the information shall be responsible in every case for determining the recipient's eligibility for access.

(2) Access to Special Category Material will be controlled by the Assistant to the Vice President for National Security Affairs.

f. Custody and Safekeeping of Classified Material.

(1) All classified material addressed to the Office of the Vice President will normally be delivered to and receipted for by the Staff Security Officer who will enter it into the classified material control system.

(2) Storage of Classified Material.

(a) TOP SECRET Material. Shall be stored in a steel file container having a built-in three-position dial type combination lock and being of such weight, size, construction or installation as to minimize the possibility of unauthorized access or physical theft.

(b) SECRET and CONFIDENTIAL Material. May be stored in a manner authorized for TOP SECRET material or, as a minimum, in a steel file cabinet equipped with steel lockbar and dial-type padlock with a changeable three-position combination system, i.e., a four-drawer safe with a combination lock as described above.

(3) Record of Safe Locations. The Staff Security Officer will assign numbers to all security containers (safes, etc.) used to store classified material in the Office of the Vice President. A record of safe numbers, locations, and date of last combination change will be

maintained by the Staff Security Officer. Safekeeping equipment will be utilized for the storage of classified material only.

(4) Changing of Lock Combinations. Combinations of locks of security containers will be changed by the Staff Security Officer, his authorized representative or the Secret Service. This service may be requested by contacting the Staff Security Officer. Combinations will be changed:

(a) Whenever a person knowing the combination is transferred from or terminates employment with the office to which the equipment is assigned.

(b) Whenever the combination has been lost or subject to compromise.

(c) At least semi-annually.

(5) Records of Combinations. Records of combinations shall be maintained by the Staff Security Officer. Whenever a combination is changed, the new combination will be recorded on a Classified Container Combination Card, and placed in a Classified Container Information Envelope. The sealed envelope will be delivered to the Staff Security Officer for retention in the vault safe.

(6) Security Checks. It shall be the responsibility of the person using classified material to insure that the material is stored and properly secured when finished. No-notice security inspections will be conducted periodically by the Staff Security Officer or his representative to insure compliance with proper security procedures.

g. Handling of Classified Material.

(1) Use of Cover Sheets. A separate cover sheet indicating the classification of the material will be fastened to the top page or cover of each SECRET or TOP SECRET document.

(2) Unattended Documents. Classified material will be under the direct supervision of an authorized

person at all times when in use. Special care will be taken to insure that classified material is not left unsecured or unattended in an office.

(3) Working Papers. Working papers are documents, including drafts, photographs, etc., created to assist in the formulation and preparation of finished papers. Working papers containing classified information will be marked with the appropriate classification and provided the same degree of protection as that given to other documents of an equal category of classification.

(4) Communications Security. Classified information will not be discussed over the telephone. Individuals possessing knowledge of classified information are charged with the responsibility of avoiding all references to classified subjects and contents of classified documents over the telephone. This responsibility also extends to face-to-face discussions of classified material with or in the presence of unauthorized persons.

(5) Transmission/Transfer of Classified Material.

(a) Outside the Office of the Vice President and the Executive Office Building-White House Complex. The Staff Security Officer is responsible for transmitting or transferring all classified material outside the Office of the Vice President and Executive Office Building-White House complex in accordance with Attachment 4. Staff members needing to send documents to other agencies or offices will provide the Staff Security Officer with the material for mailing together with the name and complete address of the recipient.

(b) Within the Office of the Vice President and the Executive Office Building-White House Complex. Transfer or movement of classified material will be accomplished only by properly cleared persons handcarrying the material to the recipient. The material should be carried in an envelope marked with the appropriate classification. Use of see-through messenger envelopes is not authorized. Recipients will sign a receipt (DIA Form 13 which is available from the Staff Security Officer) for all material classified SECRET and TOP SECRET. Whenever TOP SECRET material is transferred, the Staff Security Officer will be notified in order to maintain accurate accountability of the document. Classified material will never be delivered to an uncleared person, left in unoccupied offices, or sent through the unclassified mail delivery/distribution system.

(c) Staff members requiring the use of classified material at conferences and meetings held outside the Washington, D.C. Metropolitan area and who intend to use commercial/public transportation should provide the material to the Staff Security Officer far enough in advance to assure that the material will be available on or before the date needed. This requirement does not apply when utilizing government/military transportation. In these cases, material may be handcarried. The Staff Security Officer will brief each staff member prior to departure concerning security requirements or arrangements needed to safeguard the material while away from his office. For meetings or conferences within the Washington, D.C. Metropolitan area, members may handcarry classified material.

(Note: Use of classified material during a conference or meeting requires increased awareness and precautionary handling to avoid security violations and/or compromises. Staff members using classified material during a meeting or conference are responsible for insuring that the material is properly protected at all times, and that personnel present possess appropriate clearances for the material being presented.)

