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BLIND PERSONS: It is a misdemeanor to cause a blind pensioner to unwillingly part with pension funds.

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July 11, 1935.



Mrs. Mary E. Ryder  
Executive Director  
Missouri Commission for the Blind  
4342 McPherson Avenue  
St. Louis, Missouri

Dear Mrs. Ryder:

This is to acknowledge your letter dated July 10, 1935, concerning the coercion of blind pensioners into parting with their pensions by relief agencies. Your letter is lengthy and we shall not quote it in its entirety. However, we shall refer to it from time to time.

You state:

"\* \* \* the unfortunate recipient of the pension, when to comply with the regulations of relief agencies the pensioner is actually forced to falsify to the statement that the pensioner has the free and exclusive use of the pension, when in reality it is diverted to the needs of the entire family, or some other relative or friend with whom the pensioner lives."

And you desire to know if such violates the letter as well as the spirit of the statutes concerning the giving of a pension to a blind person, particularly, Article 1 of Chapter 51, R. S. Mo. 1929.

On March 19, 1935, an opinion was rendered by this Department to Miss Lucile Bruner, Assistant Social Director of Missouri Relief and Reconstruction Commission, wherein we detailed the purpose of a pension to a blind person and under

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what circumstances the blind persons would be liable for the support of other persons. In said opinion we said:

"It is our opinion, (1) that the blind pension is a gratuity not founded on contract and is to be used in the supplying of the daily wants of the pensioner, (2) that if the pensioner has a lawful wife, then he is under liability to her support insofar as he is able, (3) that if the pensioner has minor dependent children, then he is liable for their support to the extent only as far as he is able, (4) that the blind pension fund, then, would only be considered a resource in the case where a blind pensioner had the duty and obligation imposed upon him to support other people, and this duty and obligation only goes to the extent of his ability, in other words, so that he does not deprive himself and place himself on the charity or alms roll."

You have a copy of this opinion, so we will not attach it hereto.

In view of the above opinion, we cannot understand why relief agencies are coercing and forcing blind pensioners to part with and share the pension received from the State with persons where there is no legal or moral duty or obligation placed upon the pensioner to support or contribute to the support of such persons. In fact, the statutes fully protect a blind pensioner in regard to such coercion or taking from him any part of the pension.

We invite your attention to Section 8902, R. S. No. 1929, which in part provides as follows:

"It shall be unlawful for any person, organization, society, group or association to request, require, coerce,

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solicit or induce any pensioner under this article to contribute, donate, give, allot or part with, unwillingly, for any purpose whatever, any moneys received as a pension under this article; \* \* \*."

Your attention is also invited to Section 8899, R. S. Mo. 1929, which in part provides as follows:

"The state auditor shall supply to all persons appearing upon the blind pension roll, suitable blank forms for quarterly requisitions for pensions containing, among other things, a statement that requisitioner is the recipient of the pension personally and that he or she has the free and full use of such pension, and that the same is devoted exclusively to his or her needs, \* \* \* \*."

We understand that the pensioner makes affidavit to said requisition for the blind pension, in which said requisitioner swears that the pension is devoted exclusively to his or her needs.

Referring to Section 8902, supra, the following is also found:

"\* \* \*; and any person, agent or representative of such organization, society, group or association who commits any such act or acts shall be guilty of a misdemeanor; and it shall be the duty of the commission for the blind to investigate all such cases coming to its attention and report same to the proper authorities."

It is thus seen that the statutes place a duty upon the Commission for the Blind to see to it that no person, agent or representative of any organization, society, group or association shall request, require, coerce, solicit or induce any pensioner to contribute, donate, give, allot or part with, unwillingly, for any purpose whatever, any moneys received as a pension. You are simply doing your duty when you cause investigations to be made whenever the pensioner is taken advantage of and the moneys received by virtue of the statute are taken from him unwillingly. If the facts show that any person is causing the pensioner to unwillingly part with any of the moneys received by virtue of the pension, then said person would be guilty of a misdemeanor and said facts should be reported to the prosecuting attorney, and to him pointed out said violation of the statute so that said practice will be stopped and the guilty parties be made to account in a court of justice for any wrong doing.

You state, and desire to know if "a father who was actually forced to take care of a married daughter and her child, relief being denied them on the basis of his income, that he was coerced into parting with that income so badly needed for himself?", is a violation of Section 8902, supra. In our opinion it is a violation.

Our answer to your question, namely:

"Do you not believe that an aged sister who was the recipient of the pension and who was forced to meet the needs of her aged, sighted sister with whom she lived, that the pension has again been actually diverted and that the notarized statement that it is for her sole use is necessarily false?",

is in the affirmative.

In answer to your question:

"Is it not in violation of Section 8902 to ask a pensioner to actually turn over the check to relief agencies so that they might budget same?"

we also answer in the affirmative.

In answer to your question:

"Are blind pensioners, boarding in families that are kind enough to board the blind pensioner giving them care and attention in addition to room and board for low sums of \$3.00 and \$4.00 per week, to be asked to pay the rent of the house in addition to help meet this family's other expenses?"

would also, in our opinion, be answered in the affirmative. That is, that the blind pensioner should not be compelled to unwillingly pay rent of the house in which he is boarding.

We agree with you that if the facts exist, as stated by you, namely:

"These are conditions that are constantly occurring, bringing misery and want to the poor blind pensioners who might otherwise live in fair, decent comforts with the amount allowed for their sole use and according to their sworn statement to be used for their needs."

that the Commission for the Blind should see to it that said pensioner's allowance be not diverted or taken from him, but said allowance should be used solely for the pensioner's support and/or the support of persons dependent upon him insofar as he is able to support said persons, so that he does not deprive himself and place himself on the charity or alms roll.

Mrs. Mary E. Ryder

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You request that we notify all relief agencies to desist in inducing the pensioners to unwillingly give or part with their pension money, which we refuse to do, but if you desire you may have copies made of this opinion and use it in any manner you wish.

We again reiterate that this Department represents the Missouri Commission for the Blind and if you need any aid or assistance in enforcing the provisions of Section 8902, supra, against any person violating said statute, we stand ready to cooperate with you in trying to stamp out the unwilling diversion of pension funds from deserving blind people.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General

JLH:EG.