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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 10, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Customs Declaration Package

Attached is a proposed memorandum to the Chief Counsel of the Customs Service on the advertising package containing greetings from the President.

Attachment

THE WHITE HOUSE

WASHINGTON

January 10, 1983

MEMORANDUM FOR RICHARD H. ABBEY
CHIEF COUNSEL
U.S. CUSTOMS SERVICE

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Customs Declaration Package

It has come to my attention that a private firm will soon begin distribution of advertising packages containing the customs declaration form and, among other materials, a message from the President to foreign travelers. The White House adheres to a policy of not approving the use of the name, signature, photograph, or likeness of the President in any fashion which does or might suggest endorsement by the President of a commercial product or venture. Reprinting the message from the President in the customs declaration and advertising package conveys the misleading impression that the President has endorsed the commercial venture issuing the package as well as the products advertised in it. The juxtaposition of an official-looking greeting from the President and commercial advertising in the package strikes me as particularly demeaning to the Office of the Presidency. Whatever rights the private firm marketing the package may have to reprint non-copyrighted public documents, it has no right to benefit from the appearance of Presidential endorsement of its venture or of its advertisers' products.

Ameliorative action must be taken to correct the false impression of Presidential endorsement. Ideally, the greeting will be removed from the advertising packages; at the very least it should be accompanied by appropriate disclaimers indicating that the greeting is reprinted from a public document, that the package is not an official government publication, and whatever else is necessary completely to disassociate the President from the advertising package and the products appearing in it.

I think the best course of action would be for the appropriate officials at the Customs Service to approach the individuals involved with the advertising package venture and alert them to the need to correct the misleading impression of Presidential endorsement. I look forward to hearing from you on the steps that have been taken to disassociate the President from this commercial venture.

FFF:JGR:aw 1/10/83 ✓
cc: FFFielding/JGRoberts/Subj./Chron

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THE WHITE HOUSE

WASHINGTON

January 6, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Customs Declaration Package

You asked that I check into the status of the proposal, described in the attached Washington Post and New York Times articles, to have a private advertising firm distribute Customs declaration forms in a packet containing advertising and greetings from the President. According to Stephen Jacobs of the Customs Service, the packets have already been printed by the private firm and are on the verge of being distributed. (I am awaiting delivery of a sample.) The packages contain a brief greeting from President Reagan to foreign travelers, over a facsimile of his signature; a customs declaration form for the traveler to fill out, and turn in to the Customs Service; other information about what may and may not be taken into the United States; and six pages of private advertising.

The customs declaration form can be printed and distributed by anyone. In the past, airlines and foreign governments have printed and distributed the customs forms. Customs has agreed to accept the form in the advertising package. Customs believes that the advertising package scheme will reduce its costs of printing the forms, and also provide the added benefit of the Presidential greeting, at no cost to Customs. The Presidential greeting is a new idea; such greetings had not been distributed to travelers in the past. The scheme is not an exclusive one: plain forms will continue to be available, and others may distribute them or their own packets with the forms as they see fit.

The concern of this office, of course, is with the use of the Presidential message. Customs was advised by the General Counsel of GPO that if the message were published in a government document there would be no restrictions on its duplication and distribution for private purposes. Customs accordingly published the greetings in a pamphlet. My concern is twofold: (1) the presence of the message may suggest that the President has endorsed this particular commercial venture, and (2) the juxtaposition of the Presidential message and the six pages of advertising may suggest

endorsement by the President of the advertised products. While the private firm marketing the packet has every right to reproduce non-copyrighted documents in the public domain -- such as the President's greeting -- it does not have the right to convey a false impression of Presidential sponsorship either of its product or those of its advertisers. Had the firm asked this office for approval of its plan to use the President's greeting, we would have declined, consistent with established policy, to approve the request -- even though we probably could not have disapproved it either.

In light of the last-minute nature of our involvement, and the enthusiastic complicity of the Customs Service in the project, I think the best course would be to attempt to obtain some sort of disclaimer on subsequent printings of the package. If the page containing the President's message contained a line indicating that it was reprinted or taken from a government document, for example, that would go far in disassociating the President from any direct involvement with the packet or advertisers. The phrase "not a government document" on the packet would also be helpful, or even a more explicit announcement that the government in no way endorses advertisers appearing in the packet. The exact disclaimers would presumably be the subject of negotiations with the private firm. Whoever raises the subject with them should start with the concern about a false impression of Presidential endorsement, suggest removal of the greeting, and negotiate from there.

*Why not
of it's
book?*

I think it would be advisable as a first step to have the General Counsel at Customs approach the individuals involved, and proceed from there. If you agree with this course of action, I will draft a memorandum from you to the Customs Service General Counsel.

*Yes, but be very
firm as to the
"appearance" issue!*

J.

THE WHITE HOUSE

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**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

11/15/03

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Fred F. Felding

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: "Operation First Impression" Campaign of U.S. Customs Service

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>82/12/30</u>		<u>1/1</u>
<u>CUAT18</u>	Referral Note: <u>A</u>	<u>82/12/30</u>	<u>All FRF Note</u>	<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>
	Referral Note:	<u>1/1</u>		<u>1/1</u>

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

This Tanby-panty is an insult to the taxpayer.
Read both articles and it is not difficult to pick up
the lie's being told - Incidentally, is Mr. Reagan
endorsing these adventures?