(d) Visits to Foreign Countries. Special precautions must be taken when visiting foreign countries to insure classified material is protected at all times.

(6) Preparation of Classified Material. All classified material originating within the Office of the Vice President will be prepared and marked by properly cleared personnel in accordance with Attachment 5. Questions concerning procedures should be directed to the Staff Security Officer.

(7) Reproduction of Classified Material.

(a) Reproduction of classified material will be accomplished only by properly cleared persons. NOTE: Reproduction machines can retain the imagery of material passed through them. Therefore, to avoid inadvertent disclosure of classified information through subsequent use of machines, staff members will always run machines through four cycles (four blank pages) after the last page of the classified material has been reproduced.

(b) Accountability of SECRET material will be maintained by informing the Staff Security Officer of the number of copies reproduced and their disposition.

(c) Reproduction of TOP SECRET material will be accomplished by the Staff Security Officer or his assistant ONLY.

(8) Destruction of Classified Material.

(a) SECRET and TOP SECRET material will be given to the Staff Security Officer for destruction to insure destruction is properly recorded and destroyed material is removed from the classified control system.

(b) CONFIDENTIAL Material. Destruction of CONFIDENTIAL material may be accomplished in the holder's office by tearing lengthwise and placing it in a "Burn Bag" designated for classified material.

(c) Classified Waste. All classified waste material should be separated from other office waste material and placed in burn bags. (NOTE: Classified waste material includes working papers, notes, drafts of classified correspondence, carbon paper, typewriter ribbons and any other material containing information requiring destruction.) Burn bags, available from the Staff Security Officer, will be collected by a member of the White House Executive Protection Service who will then dispose of the bags in a secure facility.

(d) Typewriter Ribbons. Classified material can be reproduced from imprints on used typewriter ribbons. Therefore, ribbons which are used in the preparation of classified material must be safeguarded accordingly, i.e., they should be stored in a safe at the close of business, destroyed as classified waste when no longer serviceable, etc.

(9) Inventories. The Staff Security Officer or his assistant will conduct inventories of all TOP SECRET material charged to the Office of the Vice President at least annually to determine the adequacy of control procedures and insure accountability.

h. Loss or Compromise. Any person who has knowledge of the loss or possible compromise of classified information shall promptly report the circumstances to the Staff Security Officer.

i. Penalties. Any individual breach of security may warrant penalties up to and including the separation of the individual from his employment or criminal prosecution.

j. Special Access. The names of personnel cleared for access to certain categories of TOP SECRET information are on file in the Office of the Staff Security Officer.

## ATTACHMENTS

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OUTLINE

SECURITY BRIEFING

- I. Introduction: Responsibilities and Purpose of Administrative Security System.
- II. Safeguarding and Storage of Classified Material
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- III. Handling of Classified Material
  - A. Access
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OFFICE OF THE VICE PRESIDENT  
WASHINGTON

EMPLOYMENT AGREEMENT & INDOCTRINATION STATEMENT

As consideration for employment with the Office of the Vice President and as a condition for continued employment I hereby declare that I intend to be governed by and I will comply with the following provisions:

1. By virtue of the performance of my official duties while employed by or assigned to the Office of the Vice President, I expect to be the recipient of classified information, materials, plans or intelligence data which concern the national defense and foreign relations of the United States and which are the property of the United States Government. I have been furnished and I understand the provisions of (a) the Espionage Act, Title 18, USC, Section 793 and 794, concerning the disclosure of information relating to the national defense of the United States and the penalties provided for violations thereof; (b) Title 18, USC, Section 1001, concerning the making of false statements; and (c) Executive Order 11652 entitled "Classification and Declassification of National Security Information and Material".

2. I understand that one of the obligations of my employment by or assignment to the Office of the Vice President is strict compliance with the provisions of Federal laws, directives and regulations with respect to the safeguarding of classified information of the United States Government from unauthorized disclosure.

3. I agree that in the course of my employment by or assignment to the Vice President's staff and subsequent thereto, I will not divulge, publish or reveal by any means any classified information, intelligence data or knowledge which I may acquire by virtue of such employment, except as authorized by competent authority pursuant to the provisions of Federal statutes, regulations and directives. Should an attempt be made by any unauthorized person to obtain classified information from me I will report such incident to the Staff Security Officer for the Office of the Vice President, the nearest office of the Federal Bureau of Investigation or to the nearest U.S. Embassy, Consulate or U.S. Military Command.

4. I understand that upon the termination of my employment by or assignment to the Vice President's staff, none of the classified information or material to which I have access or which I have originated in the course of that

employment or assignment may be removed or retained by me, except as authorized by competent authority.

