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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 23, 1983

TO: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Seal Inquiry

Mary B. Lhowe, Education Editor of The Journal-News (West Nyack, N.Y.) has written the Photo Office to request a copy of the Presidential Seal. Lhowe states that she plans to use the Seal as an illustration to accompany an article on federal financing of education, to run on August 28. The Photo Office referred the question to me.

Lhowe's contemplated use is permitted by subsection 1(f) of Executive Order 11649. I have prepared a letter for your signature advising Lhowe that the permitted uses of the Seal are limited by law, and that she may only use the Seal for the purpose she specified.

Attachments

THE WHITE HOUSE

WASHINGTON

August 23, 1983

Dear Ms. Lhowe:

Thank you for your letter of August 17 to The White House Photo Office. In that letter, you requested a copy of the Seal of the President to use as an illustration to accompany a news story on federal financing of education.

The permitted uses of the Seal are limited by law. Title 18 of the United States Code, Section 713, generally prohibits the use of the Seal except in accordance with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649. A copy of the statute and implementing regulations are enclosed for your information.

Your contemplated use of the Seal in connection with a news story is permitted by the regulations, and we are enclosing a photograph of the Seal for such use. The Seal should not be used for any purpose other than that specified in your letter.

Thank you for your inquiry.

Sincerely,

Orig. signed by FFF (a)

Fred F. Fielding
Counsel to the President

Ms. Mary B. Lhowe
The Journal-News
200 North, Route 303
West Nyack, New York 10994
Enclosures
FFF:JGR:aea 8/23/83
cc: FFFielding/JGRoberts/Subj./Chron

THE WHITE HOUSE

WASHINGTON

August 23, 1983

Dear Ms. Lhowe:

Thank you for your letter of August 17 to The White House Photo Office. In that letter, you requested a copy of the Seal of the President to use as an illustration to accompany a news story on federal financing of education.

The permitted uses of the Seal are limited by law. Title 18 of the United States Code, Section 713, generally prohibits the use of the Seal except in accordance with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649. A copy of the statute and implementing regulations are enclosed for your information.

Your contemplated use of the Seal in connection with a news story is permitted by the regulations, and we are enclosing a photograph of the Seal for such use. The Seal should not be used for any purpose other than that specified in your letter.

Thank you for your inquiry.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Mary B. Lhowe
The Journal-News
200 North, Route 303
West Nyack, New York 10994
Enclosures
FFF:JGR:aea 8/23/83
cc: FFFielding/JGRoberts/Subj./Chron

§ 713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President

(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than \$250 or imprisoned not more than six months, or both.

(b) Whoever, except as authorized under regulations promulgated by the President and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seals of the President or Vice President, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than \$250 or imprisoned not more than six months, or both.

(c) A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States.

Added Pub.L. 89-807, § 1(a), Nov. 11, 1966, 80 Stat. 1525, and amended Pub.L. 91-651, § 1, Jan. 5, 1971, 84 Stat. 1940.

Historical Note

1971 Amendment. Catchline. Pub.L. 91-651 substituted "Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President" for "Use of the great seal of the United States".

Effective Date of 1971 Amendment. Section 3 of Pub.L. 91-651 provided that: "The amendments made by this Act [amending this section] shall not make unlawful any preexisting use of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act [Jan. 5, 1971], until one year after the date of such enactment."

Subsec. (a). Pub.L. 91-651 redesignated existing provisions as subsec. (a), and, as so redesignated, expanded prohibition to include likenesses of the seals of the President and Vice President, and added to the enumerated list of prohibited uses for likenesses of the great seal of the United States and for the seals of the President and Vice President, use in posters, public meetings, or on any building, monument, or stationery.

Legislative History. For legislative history and purpose of Pub.L. 89-807, see 1966 U.S.Code Cong. and Adm.News, p. 4408. See, also, Pub.L. 91-651, 1970 U.S. Code Cong. and Adm.News, p. 5903.

Subsecs. (b), (c). Pub.L. 91-651 added subsecs. (b) and (c).