Don't Ask John Roberts
to check in on
this -
12/29

Wednesday, December 22, 1982

THE WASHINGTON POST

Greetings From Our Friendly Customs...

By Pete Earley
Washington Post Staff Writer

The U.S. Customs Service has come up with an unorthodox way to cut its printing budget that its originator says could "revolutionize" the way the federal government does business.

The idea is to get entrepreneurs to begin reproducing government forms for a profit, a notion that has raised some eyebrows since it came off the drawing boards.

Stephen A. Jacobs, a special assistant to the commissioner of the Customs Service, came up with the idea this summer after he boarded a plane and was handed a packet jammed with discount coupons, travel tips and advertising.

The packet, Jacobs decided, was just what Customs needed for "Operation First Impression," the agency's campaign to make a tourist's arrival in this country easier and more pleasant.

What better way to greet travelers, Jacobs mused, than with an informational packet that contained greetings from President Reagan and Customs Commissioner William C. von Raab, a declaration form and instructions for filling it out, and tidbits about what may and may not be brought into the country?

Jacobs called Richard M. Shalowitz, president of Custom Advertising of Elk Grove Village, Ill., which had printed the airline packet, and asked

him how much it would cost to print 30 million declaration packets for Customs. Shalowitz estimated that it would take \$1.2 million to produce and print a slick 4 1/4-by-8 1/2-inch booklet with a full-color photograph of Miss Liberty on its cover.

But other Customs officials balked. In fiscal 1982 the agency had budgeted only \$300,000 for printing the declaration forms.

That's when Jacobs and Shalowitz started talking about advertising, six full pages of it in each packet. Shalowitz said he could charge \$50,000 per page for a month, which would generate about \$3.6 million. That would be enough to give Customs a 15 percent cut and make a profit for his company, he said.

Everyone at Customs liked the idea, Jacobs said, except the agency's legal staff. It warned von Raab that it is illegal for a federal agency to sell advertising in a government document unless Congress has granted a special waiver.

The project seemed doomed until Jacobs and Shalowitz had another brainstorm. They asked if Shalowitz could copy the official declaration form and include it in his packet. Customs decided he could and it agreed to accept his forms at entry points. Officially, Customs has no connection with Shalowitz' project and will not receive any profits from it, agency spokesman Dennis Murphy said yesterday. But Customs will make Shalowitz

packets available—along with its own—when airlines and ship companies pick up the forms for their passengers, Murphy said.

Customs believes that Shalowitz' packet will be so popular that the government eventually will be able to reduce the number of forms it prints, and thus its printing costs, Murphy said.

The Government Printing Office has approved the plan. "Damn, few government documents are copyrighted," said Garrett Brown, the GPO's general counsel, "so I don't see how they [Customs] can start or stop someone" from reproducing the forms. Customs' chief counsel, Richard Abbey, won't reveal what advice he gave von Raab, saying his advice is protected by the lawyer-client privilege. An agency source, however, said Abbey's office has raised a number of questions about the legality of the plan.

Murphy said the agency did not try to find out if other firms would be interested because it was primarily Shalowitz' idea, not theirs. He added that other firms would be allowed to copy the forms if they wished. Shalowitz said he has a patent pending on the brochure Jacobs saw on the plane, and is investigating whether the brochure with the declaration form could be patented. Shalowitz said he plans to produce the first packets in February and has sold advertising to Diners Club, National Car Rental and Philip Morris Co.

2918600002

Advertising | Philip Dougherty

Greeting Travelers With Ads

WHAT could be more fitting in an official "Welcome to the United States" brochure than something that Americans get more of than anyone — advertising.

Richard M. Shalowitz, the entrepreneur who sold the idea to the United States Customs Service, described the brochure that will be given to everyone arriving in this country beginning in February as "a Statue of Liberty for the Jet Age traveler."

Similarly, in a letter to top executives of major ad agencies and heads of big advertiser companies, Stephen A. Jacobs, a special assistant at Customs, wrote: "We are the first Americans all international travelers confront. It begins with the Customs Declaration. We are going to transform that experience in the same way that the Statue of Liberty transformed the non-jet age welcome to America."

Reality will be a little less glamorous than that — a 12-page, 4¼-inch-by-8½-inch booklet, with Miss Liberty as the cover girl. It will be built around the Customs declaration form that must be filled out by everyone entering the country.

The brochure, the first visible byproduct of Customs' "Operation First Impression," will open with welcomes from President Reagan and William C. von Raab, Customs com-

missioner. It will include the declaration form and instructions for filling it out, information on what may and may not be brought into the country, and a brief segment on important laws. And then, of course, there will be six full pages of advertising.

And that's where Mr. Shalowitz, president of Custom Advertising, Elk Grove Village, Ill., comes in. Without charge to Customs, he will supply the 30 million brochures a year — 2.5 million a month — to the approximately 220 airlines and the few ships that carry passengers into the country. In return, he will get gross revenues of \$3.6 million, from which must come the 15 percent agency commission and all other expenses, the largest of which will be printing.

Mr. Shalowitz, 28 years old, was previously in the administrative and marketing ends of Ticket Holder Marketing, one of whose partners is an investor in Custom Advertising. That partner is Anthony Jacobs, head of the Wessel Company, the printer in Elk Grove Village that will print the brochure. It already prints the airline ticket folders with advertising inserts for Ticket Holder Marketing.