5. I understand that a change in my assignment or employment will not relieve me of my obligations under this statement, and that the provisions of this statement will remain binding upon me after termination of my service with the Office of the Vice President and my services with the United States Government.

\_\_\_\_\_  
Signature

Witnessed and accepted in behalf of the Vice President of the United States on

\_\_\_\_\_, 19\_\_, by \_\_\_\_\_

OFFICE OF THE VICE PRESIDENT  
WASHINGTON

SECURITY TERMINATION STATEMENT

On the occasion of the termination of my employment by or assignment to the staff of the Office of the Vice President, I hereby state that:

- 1) I am not retaining possession of or taking with me any document or other material containing classified information affecting the national defense or foreign relations of the United States, to which I have had access or which I have originated during the period of my employment by or assignment to the Office of the Vice President.
- 2) I will not hereafter in any manner reveal or divulge any such classified information of which I have gained knowledge during my employment by or assignment to the Office of the Vice President, except as authorized by competent authority pursuant to the provisions of Federal statutes, regulations and directives. Should an attempt be made by any unauthorized person to obtain such classified information from me, I will report the incident to the Staff Security Officer of the Office of the Vice President, the nearest office of the Federal Bureau of Investigation, or the nearest U.S. Embassy, Consulate, or U.S. Military Command.
- 3) I have read and understand the provisions of the Espionage Act, Title 18, USC, Sections 793 and 794, concerning unlawful disclosure of information affecting the national defense, and the provisions of Title 18, USC, Section 1001, regarding the making of false statements. With this understanding, I state that the information I have given herein is, to the best of my knowledge and belief, correct and complete and is being furnished to the U.S. Government for purposes of protection of classified information which affects the national defense, or foreign relations, of the United States.

\_\_\_\_\_  
date

\_\_\_\_\_  
signature

\_\_\_\_\_  
witness

\_\_\_\_\_  
name (typed or printed)



TRANSMISSION OF CLASSIFIED INFORMATION

A. Preparation and Receipting. Classified information and material shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt shall identify the sender, addressee, and the document, but shall contain no classified information. It shall be signed by the recipient and returned to the sender.

B. Transmission of Top Secret. The transmission of Top Secret information and material shall be effected preferably by oral discussions in person between the officials concerned. Otherwise the transmission of Top Secret information and material shall be by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over authorized communications circuits in encrypted form or by other means authorized by the National Security Council; except that in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating Department.

C. Transmission of Secret. The transmission of Secret material shall be effected in the following manner.

(1) The Fifty States, District of Columbia, Puerto Rico. Secret information and material may be transmitted within and between the forty-eight contiguous states and District of Columbia, or wholly within the State of Hawaii, the State of Alaska, or the Commonwealth of Puerto Rico by one of the means authorized for Top Secret information and material, the United States Postal Service registered mail and protective services provided by the United States air or surface commercial carriers under such conditions as may be prescribed by the head of the Department concerned.

(2) Other Areas, Vessels, Military Postal Services, Aircraft. Secret information and material may be transmitted from or to or within areas other than those specified in (1) above, by one of the means established for Top Secret information and material, captains or masters of vessels of United States registry under contract to a Department of the Executive Branch, United States registered mail through Army, Navy or Air Force Postal Service facilities provided that material does not at any time pass out of United States citizen control and does not pass through a foreign postal system, and commercial aircraft under charter to the United States and military or other government aircraft.

(3) Canadian Government Installations. Secret information and material may be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous states, Alaska, the District of Columbia and Canada by United States and Canadian registered mail with registered mail receipt.

(4) Special Cases. Each Department may authorize the use of the United States Postal Service registered mail outside the forty-eight contiguous states, the District of Columbia, the State of Hawaii, the State of Alaska, and the Commonwealth of Puerto Rico if warranted by security conditions and essential operational requirements provided that the material does not at any time pass out of United States Government and United States citizen control and does not pass through a foreign postal system.

D. Transmittal of Confidential. Confidential information and material shall be transmitted within the forty-eight contiguous states and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first class mail. Outside these areas, Confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

E. Alternative Transmission of Confidential. Each Department having authority to classify information or material as "Confidential" may issue regulations authorizing alternative or additional methods for the transmission of material classified "Confidential" outside of the Department. In the case of material originated by another agency, the method of transmission must be at least as secure as the transmission procedures imposed by the originator.

F. Transmission Within a Department. Department regulations governing the preparation and transmission of classified information within a Department shall ensure a degree of security equivalent to that prescribed above for transmission outside the Department.