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Feb. 16, 1972, 37 F.R. 3625, as amended by Ex.Ord.No.11916,
May 28, 1976, 41 F.R. 22031

REGULATIONS GOVERNING SEALS OF PRESIDENT AND
VICE PRESIDENT OF UNITED STATES

By virtue of the authority vested in me by section 713(b) of title 18, United States Code [subsec. (b) of this section], I hereby prescribe the following regulations governing the use of the Seals of the President and the Vice President of the United States:

Section 1. Except as otherwise provided by law, the knowing manufacture, reproduction, sale, or purchase for resale of the Seals or Coats of Arms of the President or the Vice President of the United States, or any likeness or substantial part thereof, shall be permitted only for the following uses:

(a) Use by the President or Vice President of the United States;

(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(c) Use in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(d) Use as an architectural embellishment in libraries, museums, or archives

established to house the papers or effects of former Presidents or Vice Presidents;

(e) Use on a monument to a former President or Vice President;

(f) Use by way of photographic or electronic visual reproduction in pictures, moving pictures, or telecasts of bona fide news content;

(g) Such other uses for exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President.

Sec. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.

RICHARD NIXON

Library References

United States \S 5 $\frac{1}{2}$.

C.J.S. United States \S 8.

West's Federal Forms

Actions by United States or officers thereof, see $\S\S$ 1069 to 1072.

Preliminary injunctions and temporary restraining orders, matters pertaining to, see \S 5271 et seq.

Sentence and fine, see \S 7531 et seq.

\S 714. "Johnny Horizon" character or name

As used in this Act, the name or character "Johnny Horizon", means the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green, when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored) and who carries a backpack, which was originated by the Bureau of Land-Management, United States Department of the Interior, as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

EMBASSY OF LEBANON
WASHINGTON

August 26, 1983

Miss Louise Bell
The White House
Washington, D.C. 20500

Dear Miss Bell,

The government of Lebanon would like to know the dimensions and the material of the Presidential Seal that is displayed on the President's podium during press conferences.

The government would appreciate this information being made available to it as well as a copy of the seal itself. When available, please contact Mr. Tony Helou at the Embassy of Lebanon, 939-6300.

Thank you for your attention to this matter.

Sincerely,



Abdallah Bouhabib
Ambassador of Lebanon

TH/mc

8-30-83

John -
Could you please rule on this request?
I have a photo of the seal but
would have to research the other
information they desire.
Thanks.



Jane Powers
Photo Ref. 1x6709

THE WHITE HOUSE
WASHINGTON

September 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seal Inquiry

LaMonte R. White of the District would like a "Presidential banner" for his personal, noncommercial use. He plans to display the banner in his room. A company has agreed to produce a banner for White, pending White House approval.

By "Presidential banner" I assume White means the flag containing the Seal of the President. Executive Order 11649 lists the permitted uses of the Seal, and use by individuals, even if noncommercial, is not included. Curiously, however, both the Executive Order and 18 U.S.C. § 713(b) only prohibit "manufacture, reproduction, sale, or purchase for resale" (emphasis supplied) of the Seal contrary to the regulations, so if White were to purchase or otherwise obtain a flag with the Seal for his personal use, he - as opposed to his manufacturer - would be blameless under the law. Since White has been told to get clearance by the manufacturer, we can tell White we are unable to grant permission to manufacture the flag.

Attachment

THE WHITE HOUSE

WASHINGTON

September 29, 1983

Dear Mr. White:

This is in response to your letter of September 26. In that letter you requested our views on the legality of a citizen's private, noncommercial use of the Presidential flag, and indicated that a company had agreed to produce the flag for you, pending White House approval.

I must advise you that we cannot approve your contemplated use of a Presidential flag, and cannot grant permission to any manufacturer to produce such a flag for you. By "Presidential flag" we assume you are referring to a flag containing the Seal of the President. The permitted uses of that Seal are limited by an act of Congress codified at 18 U.S.C. § 713(b). Regulations implementing this statute are embodied in Executive Order 11649. I have enclosed copies of the statute and executive order for your information.

You will notice that the permitted uses of the Seal of the President do not include use by private citizens, and accordingly we cannot approve the manufacture of a flag containing the Seal for that purpose. Your high regard for our government and the Office of the President is laudable, and I hope you will understand that our inability to grant your request is in no sense an adverse reflection on you.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. LaMonte R. White
536 Thurston
1900 F Street, N.W.
Washington, D.C. 20006

Enclosure
FFF:JGR:aea 9/29/83

bcc: FFFielding
JGRoberts

Subj
Chron

THE WHITE HOUSE

WASHINGTON

September 29, 1983

Dear Mr. White:

This is in response to your letter of September 26. In that letter you requested our views on the legality of a citizen's private, noncommercial use of the Presidential flag, and indicated that a company had agreed to produce the flag for you, pending White House approval.