According to Mr. Shalowitz, he developed his latest concept while searching for territory free of advertising. Once the idea blossomed, and "heartened by the new more liberal Government attitudes," it took him about five weeks to locate Mr. Jacobs in the Customs headquarters in Washington. It turned out that their desires merged perfectly since Mr. Jacobs, as part of "Operation First Impression," was looking for a way to warm the welcome without cooling the taxpayer, and Mr. Shalowitz was offering just such an opportunity.

Customs has final approval of advertisers, who will be given category exclusivity, and has already outlawed the airlines since they will be doing the distribution. A page for a month is going for \$50,000, and for the year, \$600,000.

The Philip Morris Company, according to Mr. Jacobs, has already signed a two-year contract to push its Marlboro cigarettes.

Friends and foes of advertising might recall that about two years ago, at the suggestion of some members of Congress, the Postal Service investigated the possibility of renting some of its unused space to advertisers to help offset its deficits. After receiving 1,000 solicited comments, most of which were negative, the service decided to forget the whole thing.

As for the Customs plan, when John E. O'Toole, chairman of Foote, Cone & Belding, became aware of it, he commented: "I have long held the theory that nothing is done so ineptly that the Federal Government cannot make it worse."

"From that fount of advertising criticism down on the Potomac comes this almost unbelievable proposal to turn the simple customs declaration into an ad-carrying, zero-interest magazine."

"Give me your poor, your huddled masses."



THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

This memorandum is to request that you authorize a Presidential message to be provided for use by the U.S. Customs Service on Operation First Impression.

Objective: Operation First Impression is created within the context of forming partnerships between the private and public sector for the good of the United States.

Background:

Operation First Impression is a comprehensive program financed by the private sector, administered by the U.S. Customs Service, designed to enhance our border drug enforcement activities, to serve arriving travelers better and to protect the Nation's trade without the expenditure of tax dollars--in fact, expanding our activities while reducing expenditures.

The themes of Operation First Impression include:

- A welcome to the United States--an official greeting to our citizens and visitors, visitors arriving by air who will spend over 15 billion dollars in direct revenues alone;
- An alert to residents and visitors of Customs laws and their purposes, to encourage cooperation in Customs' vital role of protecting this country's revenue--particularly crucial during a period of essential corporate and personal income tax reductions and budgetary restraints designed to put our Nation's economy back on a strong footing;
- And, a building of awareness that drugs will not be permitted past our borders, as a part of our appeal for a border policy that will improve detection and interception of illegal narcotics imports.

The U.S. Customs Service is developing partnerships with corporate sponsors to transform the welcome travelers have when entering the United States.

In one example, the Customs Declaration form, which now costs approximately \$150,000 to print, will be included into a Customs packet including the theme messages of Operation First Impression, directions for using the form, warnings about drug trafficking, a message from the Commissioner--and it is requested, one from the President--without any cost. The original cost of the form and the added cost of the information (approximately one-million dollars annually) will be covered by private expenditures from corporations interested in reaching the traveling public.

Other aspects of Operation First Impression include exhibits in Customs areas and at major border crossings, in-flight video programing, and more useful information to travelers prior to departure and on arrival--all without expense to the taxpayer.

Request:

It would be most helpful to include a Presidential message within this program. Therefore, I suggest that you approve the following remarks for use in Operation First Impression:

"Welcome to the United States. As travelers, many of you have heightened awareness of your experiences, of the people you meet and of the places you see--take this opportunity to discover or rediscover America. As you cross our open borders, join in symbolically rekindling the torch of The Statue of Liberty--and join in the American spirit of initiative, ingenuity, and industry which made the USA the land of liberty and freedom for all. Join the American Spirit of government providing opportunity while individuals--like yourselves--brave new horizons, expand freedom and create better lives for us all. There is a you and me spirit in America today, a spirit of working together in partnership between the private and public sectors to expand the opportunities of freedom and justice and liberty for all."

Approve _____

Disapprove _____

THE WHITE HOUSE

Welcome to the United States. I'm glad that you're taking this opportunity to discover America or, for those of you who have been here before, to explore more of our land. America has always welcomed travelers, both those coming for a day and those planning to stay a lifetime. The majestic Statue of Liberty in New York Harbor symbolizes our commitment to open borders for all those willing to live within our laws and contribute to making America a better place.

Americans are a patriotic people, but we also value the heritages of which other nations are justly proud. Most of our citizens can trace their roots back to some foreign land, so the tradition of hospitality is still very strong among us. I'm sure that wherever you go, you will find Americans eager to extend a friendly welcome, to hear about your country and to tell you about ours. They want your stay to be a pleasant one, so that when you go back to your own country, it will be with a clearer understanding of the ideals of liberty and justice on which our nation was founded.

May your stay be an enjoyable one and the prelude to many more visits to America.

Ronald Reagan

THE WHITE HOUSE
WASHINGTON

3/29

Abbey: Documents from
FFE (1/10, 1/19) do not
tell people any more
than they already know.