# # # #

ATTACHMENTPREPARATION AND MARKING OF CLASSIFIED MATERIAL

1. Guidance. Information determined to require protection against unauthorized disclosure shall be so designated. Designation by physical marking, notation or other means, serves to inform and to warn the holder of the classification of the information involved and the degree of protection against unauthorized disclosure which is required for that particular level of classification.

2. Procedures.

a. The overall classification of a document, any copy of reproduction thereof, will be conspicuously marked or stamped at the top and bottom of the:

(1) Outside of the Front Cover (if any).

(2) Title Page (if any).

(3) First Page.

(4) Back Page and outside of the back cover (if any).

b. Each interior page of a document shall be conspicuously marked or stamped at the top and bottom with the highest classification of information appearing thereon, including the designation "Unclassified" when appropriate.

c. Paragraph Marking.

(1) Each section, part, paragraph or subparagraph, when there are differences in their classifications, shall be marked to show the level of classification of each. Parts or paragraphs containing unclassified information will be marked accordingly.

(2) When different items of information in one letter require different classifications, but segregation into separate paragraphs for classification purposes would destroy continuity or content, the highest classification required for any item shall be applied to the letter.

d. Files, Folders, or Groups of Documents. Files, folders or groups of documents shall be conspicuously marked to assure their protection to a degree as high as that of the most highly classified document included therein. Classified document cover sheets may be used for this purpose. Documents separated from the file, folder or group shall be marked as prescribed for individual documents.

e. At the time of origination, each classified document or other material shall, in addition to the security classification markings prescribed above, be marked to reflect downgrading and declassification instructions contained in the appendix to this attachment. Downgrading and declassification instructions will be typed or stamped at the bottom of the first page or title page or shall be placed conspicuously in a similarly prominent place immediately below or adjacent to and in conjunction with the classification markings.

#### IV - MARKING REQUIREMENTS

A. When Document or Other Material is Prepared. At the time of origination, each document or other material containing classified information shall be marked with its assigned security classification and whether it is subject to or exempt from the General Declassification Schedule.

(1) For marking documents which are subject to the General Declassification Schedule, the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL)  
CLASSIFIED BY \_\_\_\_\_  
SUBJECT TO GENERAL DECLASSIFICATION  
SCHEDULE OF EXECUTIVE ORDER 11652  
AUTOMATICALLY DOWNGRADED AT TWO  
YEAR INTERVALS AND DECLASSIFIED ON DEC. 31  
(insert year)

(2) For marking documents which are to be automatically declassified on a given event or date earlier than the General Declassification Schedule the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL)  
CLASSIFIED BY \_\_\_\_\_  
AUTOMATICALLY DECLASSIFIED ON (effective  
date or event)

(3) For marking documents which are exempt from the General Declassification Schedule the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL)  
CLASSIFIED BY \_\_\_\_\_  
EXEMPT FROM GENERAL DECLASSIFICATION  
SCHEDULE OF EXECUTIVE ORDER 11652  
EXEMPTION CATEGORY (§ 5B (1), (2), (3), or (4))  
AUTOMATICALLY DECLASSIFIED ON (effective date  
or event, if any)

Should the classifier inadvertently fail to mark a document with one of the foregoing stamps the document shall be deemed to be subject to the General Declassification Schedule. The person who signs or finally approves a document or other material containing classified information shall be deemed to be the classifier. If the classifier is other than such person he shall be identified on the stamp as indicated.

The "Restricted Data" and "Formerly Restricted Data" stamps (H. below) are, in themselves, evidence of exemption from the General Declassification Schedule.

B. Overall and Page Marking of Documents. The overall classification of a document, whether or not permanently bound, or any copy or reproduction thereof, shall be conspicuously marked or stamped at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, on the back page and on the outside of the back cover (if any). To the extent practicable each interior page of a document which is not permanently bound shall be conspicuously marked or stamped at the top and bottom according to its own content, including the designation "Unclassified" when appropriate.

more

C. Paragraph Marking. Whenever a classified document contains either more than one security classification category or unclassified information, each section, part or paragraph should be marked to the extent practicable to show its classification category or that it is unclassified.

D. Material Other Than Documents. If classified material cannot be marked, written notification of the information otherwise required in markings shall accompany such material.

E. Transmittal Documents. A transmittal document shall carry on it a prominent notation as to the highest classification of the information which is carried with it, and a legend showing the classification, if any, of the transmittal document standing alone.

F. Wholly Unclassified Material Not Usually Marked. Normally, unclassified material shall not be marked or stamped "Unclassified" unless the purpose of the marking is to indicate that a decision has been made not to classify it.

G. Downgrading, Declassification and Upgrading Markings. Whenever a change is made in the original classification or in the dates of downgrading or declassification of any classified information or material it shall be promptly and conspicuously marked to indicate the change, the authority for the action, the date of the action, and the identity of the person taking the action. In addition, all earlier classification markings shall be cancelled, if practicable, but in any event on the first page.