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Sincerely,

Fred F. Fielding
Counsel to the President

Mr. LaMonte R. White
536 Thurston
1900 F Street, N.W.
Washington, D.C. 20006

F2004

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

O - OUTGOING

H - INTERNAL

I - INCOMING

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

Name of Correspondent: La Monte R. White

MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Requests a copy of the presidential "banner"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CWH011</u>	ORIGINATOR	<u>83,09,28</u> <i>WS</i>		<u>1 / 1</u> <i>WS</i>
<u>CWAT 18</u>	D	<u>83,09,28</u> <i>WS</i>		<u>5 83,10,08</u>
		<u>1 / 1</u>		<u>1 / 1</u>
		<u>1 / 1</u>		<u>1 / 1</u>
		<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.

La Monte R White
536 - 1300
1910 F St, N.W.
Washington, D.C. 20006

173802 *CU*

Hon. Fred Fielding
Counsel to the President
The White House
Washington, D.C. 20502

9/21/83

Dear Mr. Fielding:

I am following up on an inquiry on my behalf last week at the office of Congressman E. Clay Smith (R-T-Louisiana). I would like information from your office on the legality of a private citizen retaining possession of a copy of the Presidential speech, my use of such information to be strictly personal and not intended in any way to disparage either a member or member of the U.S. Army. There will not be any public display of the material. The Captain James J. [unclear] of the 22nd Airborne, 101st Airborne, 82nd Airborne, has agreed to provide the copy for my personal use which would be approved.

To assure you, Mr. Fielding, that I have no intention to disseminate the U.S. Government and its assets to any person in the Office of the President, your assistance is sincerely appreciated.

Very truly,
La Monte R White

THE WHITE HOUSE

WASHINGTON

October 20, 1983

FOR: FRED F. FIELDING
FROM: JOHN G. ROBERTS
SUBJECT: Kentucky Heritage Foundation and the Great Seal

In response to your marginalia on my previous memorandum on this subject, I contacted Gene Malmborg in the Legal Advisor's Office at State, who was willing to answer to the title "Keeper of the Seal." Malmborg indicated that he handles Great Seal inquiries precisely as we proposed to, i.e., by pointing out 18 U.S.C. § 713(a) and declining to authorize any contemplated use. I have revised our proposed reply slightly to make it clearer that we are neither approving nor disapproving the Foundation's planned use of the Great Seal.

THE WHITE HOUSE

WASHINGTON

October 20, 1983

Dear Mr. Riner:

Thank you for your letter of September 21. In that letter you requested written permission under Executive Order 11649, subsection 1(g), to use portions of the Great Seal of the United States in a display highlighting the National Motto. You provided a facsimile of the contemplated display and indicated that the Kentucky Heritage Foundation would produce the seals and donate them for display in government buildings.

The provisions of Executive Order 11649 apply only to the Seals of the President and Vice President of the United States, not to the Great Seal. The limits on use of the Great Seal are found in 18 U.S.C. § 713(a). Although this office is deeply concerned about use of the Seal of the President, we do not review questions involving the separate and distinct Great Seal, and are not in a position to either approve or disapprove your contemplated use.

Sincerely,

Fred F. Fielding
Fred F. Fielding
Counsel to the President

The Honorable Tom Riner
Kentucky Heritage Foundation
1143 East Broadway
Louisville, KY 40204

Enclosure

FFF:JGR:aea 10/20/83

bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
WASHINGTON

September 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Kentucky Heritage Foundation

You will recall that Tom Riner called on September 8, seeking a copy of the Presidential Seal to use in a display highlighting the National Motto. The display was to be erected by the Kentucky Legislature. We advised him that it would be more appropriate to use the Great Seal for such purposes, and sent him a copy of that, along with a copy of 18 U.S.C. § 713(a), governing use of the Great Seal.

Riner has now written, on stationery of The Kentucky Heritage Foundation, asking for permission to reproduce the Great Seal under Executive Order 11649, subsection 1(g). He enclosed a copy of his proposed use of the Great Seal, consisting of the eagle, circle of 50 stars, and a band with the motto and the phrase "Adopted as the National Motto by Congress on July 20, 1956." He notes that the Foundation, a 501(c)(3), would produce the seals then donate them for display in government buildings.