THE WHITE HOUSE

WASHINGTON

January 18, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Customs Declaration Package

Ed Stuckey, Executive Assistant to the Commissioner of Customs, contacted the private firm involved with the customs declaration advertising pamphlet in response to your memorandum of January 10, 1983 (Tab A). He advised me that the firm was willing to put any necessary disclaimers on subsequent printings of the pamphlet, to clarify that the Presidential message was reprinted from documents in the public domain and was not to be construed as an endorsement of the advertisers. The firm has already printed over 2.5 million pamphlets, however, (about one month's supply), and was reluctant to have to pull those back. The firm was also reluctant to dispense with the Presidential message from future printings, preferring to use disclaimers. Stuckey reported that both the firm and the Customs Service thought they had obtained all necessary White House clearance when the White House Correspondence Unit provided the message in question in response to a Customs Service memorandum seeking approval of the plan (Tab B).

I have obtained one of the pamphlets (Tab C), and it looks much worse than described to me. In a particularly unfortunate juxtaposition, the front says "Welcome to the United States" and contains the Presidential message, over a prominent facsimile signature, while the back says "Come to Marlboro Country."

With the message (and facsimile signature) so prominently displayed, I do not think disclaimers will suffice to correct misperceptions of Presidential endorsement. I believe the Customs Service should advise the firm that the Presidential message must be deleted from its pamphlet. The difficult question is what to do with the 2.5 million pamphlets awaiting distribution. The private firm, which has considerable sums sunk not only in the printing of the pamphlets but also advertising contracts, can make a fairly strong case that it justifiably relied upon the assurances of the Customs Service that it could reprint the message.

I recommend permitting the firm to distribute existing pamphlets, on the condition that it discontinue use of the Presidential message in future printings. I think we should also try to have the firm stamp "Not an Official Government Document" on the front of the existing pamphlets, although I do not know how feasible this would be. Finally, I recommend advising Customs that the White House Correspondence Unit concerns itself only with the content of messages and not the legal propriety of their use.

I have prepared a proposed memorandum embodying the foregoing recommendations. Printing of the next batch of the pamphlets is due to commence this week, so prompt action is required.

Attachments:

TAB A - FFF Memorandum to Chief Counsel, Customs Service (January 10, 1983)

TAB B - Customs Service Memorandum to White House Correspondence Unit

TAB C - Customs Declaration Pamphlet

THE WHITE HOUSE

WASHINGTON

January 10, 1983

MEMORANDUM FOR RICHARD H. ABBEY
CHIEF COUNSEL
U.S. CUSTOMS SERVICE

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

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I think the best course of action would be for the appropriate officials at the Customs Service to approach the individuals involved with the advertising package venture and alert them to the need to correct the misleading impression of Presidential endorsement. I look forward to hearing from you on the steps that have been taken to disassociate the President from this commercial venture.

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WASHINGTON, D.C.

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Other aspects of Operation First Impression include exhibits in Customs areas and at major border crossings, in-flight video programing, and more useful information to travelers prior to departure and on arrival--all without expense to the taxpayer.

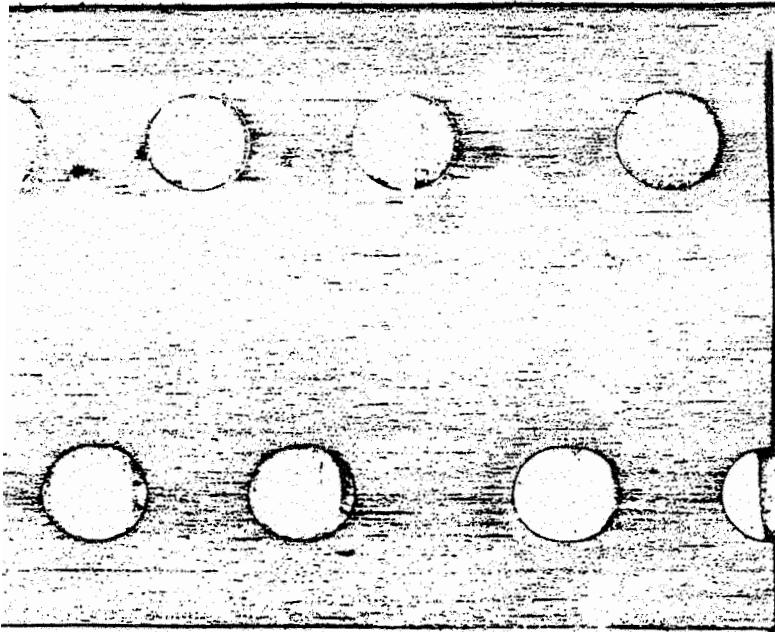
Request:

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Approve _____

Disapprove _____




THE WHITE HOUSE


Welcome to the United States. I'm glad that you're taking this opportunity to discover America or, for those of you who have been here before, to explore more of our land. America has always welcomed travelers, both those coming for a day and those planning to stay a lifetime. The majestic Statue of Liberty in New York Harbor symbolizes our commitment to open borders for all those willing to live within our laws and contribute to making America a better place.

Americans are a patriotic people, but we also value the heritages of which other nations are justly proud. Most of our citizens can trace their roots back to some foreign land, so the tradition of hospitality is still very strong among us. I'm sure that wherever you go, you will find Americans eager to extend a friendly welcome, to hear about your country and to tell you about ours. They want your stay to be a pleasant one, so that when you go back to your own country, it will be with a clearer understanding of the ideals of liberty and justice on which our nation was founded.

May your stay be an enjoyable one and the prelude to many more visits to America.