(1) Limited Use of Posted Notice for Large Quantities of Material. When the volume of information or material is such that prompt remarking of each classified item could not be accomplished without unduly interfering with operations, the custodian may attach downgrading, declassification or upgrading notices to the storage unit in lieu of the remarking otherwise required. Each notice shall indicate the change, the authority for the action, the date of the action, the identity of the person taking the action and the storage units to which it applies. When individual documents or other materials are withdrawn from such storage units they shall be promptly remarked in accordance with the change, or if the documents have been declassified, the old markings shall be cancelled.

(2) Transfer of Stored Quantities Covered by Posted Notice. When information or material subject to a posted downgrading, upgrading or declassification notice are withdrawn from one storage unit solely for transfer to another, or a storage unit containing such documents or other materials is transferred from one place to another, the transfer may be made without remarking if the notice is attached to or remains with each shipment.

more

H. Additional Warning Notices. In addition to the foregoing marking requirements, warning notices shall be prominently displayed on classified documents or materials as prescribed below. When display of these warning notices on the documents or other materials is not feasible, the warnings shall be included in the written notification of the assigned classification.

(1) Restricted Data. For classified information or material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended:

"RESTRICTED DATA"

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Its dissemination or disclosure to any unauthorized person is prohibited.

(2) Formerly Restricted Data. For classified information or material containing solely Formerly Restricted Data, as defined in Section 142.d., Atomic Energy Act of 1954, as amended:

"FORMERLY RESTRICTED DATA"

Unauthorized disclosure subject to Administrative and Criminal Sanctions. Handle as Restricted Data in Foreign Dissemination. Section 144.b., Atomic Energy Act, 1954.

(3) Information Other Than Restricted Data or Formerly Restricted Data. For classified information or material furnished to persons outside the Executive Branch of Government other than as described in (1) and (2) above:

"NATIONAL SECURITY INFORMATION"

Unauthorized Disclosure Subject to Criminal Sanctions.

(4) Sensitive Intelligence Information. For classified information or material relating to sensitive intelligence sources and methods, the following warning notice shall be used, in addition to and in conjunction with those prescribed in (1), (2), or (3), above, as appropriate:

"WARNING NOTICE - SENSITIVE  
INTELLIGENCE SOURCES AND  
METHODS INVOLVED"



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| Memo             | Dick Allison to Susan C. Herter, <del>re</del><br>re Procedures in case of Riot or<br>Disorder Enroute, 1 page. | 2/11/76 | B           |

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- (A) Closed by Executive Order 12356 governing access to national security information.  
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SM 5/15/14

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OFFICE OF THE VICE PRESIDENT  
WASHINGTON

March 3, 1976

MEMORANDUM FOR: The Vice Presidential Staff

FROM: Susan C. Herter *SCH*

SUBJECT: Control and Reduction of Official Travel Costs

1. This Memorandum sets forth the Vice President's office policy to control and reduce travel costs. This policy is consistent with:

- A. Administration policy, which directs that Agencies should authorize that amount of travel necessary to accomplish the purposes of the Government effectively -- but not one bit more and at a minimum cost;
- B. Recently passed Congressional <sup>P</sup>resolution on travel, which expressed the sense of the Congress that The President, through the Director of the Office of Management and Budget, take steps to restrain the inflationary impact and to conserve the use of energy by reducing Federal travel expenditures for the remainder of Fiscal Year 1976.

2. Office Policy

- A. The only travel requests that will be considered are those essential to the performance of the Office of the Vice President;
- B. All travel plans should be reviewed carefully to eliminate travel not absolutely necessary or directly relevant to the Office of the Vice President and to minimize the cost of travel that must be undertaken including local travel (taxi fares);



*Amended  
12/1/76*

Control and Reduction of  
Official Travel Costs  
Page Two

- C. Attendance at meetings, conferences or seminars dependent on travel at Government expense must be approved by the Chief of Staff prior to accepting an invitation or otherwise becoming committed;
- D. Travel to be performed at non-Government expense must have prior approval of the Counsel to the Vice President to ensure compliance with the Conflict of Interest Statutes;
- E. To the extent possible, handle matters by mail or telephone;
- F. Do not have two or more staff members travel where one will suffice.

3. Travel Requests

- A. Your request for travel must be specific and in detail as to its purpose -- not just the statement that you will be in a certain city on a particular date to attend a meeting;
- B. All requests for travel must be submitted in duplicate to the Assistant to the Vice President for Administration for approval at least five working days prior to the requested travel date. Travel Request Forms are available from the Supply Office;
- C. Unless of an emergency nature, which makes it impossible to secure prior authorization, claims for reimbursement will not be allowed when travel is performed without prior approval. Or, if applicable, the traveler will be required to reimburse the Government for any Government Transportation Request used during the course of such travel, plus the Federal Transportation Tax.