Riner's organization is dedicated to promoting greater recognition of religion by government. The Kentucky Heritage Foundation is the organization which produced and donated copies of the Ten Commandments to Kentucky public schools, which displayed them pursuant to state law. The law was summarily struck down by the Supreme Court in Stone v. Graham, 449 U.S. 39 (1980), over a vigorous dissent. Promotion of the National Motto is apparently the Foundation's next step.

Riner is of course a bit confused in seeking permission to use the Great Seal. Executive Order 11649 applies to the Presidential Seal, not the Great Seal. The limits on use of the Great Seal are spelled out only in the statute. The attached draft reply advises Riner of this fact. The reply avoids any comments on Riner's contemplated use of the Great Seal. This use seems acceptable under both 18 U.S.C. § 713(a) and the Establishment Clause, but there is no need to give gratuitous advice.

Attachment

FFF
returned
w/comments

THE WHITE HOUSE
WASHINGTON

September 29, 1983

Dear Mr. Riner:

Thank you for your letter of September 21. In that letter you requested written permission under Executive Order 11649, subsection 1(g), to use portions of the Great Seal of the United States in a display highlighting the National Motto. You provided a facsimile of the contemplated display and indicated that the Kentucky Heritage Foundation would produce the seals and donate them for display in government buildings.

The provisions of Executive Order 11649 apply only to the Seals of the President and Vice President of the United States, not to the Great Seal. The limits on use of the Great Seal are found in 18 U.S.C. § 713(a). Although this office is deeply concerned about use of the Seal of the President, we do not review questions involving the separate and distinct Great Seal. The permission of this office is not needed in connection with the Great Seal.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Tom Riner
Kentucky Heritage Foundation
1143 East Broadway
Louisville, KY 40204

FFF:JGR:aea 9/29/83

bcc: FFFielding/JGRoberts/Subj./Chron

THE KENTUCKY HERITAGE FOUNDATION

1143 East Broadway • Louisville, Ky. 40204 • 502 - 584-3639

September 21, 1983

17/50/Col

EXECUTIVE DIRECTOR

Tom Riner

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Hon. Fred F. Fielding
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Fielding:

Thank you for your prompt reply regarding the use of the Great Seal of the United States.

Pursuant to Executive Order #11649, section (g) I would like to request written permission to use portions of the Great Seal similar to the enclosed representation designed to educate the public as to our national motto.

Our foundation would like to immediately begin work on producing such seals. We would then donate the seals to be displayed in government buildings.

We would be happy to make any alternation you would suggest. Our goal is to link the national motto with a representation of the nation -- and to do that in the most attractive and professional manner possible.

Sincerely,

Tom Riner

Tom Riner

P.S. Your prompt attention to this matter will be greatly appreciated.

cc: Hon. Morton Blackwell

THE WHITE HOUSE

WASHINGTON

September 8, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS

SUBJECT: Seal Inquiry

You referred a call from State Representative, Tom Riner, to me. Riner stated that the Kentucky Legislature wanted to use the Presidential Seal, absent the banner describing the seal as such, in a display along with the national motto. (Pursuant to 36 U.S.C. § 186, the national motto is "In God we trust.") I suggested to Riner that it would be more appropriate to use the Great Seal for such a display. He accepted the suggestion, and asked for a copy of the Great Seal. The attached letter, for your signature, provides Riner with a copy, and reminds him, as I did by telephone, of the proscriptions contained in 18 U.S.C. § 713(a). Representative Riner indicated that prompt action would be appreciated.

Attachment

THE WHITE HOUSE
WASHINGTON

September 8, 1983

Dear Mr. Riner:

Pursuant to your conversation with John Roberts of my staff, please find enclosed a color print of the Great Seal of the United States. It is our understanding that the Seal will be used by the Legislature in an appropriate display, along with an inscription of the national motto. As Mr. Roberts advised you, it would be more appropriate to use the Great Seal than the Seal of the President for such display purposes.

I have also taken the liberty of enclosing a copy of the statutory provision, 18 U.S.C. § 713(a), governing use of the Great Seal. If we may be of any further assistance, please do not hesitate to call upon us.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable Tom Riner
Member of the House of Representatives
of the State of Kentucky
1143 East Broadway
Louisville, Kentucky 40204

Enclosures

FFF:JGR:aea 9/8/83 ✓
bcc: FFFielding/JGRoberts/Subj./Chron

Seal file

Groups' use of U.S. seal opposed

By Bill Kling
WASHINGTON TIMES STAFF

Have the Democrats purloined the Great Seal of the United States for political purposes?