Ronald Reagan



CUSTOMS DECLARATION FORM ENCLOSED

WELCOME TO THE UNITED STATES

Welcome to the United States. I'm glad that you're taking this opportunity to discover America or, for those of you who have been here before, to explore more of our land. America has always welcomed travelers, both those coming for a day and those planning to stay a lifetime. The majestic Statue of Liberty in New York Harbor symbolizes our commitment to open borders for all those willing to live within our laws and contribute to making America a better place.

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May your stay be an enjoyable one and the prelude to many more visits to America.

Ronald Reagan

The U. S. Customs Service is proud to serve you. Our intention is to protect the American way of life. I ask you to join with us in doing our job to support you upon arrival.

Together we can end the devastating impact of illicit drugs; maintain the integrity of our economy by protecting U. S. products, trademarks, and immigration laws; support a healthy economy by depositing in the national treasury duties levied on foreign goods; and guard our agricultural well being from contaminated products.

Customs' tradition is woven through our history from 1789 to 1914. Customs were established to protect the nation's income. Custom territories opened up the West, Louisiana and Oregon territories, Florida and Alaska. We built the first national road, and the Transcontinental Railroad; built the U.S. Military and Naval Academies, the City of Washington, and the list goes on.

As the front line U. S. Customs Service enforces nearly 200 years of Customs heritage, we protect the American way of life. We ask you to join in our work by enforcing over 400 laws for 40 agencies.

Welcome home. Welcome to the United States.



[Signature]
Director
U.S. Customs Service

SHOW US THIS AD

RENT FROM NATIONAL. GET A FREE TIMEBALL.™



Now you can get a TimeBall digital travel/desk alarm clock absolutely free each time you rent a



compact or larger car at participating National Car Rental locations. It's a \$19.95 value!

Or choose a Space-Age Electronics Gift Certificate. You can get an additional certificate each time you rent from National. Collect these certificates and redeem them for any of 23 exciting free gifts from the JS&A catalog. The catalog is also free when you rent from National.

This free offer is good until March 31, 1983 on National's usual low rates including commercial rates and Passport rates (except in Florida)

for non-U.S. residents, but does not apply to tour package, special promotional and some weekend rates. Details are available at participating U.S. locations.

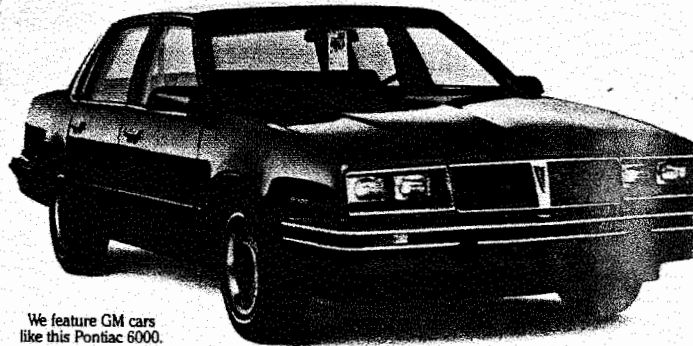
National has over 1,000 locations all across the U.S., and rents cars in 101 countries and territories around the world through our affiliates Tilden Rent-a-car and Europcar.



National Car Rental



In Europe, Africa and the Middle East it's Europcar. In Canada it's Tilden



We feature GM cars like this Pontiac 6000.

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

RESIDENT EXEMPTION FROM DUTY AND FEDERAL TAX

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

TOBACCO, ALCOHOL AND PERFUME

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

...of the United States, and the United States ...
...of the United States, and the United States ...
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...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

DUTY RATES

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

...of the United States, and the United States ...
...of the United States, and the United States ...
...of the United States, and the United States ...

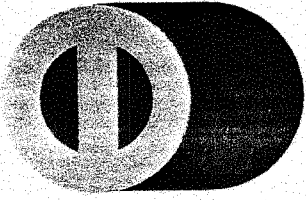
(Continued on Inside Back Cover)

The Declaration Form enclosed may be used in lieu of the official Customs Service Declaration Form provided by the U.S. Customs Service.

YOUR WORLD CARD

First in Europe. First in the Orient. First in the Americas. Diners Club International was the first travel and entertainment card in all the world. Today, Diners Club takes pleasure in welcoming you to the United States, and in opening doors for you from New York to Los Angeles.

Diners Club International. Your World Card.



**DINERS CLUB
INTERNATIONAL**

3812 345678

© 1982 The Diners Club Inc.



DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

CUSTOMS DECLARATION

PRESENT TO THE IMMIGRATION AND CUSTOMS INSPECTORS

EACH ARRIVING TRAVELER OR HEAD OF A FAMILY MUST WRITE IN THE FOLLOWING INFORMATION. PLEASE PRINT

1. FAMILY NAME		GIVEN NAME	SUFFIX/INITIAL
2. DATE OF BIRTH (Mo./Day/Year)		3. VESSEL OR AIRLINE & PORT NO.	
4. CITIZEN OF (Country)		5. RESIDENT OF (Country)	
6. PERMANENT ADDRESS			
7. ADDRESS WHILE IN THE UNITED STATES			
8. NAME AND RELATIONSHIP OF ACCOMPANYING FAMILY MEMBERS			

9. Are you or anyone in your party carrying any fruits, plants, meats, other plant or animal products, birds, snails, or other live organisms of any kind?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
10. Have you or anyone in your party been on a farm or ranch outside the U.S.A. in the last 30 days?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
11. Are you or any family member carrying over \$5000.00 (or the equivalent value in any currency) in monetary instruments such as coin, currency, traveler's checks, money orders, or negotiable instruments in bearer form? (If yes, you must file a report on Form 4790, as required by law.) Note: It is not illegal to transport over \$5000 in monetary instruments, however, it must be reported.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
12. I certify that I have declared all items acquired abroad as required herein and that all oral and written statements which I have made are true, correct and complete.		

