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Chief Executive Officer

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General Counsel

Printing of Union Publications

This is in reply to your memorandum of November 3, 1977, in which you requested an opinion as to whether the Board may be in violation of any law or regulation by printing union materials such as the "Inside Track." For the reasons set forth below, it is my opinion that in publishing materials such as the "Inside Track" the Board is in violation of the statutory provisions and regulations governing government printing.

Section 1102(a) of Title 44 of the United States Code provides, in pertinent part, as follows:

"A head of an executive department, or of an independent agency or establishment of the Government may not cause to be printed and the Public Printer may not print a document or matter unless it is authorized by law and necessary to the public business."

Paragraph 37 of the Government Printing & Binding Regulations, which was promulgated under section 1102, provides that "No work of a private or commercial nature may be accomplished at any Government plant even though the Government is reimbursed therefor."

The Board's printing shop is a government plant and is subject to the restrictions imposed on such plants by Title 44 of the United States Code and by the Government Printing & Binding Regulations. See Government Printing & Binding Regulations, Paragraphs 4-1 and 56 (April 1977). The question thus presented with respect

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to the Board publishing the "Inside Track" and similar union materials is whether the publication of such materials is authorized by law and whether such materials are necessary to the public business. My examination of the "Inside Track" has lead me to conclude that that document is primarily of a private nature and is devoted almost entirely to internal union matters. As such, it cannot be said that the "Inside Track" or similar union materials are necessary to the public business. Further, I have found no law, regulation, or executive order that would authorize the publication of such documents by Federal agencies. Accordingly, the Board is not permitted to publish union materials in its printing shop.

The above-stated opinion would not, of course, apply to the publication of the General Agreement.

Dale G. Zimmerman

SAB:cjv