A group of California conservative political activists thinks they might.

The Californians have asked the Justice Department to determine whether fund-raising letterheads of political campaign committees for House and Senate Democrats violate federal criminal law prohibiting non-governmental use of the great seal of the United States.

The complaint was sent last Wednesday to the public integrity section of the Justice Department's criminal division by Louis William Barnett, political director of Citizens for the Republic, headquartered in Santa Monica, which was founded by Ronald Reagan before he became president.

Cited by Mr. Barnett are a mailing by the Democratic Congressional Campaign Committee signed by its chairman, Rep. Tony Coelho, D-Calif., and two mailings by the Democratic Senatorial Campaign Committee, one signed by its chairman, Sen. Lloyd Bentsen, D-Texas, and another by Mr. Bentsen and the committee vice chairman, Sen. Alan Cranston, D-Calif.

The committees are the campaign arms for congressional Democrats.

Mr. Coelho's letter, seeking financial contributions to the 1984 Democratic Victory Campaign, is on a letterhead bearing two likenesses of the great seal of the United States and the legend, "Official 1984 Democratic Presidential Survey."

It is accompanied by a survey form on which recipients may signify their preferences for the Democratic presidential nomination.

The Bentsen and Cranston letters, both to representatives of political action committees, are on DSCC letterhead with a likeness of the great seal surrounded by the words, "United States Senate" — one offering tickets for the Los Angeles



Democratic Senatorial Dinner on Oct. 10, and the other soliciting for the DSCC's first 1984 Candidate-PAC Forum at the organization's North Capitol Street offices on Oct. 17.

Mr. Barnett, in his letter of complaint, noted a section of the U.S. penal code described in a Justice Department ruling last May 27 as prohibiting "the knowing display of any likeness or facsimile of the great seal of the United States in connection with any advertisement or stationery in a manner calculated to convey a false impression of sponsorship or approval by the government of the United States."

In that ruling, the Justice Department notified David Greene, former executive director of the CBC-Political Action Committee, an organ of the Congressional Black Caucus, that its use of the great seal on a fund-raising letter violated the law.

Violation of the statute carries a maximum penalty of a \$250 fine and six months imprisonment.

"In view of the fact that the (Black Caucus fund-raising letter) relates to a fund-raising appeal by a political organization and not to the official business of the United States government, we believe that such utilization of a likeness of the great seal is proscribed," Gerald E. McDowell, chief of the Justice Department's public integrity section, wrote Mr. Greene.

The department investigation of the Black Caucus letter was in response to a complaint Mr. Barnett filed on behalf of CFTR. Black Cau-

cus leaders quit using the seal on their letterhead.

Mark Johnson, a DCCC spokesman, said use of the seal in the Coelho letter is permitted under a ruling by the House Committee on Standards of Official Conduct.

Committee staffer John Davidson said, however, that guidelines for House Rule 43 — contained in the House ethics manual and covering use of the House seal for other than official business — cite the law barring non-governmental use of the great seal. While the DCCC and its GOP counterpart, the National Republican Congressional Committee, may use the House seal, Mr. Davidson said, the guidelines point out that federal law "specifically prohibits use of the United States seal" for political purposes.

Anne Miskovsky, press secretary for the Senate Ethics Committee, said an 1886 resolution gives jurisdiction over the Senate seal to the Senate secretary, but that the ethics committee has never ruled on its use for other than official Senate business.

"We don't have a prohibition but we have told people over the telephone that they shouldn't do it," Miss Miskovsky said.

In his complaint, Mr. Barnett also inquired whether the Justice Department "has ever taken tougher action than sending an 'informational' letter in any situation involving the illegal use of the great seal of the United States."

"For example, has the department ever threatened (or taken) court action (injunctive or criminal)?" Mr. Barnett asked. "Further, does the department take identical action in each case with no regard as to the status of the individuals involved?"

Mr. Barnett, noting the earlier Black Caucus case, said "possibly stiffer action" than merely informing violators "is necessary to prevent future violations ... by congressional Democrats."

