

Legal Opinion: GMP-0010

Index: 6.600
Subject: Participation in Development of Book
FOIA Exemption 6: Name Withheld

October 29, 1991

MEMORANDUM FOR: Shelley Longmuir, Deputy General Counsel, GD

FROM: Carole W. Wilson, Associate General Counsel for Equal
Opportunity and Administrative Law, GM

SUBJECT: Hyperion's request for participation in
developing The Reader's Companion

This responds to your inquiry regarding whether the may participate in the development of a book entitled The Reader's Companion. According to the information provided, Hyperion, a subsidiary of the Walt Disney Company, and the Literacy Volunteers of America Inc., have asked the to provide a bibliography of books that he considers important to the understanding of poverty. This list is to be included in a compilation of bibliographies suggested by experts eminent in their fields and published as The Reader's Companion. Hyperion has offered the a \$25 honorarium and a complimentary copy of the book for participating in this request. Hyperion notes that it will also make a matching contribution of an additional \$25 to the Literacy Volunteers of America for every contributor to The Reader's Companion, up to a total of \$10,000. Hyperion has also requested that the sign a permission form that would authorize it to use the name, likeness and biographical data in all publicity, promotion and advertising relating to the work.

Hyperion's publication of The Reader's Companion, notwithstanding the involvement of the Literacy Volunteers of America, is a commercial venture. Consequently, it would be inappropriate for the to participate in this request. Several policies support this conclusion.

Initially, Department Standards of Conduct regulations prohibit employees from using public office for private gain. Participating in a commercial venture such as that requested here raises the appearance that third parties may benefit from the public position as the preeminent policymaker in the field of public housing. This concern exists regardless of whether the participates in his official or private capacity. An associated concern is that of endorsement. participation may suggest Department endorsement of the book, its editors or its publisher. The Department may not allow its power and prestige to be used for commercial purposes. Finally, participation in this venture raises the appearance of

preferential treatment.

Clearly, the is responsible for creating a broader public understanding of poverty and the Administration's efforts to eliminate it. participation in the development of The Reader's Companion, however, would have a greater impact on the profits received on the sale of the book than on increasing public understanding of the problem of poverty. Moreover, contributions to the Literacy Volunteers of America are minimal compared to the potential profits received on the sale of the book. Consequently, it would be inappropriate for the to participate in such a commercial venture.