SIGNATURE _____

NON-CITIZENS ONLY	13. U.S. VISA ISSUED AT (Place)	14. VISA DATE (Mo./Day/Year)
-------------------	---------------------------------	------------------------------

The laws of the United States require that you declare ALL articles acquired abroad, whether used or unused, whether dutiable or not, and whether obtained by purchase, as a gift, or otherwise, which are in your or your family's possession at the time of arrival. Repairs made abroad also must be declared.

Nonresidents may make an oral declaration. Returning Residents must make a written declaration of the total price of articles declared, for use actually paid or, if not actually paid, the total price in country where obtained; it not more than the sum of \$500 per person. (Other rules apply. See instructions on the reverse of this form. All articles and repairs acquired abroad which you are now bringing through customs. (See additional instructions on reverse of this form if you are arriving directly or indirectly from American Samoa, Guam, or the U.S. Virgin Islands and the having articles sent from these possessions, you must list ALL acquired articles (accompanying and unaccompanied).

All your baggage (including handbags and hand-carried parcels) may be examined. False Statements Made To A Customs Officer Are Punishable By Law. Consult The U.S. Customs Service For An Inspector for full information.

STAMP NOS.	
INSPECTORS' USE ONLY	NO. PCS BAGGAGE EXMD.
	INSPECTOR
DATE	BADGE NO.

CUSTOMS FORM 6059-B (11-24-78)

TEAR ALONG PERFORATION



Come to
Marlboro
Country.



16 mg "tar," 1.0 mg nicotine av. per cigarette, FTC Report Dec. 81

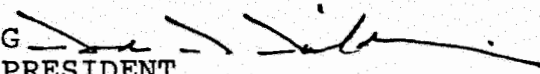
Warning: The Surgeon General Has Determined
That Cigarette Smoking Is Dangerous to Your Health.

THE WHITE HOUSE

WASHINGTON

January 19, 1983

MEMORANDUM FOR RICHARD H. ABBEY
CHIEF COUNSEL
U.S. CUSTOMS SERVICE

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Customs Declaration Package

I have now received a copy of the customs declaration advertising pamphlet. The Presidential message and facsimile signature as well as the Treasury Seal are so prominently featured on the pamphlet that I do not believe any disclaimers will suffice to correct the strong suggestion that the President has endorsed the pamphlet and the advertisers featured in it. Accordingly, the Presidential message and signature must be removed from any future printings of the pamphlet; I would also suggest removal of the Seal.

I have also been provided with a copy of the memorandum from the Customs Service to the White House Correspondence Unit, seeking approval of a Presidential message for "Operation First Impression." It is my understanding that the Correspondence Unit provided the message used in the pamphlet in response to this request. Please be advised that the Correspondence Unit concerns itself with the content and form of Presidential messages, and not the legal propriety of their use in various contexts. In any event, the memorandum to the Correspondence Unit did not sufficiently describe the contemplated use of the message in a wholly private pamphlet containing private advertising, and the response of the Correspondence Unit cannot be considered any sort of "White House approval" of the pamphlet as it now exists.

Since it appears that the private firm relied upon governmental assurances from Customs that it could reprint the Presidential message and otherwise print the pamphlet, you will have to gauge how to deal with this. Since this could result in criticism, you may want to consult with Peter Wallison as well before deciding if action needs to be taken to halt distribution of the pamphlets already printed. To require the firm to stamp "Not an Official Government Document" on the front of the existing pamphlets prior to

distribution would cause recipients to be confused as to the use of the forms. However, some disclaimer must be used if the pamphlet is to be utilized: Please keep me advised of your decisions.

cc: Peter J. Wallison
General Counsel
Department of the Treasury

William von Raab
Commissioner of Customs

Edward Stuckey
Executive Assistant to the
Commissioner of Customs

bcc: FFFielding
JGRoberts
Subject
Chron

THE WHITE HOUSE

WASHINGTON

January 19, 1983

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U.S. CUSTOMS SERVICE

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Since it appears that the private firm relied upon governmental assurances from Customs that it could reprint the Presidential message and otherwise print the pamphlet, you will have to gauge how to deal with this. Since this could result in criticism, you may want to consult with Peter Wallison as well before deciding if action needs to be taken to halt distribution of the pamphlets already printed. To require the firm to stamp "Not an Official Government Document" on the front of the existing pamphlets prior to

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cc: Peter J. Wallison
General Counsel
Department of the Treasury