THE WHITE HOUSE

WASHINGTON

November 30, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seal Inquiry

George M. Mahoney, Jr., on behalf of Southern Heritage Prints, has written "to verify permission for the continual use of the Presidential Seal" on two items his company would like to produce. The two items, a memo pad of Presidential quotations and a booklet of Presidential quotations, are described as "companion items" to be added to Southern Heritage's existing "Presidential Series." That existing series includes a folio collection, "Presidents of the United States from the South," which features the Presidential Seal. Mr. Mahoney enclosed with his request a copy of a July 14, 1980 letter from Senior Associate Counsel Douglas B. Huron, granting Southern Heritage permission to use the Seal "in conjunction with a book you are preparing on presidents from the South." The "book" is apparently the folio.

I do not think use of the Presidential Seal on a memo pad with Presidential quotations is permitted under the Executive Order. Section 1(b) of the Executive Order does not apply because (1) the mere presence of a quotation on each piece of paper does not transform the memo pad into "a description or history...of...the Presidency," (2) a memo pad cannot be considered embraced by the terms "encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines," and (3) the appearance of the Seal on each sheet of paper is clearly not "incident to" a historical work, but rather an integral part of the substance of the product itself. Use of the Seal on the covers and title page of a sixty-page collection of Presidential quotations, however, does seem to me to fall within this permitted use. Section 1(b) refers to "pamphlets" as well as books, and I would not want to have to argue that a collection of quotations -- the original source material -- cannot be considered a "description or history" of the Presidency.

Mr. Huron's decision to authorize use of the Seal on Southern Heritage's folios strikes me as a close call, but in the interests of stare decisis we should probably not

revisit it. We should, however, object to the use of the Seal on Southern Heritage's promotional material (see yellow tag), and the attached draft letter to the company does so.

Attachment

THE WHITE HOUSE

WASHINGTON

November 30, 1983

Dear Mr. Mahoney:

Thank you for your letter of November 21, requesting permission to use the Seal of the President on each sheet of a 100-sheet memo pad of Presidential quotations and on the covers and title page of a booklet of Presidential quotations. These items will be marketed at Presidential libraries, museums, and other locations.

Title 18 of the United States Code, Section 713 generally prohibits use of the Seal of the President except in accordance with regulations promulgated by the President. These regulations are embodied in Executive Order 11649. A copy of the statute and implementing regulations is enclosed for your information.

Use of the Seal on the covers and title page of your planned booklet of Presidential quotations appears to fall within subsection 1(b) of the Executive Order, and therefore would be permissible so long as the Seal is not used in such a manner as to suggest sponsorship or approval by the Government in violation of 18 U.S.C. § 713(a). This would depend on such details as the appearance of the covers and title page and the presence of other identifying information indicating that the booklet was not produced by the Government.

Use of the Seal on the memo pad, however, does not fall within any of the permitted uses in the Executive Order. Memo pads cannot be considered "encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines;" reproduction of the Seal on each sheet of the memo pad cannot be considered use of the Seal "incident to" a description or history of the Presidency; and the memo pad cannot be considered such a "description or history" simply because each sheet contains a Presidential quotation. We must accordingly decline to grant you permission to use the Seal on the memo pads.

I should also point out that the Seal may not be used in promotional materials. The permission you received in 1980 to use the Seal "in conjunction with a book you are preparing on presidents from the South" was limited to that specific use, and did not authorize use of the Seal in

advertising circulars. In this regard we must object to the appearance of the Seal at the top center of your "Presidential Series" order form.

Thank you for your inquiry. Should you have any further questions please do not hesitate to write.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. George M. Mahoney, Jr.
Southern Heritage Prints
Post Office Box 503
Huntsville, Alabama 35804

Enclosure

FFF:JGR:aea 11/30/83
bcc: FFFielding/JGRoberts/Subj/Chron

FEDD4
JR

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- D - OUTGOING
 - I - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: George M. Mahoney, Jr

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

Subject: Requests to use Presidential Seal on memo pad & presidential quotations and booklet of presidential quotations

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
WHOLE	ORIGINATOR 8311129	1 1
QUAT 18	D 8311129	5 8312109
		1 1
		1 1
		1 1
		1 1

- 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.

Southern Heritage Prints

POST OFFICE BOX 503 o HUNTSVILLE, ALABAMA 35804

Albert H. Lane
George M. Mahoney, Jr.

189252 cu

November 21, 1983

Counsel to the President
The White House
Washington, D.C.

Subject: Request for continual use of the Presidential Seal

Dear Sir:

The White House granted us permission in 1980 to use the Presidential Seal in conjunction with our 'Presidential Series' of "Presidents of the United States from The South." Copies of this are enclosed.

