

issue

The Board may make decisions regarding “assassination records” on deposit with various university libraries, including the library at Princeton University, of which Bill Joyce is an employee.

FACA
Conflict of Interest
Federal Personnel Law

Status as Special Government Employees

The Board members are Special Government Employees because they were selected because of their individual qualifications, and *not* as representatives of nongovernmental groups (even though they were selected *from* nongovernmental groups.¹

As SGEs, the Board members are subject to the financial disclosure and conflict of interest requirements.²

Criminal Liability for Violating Conflict of Interest Provisions

18 U.S.C. § 208 makes it a criminal offense to participate “personally and substantially” as a Govt employee “through decision . . . recommendation, [etc]” in any “particular matter” in which he or . . . his . . . organization . . . has a financial interest.”

Applying section 208 to SGEs

Section 208 is a problem for SGEs who are often selected precisely because they are especially well qualified to provide advice concerning problems in a particular field in which they themselves may be active both professionally and financially.³

Avoiding Criminal Liability: Waivers

Required finding: The appointing official makes a determination that the employee’s interest is too *remote* or *insubstantial* to affect the integrity of his or her services.⁴

¹ 1 CFR Ch. III § 305.89-3 Conflict of Interest Requirements for Federal Advisory Committees (Recommendations 89-3).

² 1 CFR Ch. III § 305.89-3 Conflict of Interest Requirements for Federal Advisory Committees (Recommendations 89-3).

³ 1 CFR Ch. III § 305.89-3 Conflict of Interest Requirements for Federal Advisory Committees (Recommendations 89-3).

⁴ 1 CFR Ch. III § 305.89-3 Conflict of Interest Requirements for Federal Advisory Committees (Recommendations 89-3).