William von Raab
Commissioner of Customs

Edward Stuckey
Executive Assistant to the
Commissioner of Customs

THE WHITE HOUSE

WASHINGTON

January 18, 1983

DRAFT

MEMORANDUM FOR RICHARD H. ABBEY
CHIEF COUNSEL
U.S. CUSTOMS SERVICE

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Customs Declaration Package

as well as the Treasury Seal

I have now received a copy of the customs declaration advertising pamphlet. The Presidential message and facsimile signature are so prominently featured on the pamphlet that I do not believe any disclaimers will suffice to correct the strong suggestion that the President has endorsed the pamphlet and the advertisers featured in it. Accordingly, the Presidential message and signature must be removed from any future printings of the pamphlet; *I would also suggest removal of the Seal.*

I have also been provided with a copy of the memorandum from the Customs Service to the White House Correspondence Unit, seeking approval of a Presidential message for "Operation First Impression." It is my understanding that the Correspondence Unit provided the message used in the pamphlet in response to this request. Please be advised that the Correspondence Unit concerns itself with the content and form of Presidential messages, and not the legal propriety of their use in various contexts. In any event, the memorandum to the Correspondence Unit did not sufficiently describe the contemplated use of the message in a wholly private pamphlet containing private advertising, and the response of the Correspondence Unit cannot be considered any sort of "White House approval" of the pamphlet as it now exists.

Nonetheless, ^{from Customs} since it appears that the private firm relied upon governmental assurances that it could reprint the Presidential message, ^{To require} action needs to be taken to halt distribution of the pamphlets already printed. The firm should be advised, however, to stamp "Not an Official Government Document" on the front of the existing pamphlets prior to distribution. Please let me know if any difficulties develop with this course of action.

Peter Walker (w/ copy of print memo)

cc: Edward Stuckey
Executive Assistant to the
Commissioner of Customs

FFF:JGR:aw 1/18/83

cc: FFFielding/JGRoberts/Subj./Chron

would cause recipients to be confused as to the use of the forms. However some disclaiming must be used if

the pamphlet is to be utilized:

Please keep me advised of your comments.

and otherwise print the pamphlet since this could result in adverse criticism, you may want to consult with Peter Walker, as well before decision of how to deal with this.

Abbey

To _____

Date _____ Time _____

WHILE YOU WERE OUT

M. Wm. von Raab

of Rm. 3136

Phone _____

Area Code Number Extension

TELEPHONED	PLEASE CALL	
CALLED TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	URGENT	

RETURNED YOUR CALL

Message Richard Abbey

US. Customs Service

566 5476

Rm. 3305
1301 CONST AVENUE

Operator

20229



23-020

To _____

Date _____ Time _____

WHILE YOU WERE OUT

M. _____

of _____

Phone _____

Area Code Number Extension

TELEPHONED	PLEASE CALL	
CALLED TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	URGENT	

RETURNED YOUR CALL

Message Ed. Stuckey

Rm. 3136

Operator



23-020

THE WHITE HOUSE
WASHINGTON

Date 2-23-83

Suspense Date _____

MEMORANDUM FOR: John

FROM: **DIANNA G. HOLLAND**

ACTION

- _____ Approved
- _____ Please handle/review
- _____ For your information
- _____ For your recommendation
- _____ For the files
- _____ Please see me
- _____ Please prepare response for
_____ signature
- _____ As we discussed
- _____ Return to me for filing

COMMENT

UNITED STATES GOVERNMENT

MemorandumDEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

DATE: 18 FEB 1983

FILE: MAN-10 CC: AIR
AL-82-03-36TO : Fred F. Fielding
Counsel to the PresidentFROM : Richard H. Abbey
Chief CounselSUBJECT: Customs Declaration Package

In your memoranda to me of January 10 and 19, 1983, you expressed serious concern that a message from the President and the official Treasury Seal were to be contained in a privately printed Customs declaration packet which also contained commercial advertising. You requested that action be taken to assure that the packets not be distributed as printed.

After conferring with General Counsel Peter Wallison and other senior Treasury officials, the U.S. Customs Service withdrew entirely from any association with the commercial venture, and Customs Advertising, Inc., the private printer, was denied the authority to utilize the Treasury Seal. Customs Advertising was directed to remove the President's message and signature from any future printings of the packet. For your information we have enclosed a copy of Commissioner von Raab's letter of February 8, 1983, severing U.S. Customs Service association with Customs Advertising, Inc.

Enclosure

To Jan Arnold & Porter ask to report IP this date - we'll see

Richard H. Abbey

2/22



THE COMMISSIONER OF CUSTOMS

WASHINGTON, D.C.

FEB 8 1983

Dear Mr. Shalowitz:

Ever since the unfavorable New York Times article of December 3, 1982, about the Customs Declaration Pac, there has been mounting criticism of the project from various offices within the Government. The target of the critics is the juxtaposition of the President's message and the Customs seal with commercial advertising which suggests endorsement of the advertised products or commercial ventures by the President and the Customs Service. First, the Government Printing Office advised that Customs must disassociate itself from this initiative resulting in my letter to you of December 15, 1982. Then, in mid-January, White House officials directed that both the President's message and signature, and the Treasury seal be removed from the packet.

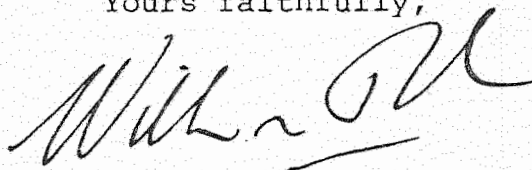
The White House objection to the packet arrived almost simultaneously with the first shipment of packets to the New York Customs office. It is also clear that the packets may not be distributed by the Customs Service according to Government Printing Office rules. Moreover, use of the Treasury or Customs seal without Treasury Department approval would be a violation of 18 USC 701. Under the circumstances, we have not made the packets available to the airlines, nor will we be able to do so in the future.