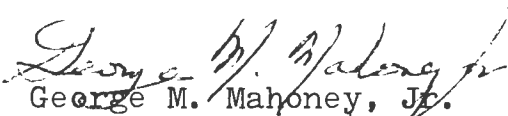
Now, we would like to verify permission for the continual use of the Presidential Seal for two new 'companion items' that we would like to add to our 'Presidential Series'. These will be marketed at Presidential Libraries and Museums, Homes of the Presidents, and other locations pertaining to the Presidents:

- * MEMO PAD OF PRESIDENTIAL QUOTATIONS, 100 "Famous Quotations" of all 40 Presidents of the U.S.A. from George Washington to Ronald Reagan. A Pad of 100 sheets of Memo Paper with a different "Quotation" and the Presidential Seal on each sheet.
- * BOOKLET OF PRESIDENTIAL QUOTATIONS, 60 pages of "Famous Quotations" of all the Presidents, with the Presidential Seal on the covers and title page.

Details enclosed.

Your ideas and suggestions will be most welcomed, especially any quotations of President Reagan that you think should be included.

Sincerely yours,


George M. Mahoney, Jr.

enclosures

THE WHITE HOUSE

WASHINGTON

July 14, 1980

COPY

Dear Mr. Lane:

We understand that you wish to use the Presidential Seal in conjunction with a book you are preparing on presidents from the South. You have our authorization to use the Seal in this manner, and we have enclosed a photocopy for your use.

Sincerely,



DOUGLAS B. HURON
Senior Associate Counsel
to the President

Mr. Albert Lane
3307 Graymont Drive, S.W.
Huntsville, Alabama 35801

The Presidential Series

BY
Alvin Lane



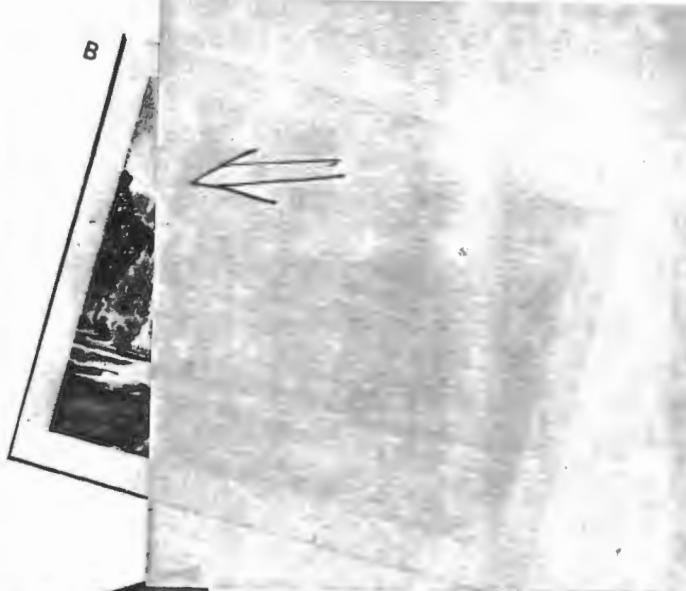
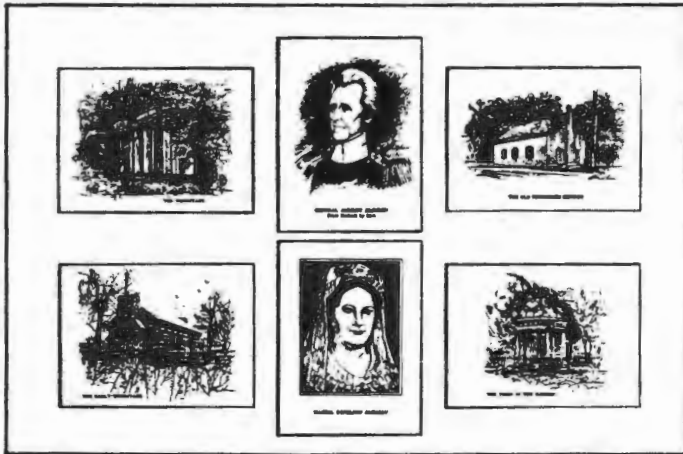
A Biographical Folio

ANDREW JACKSON and THE HERMITAGE

NEAR NASHVILLE, TENNESSEE



PRESIDENTS OF THE UNITED STATES FROM "THE SOUTH"



THE HERMITAGE
Home of Andrew Jackson. Shown here is photograph of the full color reproduction print on finest quality paper.