4. The attached information entitled "Federal Travel Allowances and Preparation of Necessary Travel Forms" should assist you in the preparation of necessary travel forms as well as advising you of the travel allowances that may be claimed by an individual on authorized official travel status.

Should you have any questions, please contact the Assistant to the Vice President for Administration.







OFFICE OF THE VICE PRESIDENT  
WASHINGTON

March 3, 1976

MEMORANDUM FOR: The Vice Presidential Staff  
FROM: Susan C. Herter *scH*  
SUBJECT: Federal Travel Allowances and Preparation of  
Necessary Travel Forms

1. The provisions of this Memorandum apply to all official travel performed by members of the Vice Presidential staff.
2. Travel Allowances

Within the conterminous United States the following Per Diem rates apply;

- 1) The maximum Per Diem rate is \$33 per day, except in the High Rate Geographical Areas (which is covered in paragraph 3). The Per Diem rate shall be established on the basis of the average amount the traveler pays for lodging plus an allowance of \$14 for meals and miscellaneous. However, the resulting amount rounded to the next whole dollar shall be a daily rate not in excess of \$33 per day;
- 2) The average cost of lodging is determined by dividing the total amount paid for lodging during the period covered by the Travel Voucher by the number of nights for which lodging was or would have been required while away from the official duty station. Exclude from this computation the night of the employee's return to his/her residence or official duty station;
- 3) No minimum allowance is authorized for lodging, because allowances are based on actual lodging costs. Receipts for lodging costs are required and must be submitted along with the Travel Voucher requesting reimbursement;



*arrived  
HWS*

- 4) Per Diem is paid in terms of quarter days. However, for trips of 24 hours or less where a nights lodging is not required, the Per Diem rate is \$14 and payment is requested on an actual elapsed time basis. NOTE: No Per Diem is allowed when the travel period is 10 hours or less during the same calendar day, except when the travel period is 6 hours or more and begins before 6 a.m. or terminates after 8 p.m.

### 3. High Rate Geographical Areas

For temporary duty travel to or within the designated High Rate Geographical Areas a traveler shall automatically be placed in an actual subsistence expense status and expenses incurred not to exceed the maximum rates prescribed for the particular geographical area involved. These are uniform maximum actual subsistence expense rates and are not subject to change unless unusual circumstances dictate approval of a higher rate.

The areas involved are:

- 1) Boston, Massachusetts -- all locations within the corporate limits of Boston and Cambridge, Massachusetts -- \$38;
- 2) Chicago, Illinois -- all locations within the corporate limits thereof -- \$39;
- 3) Los Angeles, California -- all locations within the corporate limits of the City of Los Angeles, California -- \$37;
- 4) New York, New York -- all locations within the Boroughs of Brooklyn, Queens, Manhattan, Bronx and Staten Island -- \$50;
- 5) San Francisco, California -- all locations within the corporate limits of San Francisco and Oakland, California -- \$39;
- 6) Washington, D. C. -- all locations within the corporate limits of Washington, D. C., and the County of Arlington and the City of Alexandria, Virginia -- \$42.



4. Actual Subsistence Expenses

- A. Actual expenses may be authorized for actual and necessary subsistence expenses during official travel when it has been determined that the authorized maximum Per Diem allowance (\$33 per day) would be inadequate to cover the actual and necessary expenses of the traveler;
- B. Authorization of actual expenses would only be granted if unusual circumstances are involved and prior approval for actual expenses is obtained;
- C. In the event that actual expenses are approved the traveler must provide receipts along with his/her Travel Voucher.

5. Methods of Transportation

- A. Official vehicles as available will be provided for all official local travel and should be requested before other means of transportation is utilized;

B. Taxicabs

The use of taxicabs may be allowed if authorized or approved as advantageous to the Government;

C. Use of Taxicabs

1) To and From Carrier Terminals

Reimbursement will be allowed for the usual taxicab and limousine fares, plus tips, from common carrier or other terminal to either the employee's home or place of business, from the employee's home or place of business to the common carrier or other terminal, or between an airport and airport limousine terminal.



