



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

August 21, 1991

Ms. Susan Emerson
Commissioner, ANC 40-12
P.O. Box 497
Washington, D.C. 20317

Dear Commissioner Emerson:

You asked my opinion whether duly elected Commissioners may be prohibited from the use of ANC stationary when the use is for SMD-related business.

First, let me say that a similar question was raised a number of years ago and answered by former D.C. Auditor Matthew Watson in a June 1, 1979 letter to William Spaulding, former Chairman of the Council Committee on Government Operations. A copy is enclosed. Mr. Watson stated that:

"...individual commissions could restrict use of their letterhead to only statements of officially approved commission positions. I do not believe, however, that such a restriction would be wise. First, it would require review of all letters and possibly come close to censorship. Second, it would restrict the effectiveness of commissioners in dealing with their constituents when the possibility of confusion is only theoretical. Although one may disagree with statements of individual commissioners, any attempt to restrict this communication would be likely to do more harm than good."

I agree. However, if a commission desires to prohibit the use of its stationary by individual commissioners conducting SMD business, then such a policy must be adopted by the commission itself, and treated as part of its bylaws or standing rules.

Many, if not most, ANCs have taken a different approach. They include in their bylaws a provision expressly providing that commission letterhead may be used by individual Commissioners conducting SMD business, provided that in each instance the writer must clearly identify in the letter that he or she is acting as an individual commissioner. Such a provision allows Commissioners to conduct business while protecting the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Nathanson", written over a horizontal line.

James E. Nathanson
Councilmember/Ward 3

cc: Christopher Byrd