

Office of Government Ethics

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Letter to a Private Individual dated July 12, 1989

Your letter to the White House of May 8, 1989, concerning presidential appointees and membership in professional organizations, has been referred to this Office for comment.

You indicate that a nominee understood from a recent training session that presidential appointees should not belong to a professional organization dealing directly with the agency which they manage. It is important to distinguish between membership in an outside organization and serving as an officer or employee of such an organization. As discussed in the enclosed informal OGE opinion, mere membership does not create a conflict under the criminal statute, 18 U.S.C. § 208, since that prohibition extends only to situations where the Government official is serving as an officer or employee of the organization. However, an appearance of conflict may still occur under the regulatory standards of conduct, particularly for a senior official such as a presidential appointee.

Although recusal from participation in a particular matter would normally eliminate both statutory and regulatory conflicts, an employee may be required to resign his position or membership in an outside organization when the frequency or nature of the conflict requires. That is a decision which the White House or the Executive agency involved would have to make in each individual case.

To the extent that membership in a professional organization does not present a conflict, it will be permitted for the personal and professional benefits which your letter discusses.

Sincerely,

Frank Q. Nebeker
Director