However, the use of taxicabs can be restricted here under or a monetary limit can be placed on the amount of taxicab reimbursement when suitable Government or common carrier transportation service, including airport limousine service, is available for all or part of the distance involved;

2) Between Residence and Office on the Day Travel is Performed

Reimbursement may be authorized or approved for the usual taxicab fare plus tip from the employee's home to his/her office on the day he/she departs from the office on an official trip requiring at least 1 night of lodging and from his/her home on the day of return to the office from the trip, in addition to taxi fares between the office and the carrier terminal. However, in any case, prior approval must be obtained before taxis are used in the above situation;

3) Between Residence and Office in Case of Necessity

Reimbursement for the usual taxicab fare paid by an employee for travel between office and home may be authorized or approved incident to the conduct of official business at an employees designated post or duty when the employee is dependent on public transportation for such travel incident to officially ordered work outside of regular working hours and when the travel is during hours of infrequently scheduled public transportation or darkness. However, use of taxicabs for this purpose must be approved or authorized before it is utilized or claims for reimbursement will not be honored.

D. Reimbursement for Use of Taxicabs

In addition to reimbursement of taxicab fares the employee will be allowed reimbursement of tips in the amount of 15 cents when

the fare is \$1.00 or less or 15% of the total fare when it exceeds \$1.00. If the 15% is not a multiple of 5 the reimbursable tip may be increased to the next multiple of 5;

E. Privately Owned Conveyance

The use of a privately owned vehicle will be approved only when a determination is made that its use would be advantageous to the Government. However, the determination must be provided by the fact that both the common carrier and Government owned vehicle transportation are not feasible in the circumstance or that transportation by these means would be more costly to the Government. This determination shall be based on both the direct transportation costs and the economies which result from the more expeditious and effective performance of Government business through the use of one or another method of transportation. Additional factors in reaching determinations are total distance of travel, number of places or points to be visited and the number of travelers.

1) Mileage Rates

When the use of a privately owned conveyance is authorized the reimbursement for mileage shall be as follows:

- a) 8 cents per mile for use of a personally owned motorcycle;
- b) 15 cents per mile for use of a personally owned automobile;
- c) 22 cents per mile for use of a privately owned airplane.

2) Use of Personally Owned Conveyance in Lieu of Common Carrier

When a personally owned conveyance is used for official purposes as a matter of personal preference in lieu of common carrier transportation payment for such travel shall be made on the

basis of the actual travel performed at the mileage rate authorized plus the Per Diem allowable for the actual travel. However, the total allowable expenses shall be limited to the total constructive cost of an appropriate common carrier transportation including constructive Per Diem by that method of transportation.

6. Travel Voucher (SF-1012)

- A. Standard Form 1012 is the prescribed form used for travelers to claim reimbursement for travel expenses. This Standard Form 1012 should be completed and submitted along with all receipts for payment to the Assistant to the Vice President for Administration;
- B. Pertinent Factors in Completing SF-1012
  - 1) Time of departure and return -- except where excursion fares are used or annual leave is involved -- the time of departure will not be earlier than necessary to arrive at the first place of temporary duty at a reasonable hour and the traveler will return as soon as possible after completion of his/her official business to arrive home at a reasonable hour;
  - 2) Official travel begins at the time the traveler leaves his/her home, office or other point of departure and ends when the traveler returns to his/her home, office or other point at the conclusion of the trip;
  - 3) When the time of departure is within 30 minutes to the end of a quarter day or the time of return is within 30 minutes after the beginning of a quarter day Per Diem for either quarter will not be allowed unless a statement is attached to the Travel Voucher (SF-1012) justifying the official necessity of the departure or return.



7. Trips of a Political Nature

Any member of the Staff on a trip of a political nature will not be reimbursed by the Federal Government for expenses incurred. Expenses incurred on such trips will be paid for by the Republican National Committee. Expenses for such trips should be submitted to the Assistant to the Vice President for Administration. Expense vouchers are available through his office.





MR. ALLISON



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

March 8, 1976

MEMORANDUM FOR: The Vice Presidential Staff  
FROM: Susan C. Herter *SCH*  
SUBJECT: Absences from the Office of the Vice President  
(Annual Leave, Sick Leave and Compensatory Time)

The Assistant to the Vice President for Administration is responsible for maintaining Time and Attendance reports. Therefore, ANY absence for ANY reason must be provided to the Administrative Office so that the Time and Attendance records are maintained accurately and reported to the Secretariat.

The following procedures should be followed in reporting any absences:

1. Daily Attendance

Daily recording and reporting of Time and Attendance are required of all employees of the Office of the Vice President. One person from each section of the Vice President's Office should be given the responsibility of reporting absences from the office for the Time and Attendance records to the Administrative Office.

2. Annual Leave

Annual leave must be reported before it is taken, not after the fact. A Standard Form 71 should be filled out and submitted to the Administrative Office. These Forms are available through the Supply Office. Each individual should secure in advance authorization of his or her immediate supervisor for Annual Leave for whatever duration.



*Annual  
pic*

3. Sick Leave

In the event an individual cannot report to work because of illness, the Administrative Office should be so notified by 8:30 a.m. that day.