I fully realize what these restrictions mean to you and the continued viability of the Customs Declaration Pac as we envisioned it. Regrettably, Customs' association with this project must cease. I also regret that, due to applicable statutes and regulations, the Federal Government cannot assume any of your liabilities on this agreement or offset in any manner the costs you have incurred. At your direction, we will destroy the packets in our possession or return them to you.

Should you wish to continue in the commercial marketing of Customs-related, or any Government-related information, I have been informed that there is no general prohibition against duplicating any Government publication or form, and distributing it as part of a packet containing commercial advertising, provided that the material contains a clear statement that it incorporates a reproduction of a Government publication or form. However, neither the Customs Service nor any other Federal agency may be involved in its duplication or distribution. If you choose to market the Customs Declaration packet on your own, the President's message and signature, and the Treasury seal must be removed.

Although it may be little solace, I thank you for your efforts and the fine work which you have done on this project and truly regret its unfortunate conclusion.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "William O'Hara". The signature is written in dark ink and is positioned to the right of the typed name.

Mr. Richard Shalowitz
Customs Advertising, Inc.
1202 Kirk Street
Elk Grove Village
Chicago, Illinois 60007

To 56R

Date 3/29 Time 9:10

WHILE YOU WERE OUT

M Richard Abbey

of Counsel-Customs

Phone 566-5476

Area Code	Number	Extension
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL <input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN <input checked="" type="checkbox"/>
WANTS TO SEE YOU		URGENT

RETURNED YOUR CALL

Message returned

Operator

THE WHITE HOUSE

WASHINGTON

March 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: FOIA Request for Customs
Declaration Package Memoranda

Richard Abbey, Customs Service Chief Counsel, has called inquiring if you have any objection to release of the two memoranda you addressed to him concerning use of a Presidential message and facsimile signature on the aborted customs declaration-advertising package. An FOIA request has been filed by attorneys for the company involved. Abbey stated that the memoranda, although perhaps exempt from disclosure as inter-agency deliberative documents, do not disclose anything not already known to the company's attorneys.

I have reviewed the memoranda and see no reason to object to their release. The memoranda establish that the concern over creating the appearance that the President endorsed the advertisers originated in our office; that is already known. The January 19 memorandum states that "it appears that the private firm relied upon governmental assurances from Customs" in proceeding with the project, but the firm has a surfeit of proof of that uncontroverted fact in any event.

THE WHITE HOUSE
WASHINGTON

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Attachments

*Check w/ Peter Wallis ASAP
- If he has no legal problems, I confer w/ you re: this*

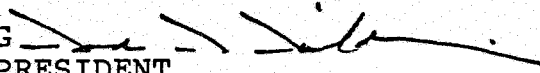
*3/29
PS: - Is there an FOIA exception that should be considered - not to block release, but in terms of precedent?*

THE WHITE HOUSE

WASHINGTON

January 19, 1983

MEMORANDUM FOR RICHARD H. ABBEY
CHIEF COUNSEL
U.S. CUSTOMS SERVICE

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: Customs Declaration Package

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cc: Peter J. Wallison
General Counsel
Department of the Treasury

William von Raab
Commissioner of Customs

Edward Stuckey
Executive Assistant to the
Commissioner of Customs

bcc: FFFielding
✓JGRoberts
Subject
Chron

THE WHITE HOUSE

WASHINGTON

January 10, 1983

MEMORANDUM FOR RICHARD H. ABBEY
CHIEF COUNSEL
U.S. CUSTOMS SERVICE

FROM: FRED F. FIELDING Orig. signed by JRF
COUNSEL TO THE PRESIDENT

SUBJECT: Customs Declaration Package

It has come to my attention that a private firm will soon begin distribution of advertising packages containing the customs declaration form and, among other materials, a message from the President to foreign travelers. The White House adheres to a policy of not approving the use of the name, signature, photograph, or likeness of the President in any fashion which does or might suggest endorsement by the President of a commercial product or venture. Reprinting the message from the President in the customs declaration and advertising package conveys the misleading impression that the President has endorsed the commercial venture issuing the package as well as the products advertised in it. The juxtaposition of an official-looking greeting from the President and commercial advertising in the package strikes me as particularly demeaning to the Office of the Presidency. Whatever rights the private firm marketing the package may have to reprint non-copyrighted public documents, it has no right to benefit from the appearance of Presidential endorsement of its venture or of its advertisers' products.

Ameliorative action must be taken to correct the false impression of Presidential endorsement. Ideally, the greeting will be removed from the advertising packages; at the very least it should be accompanied by appropriate disclaimers indicating that the greeting is reprinted from a public document, that the package is not an official government publication, and whatever else is necessary completely to disassociate the President from the advertising package and the products appearing in it.

I think the best course of action would be for the appropriate officials at the Customs Service to approach the individuals involved with the advertising package venture and alert them to the need to correct the misleading impression of Presidential endorsement. I look forward to hearing from you on the steps that have been taken to disassociate the President from this commercial venture.

FFF:JGR:aw 1/10/83 ✓
cc: FFFielding/JGRoberts/Subj./Chron