If it is known in advance that Sick Leave will be required, the Administrative Office should be notified prior to the taking of such Sick Leave.

For Sick Leave of more than three days' duration, a doctor's certification is required on the back of the Standard Form 71.

4. Compensatory Time

Employees may be granted Compensatory Time. However, Compensatory Time earned and taken must be recorded on the Time and Attendance records.

Supervisors are responsible for assuring that employees take Compensatory Time as soon as it is practicable. Most important is that a record is maintained of all Compensatory Time that is being claimed.

Compensatory Time will only be granted to secretaries, clerks, messengers and other staff personnel in a comparable category.

Compensatory Time must be approved in the exact manner as requests for Annual Leave.







OFFICE OF THE VICE PRESIDENT  
WASHINGTON

March 19, 1976

MEMORANDUM FOR: The Vice Presidential Staff  
FROM: Susan Herter *See*  
SUBJECT: Transportation

This Memorandum is to remind you that a very limited number of staff cars and drivers are assigned to the Office of the Vice President. These vehicles are available to assist the Vice President's Staff in moving throughout the Washington, D. C., area on official business. Because the number of vehicles and drivers is limited, it is necessary to restrict the use of transportation and to follow these rules in order to ensure fair and equitable use.

1. Assigned vehicles and drivers must be used only for official business. Official business are those matters which an employee in the Office of the Vice President has that are directly related to the duties assigned in support of the Vice President.

2. Transportation will not be provided for personal conveniences to and from duty, restaurants, hotels or private homes for social purposes.

3. Transportation will not be provided for members of families or for guests.

4. Official vehicles supporting the Vice President's Office are parked in the South Courtyard; 3 - 5 minutes should be allowed for the driver to get to his vehicle after a request has been made.



5. Individuals requesting transportation will be transported to their destinations and the vehicle will then return to the Old Executive Office Building (OEOB). Return transportation should be arranged prior to departure from the OEOB, or Mr. Townsend's office can be contacted for pick up upon completion of business (see below).

6. Drivers upon specific instructions will wait no more than 20 minutes and then return to the OEOB for subsequent trips.

7. Due to the limited number of vehicles and drivers and the need to assure services in the immediate Washington, D. C., area, requests for trips to Dulles or Baltimore-Washington (Friendship) International Airports are not routinely accepted. However, should a vehicle be available, every consideration will be given to providing transportation to these airports.

8. Operational control of the vehicles and drivers of the Office of the Vice President is assigned to the Staff Assistant for Office Services, Frank A. Townsend. His office will determine priorities for the use of the vehicles and ensure that they are used for official business only. He is responsible to the Assistant to the Vice President for Administration and will carry out the instructions of this Memorandum. Exceptions to this Memorandum will not be made without the approval of the Assistant to the Vice President for Administration.

9. Drivers are also charged with the responsibility of compliance with the provisions of this Memorandum and with maintaining daily, complete and accurate vehicle operational records.

10. All requests for transportation should be made to Mr. Frank Townsend's office - extension 4165. In the event there is no answer, please call Mr. Frank R. Pagnotta's office - extension 4295.

11. Requests for transportation after normal working hours -- Saturday, Sunday or holidays -- should be made no later than 5 p.m. on the preceding working day. In all cases, requests should be made as far in advance as possible in order to obtain maximum use of the limited number of vehicles and drivers available.



12. Transportation requests in the case of an emergency and/or after normal working hours should be made to either Mr. Frank Pagnotta or Mr. Frank Townsend, who can both be reached through the Signal Board Operator (202) 395-2000.





OFFICE OF THE VICE PRESIDENT

WASHINGTON

March 24, 1976

MEMORANDUM TO: Susan Herter

FROM: Peter J. Wallison *PJW*

SUBJECT: Guests on the Vice President's Airplane

This will confirm discussions we have had about legal questions arising out of the Vice President's transportation of guests on Air Force II or his private plane.

Air Force II

It seems clear that the Vice President is free, without legal consequences, to invite guests to travel with him on Air Force II. The benefits conferred would not be taxable to the Vice President under a recent Treasury ruling, and would not in my judgment constitute a gift from the Vice President to any staff member who is accompanied on Air Force II by a spouse, other family member or friend. This is true even if the staff member or guest is not traveling on official business, but the practice should be discouraged.

Private Plane

No legal problems arise out of travel by staff members with the Vice President on the Vice President's private plane, as long as the presence of any such staff member is required by his or her official duties. However, the Vice President would be making an impermissible gift to any staff member or other Government associate if he provides the staff member, the Government associate, or friends or relatives of either, with transportation on his private plane for non-official purposes.

GERALD R. FORD