ANDREW JACKSON
Pen and Ink Portrait

- (A) FOLIO - Jackson/The Hermitage includes a 11 x 14 inch watercolor print in full color of The Hermitage and a 8½ x 11 inch Pen & Ink portrait of Andrew Jackson, with illustrated historical information. All printed on finest quality paper. \$9.95
- (B) LARGE WATERCOLOR PRINT in full color of The Hermitage, 17 x 22 inches. Reproduced from the original painting. Printed on finest quality paper. \$24.95
- (C) NOTEPAPER - reproduced from the illustrations featured in the Folio. Six different scenes per package with envelopes. \$2.00

complete order form & mailing label - mail to:
SOUTHERN HERITAGE PRINTS, P. O. Box 503, Huntsville, AL 35804

ORDER FORM

The Presidential Series - Jackson/The Hermitage

- FOLIO - Jackson/The Hermitage @ \$ 9.95 = \$ _____
- postage & handling @ \$ 1.00 = \$ _____
- LARGE WATERCOLOR PRINT
The Hermitage, 17 x 22 inches @ \$24.95 = \$ _____
- postage & handling @ .55 = \$ _____
- NOTEPAPER - Set of Six Scenes @ \$ 2.00 = \$ _____
- postage & handling .20 = \$ _____

TOTAL \$ _____

Check / Money Order / Master Card / Visa: Exp. Date _____

Southern Heritage Prints

Post Office Box 503
Huntsville, Alabama 35804

MAILING LABEL

TO: _____

Proposal: "PRESIDENTIAL MEMOS" featuring "Quotations" of all U.S. Presidents
Exhibit "A"

"Proof" Illustration
of 3 of 100 sheets
of Memo Paper

Each sheet with a
different "Quotation"
Shown in actual size
(5" x 7")



Note...
The
'Presidential
Seal'
shown here
at 100%
will be
'screened'
to 5%
(Size will
be the same)

PROOF

*"Labor to keep alive in your breast that little spark of celestial fire,
- conscience."*

Rule from the copy-book of Washington when a schoolboy
GEORGE WASHINGTON, First President 1789-1797

© 1983 *Southern Heritage Prints*

*"Yesterday the greatest question was decided which ever was debated in
America; and a greater perhaps never was, nor will be, decided among
men. A resolution was passed without one dissenting colony, that those
United Colonies are, and of right ought to be free and independent
States."*

Letter to Mrs. Adams, July 3, 1776
JOHN ADAMS, Second President 1797-1801

© 1983 *Southern Heritage Prints*

*"We hold these truths to be self-evident: that all men are created
equal; that they are endowed by their Creator with certain inalienable
rights; that among these are life, liberty, and the pursuit of happiness."*

Declaration of Independence
THOMAS JEFFERSON, Third President 1801-1809

© 1983 *Southern Heritage Prints*

Southern Heritage Prints
P. O. Box 503
Huntsville, Ala. 35804-0504

Proposal: "PRESIDENTIAL MEMOS" featuring "Quotations" of all U.S. Presidents
"Proof" illustrated in actual size (5" x 7")

Exhibit "B" of 'DESCRIPTIVE INSERT' with Price
Standard Insert



The Presidential Series

EXCLUSIVELY CREATED BY

Southern Heritage Prints

P. O. BOX 503 * HUNTSVILLE, ALABAMA, 35804

PROOF

"PRESIDENTIAL MEMOS"

Pad of 100 sheets of Memo Paper
featuring

100 "Famous Quotations" of
all 40 Presidents of the United States of America
from George Washington to Ronald Regan

Price \$1.95

Southern Heritage Prints

POST OFFICE BOX 503 o HUNTSVILLE, ALABAMA 35804

Subject: Proposal

Product: MEMO PAPER

"Ideas": 'Presidential Memos' featuring
100 "Famous Quotations" of all 40 Presidents
of the United States of America
from George Washington to Ronald Reagan
a pad of 100 sheets of Memo Paper/100 different
"Quotations" with the 'Presidential Seal'
(every President will have 1 or 2 Quotations,
the more famous Presidents will have 3 to 4 Quotations)

Size: Sheet Size 5" x 7"
100 sheets to a Pad, with chipboard back

Packaging: Individual Pads will be shrink-wrapped
with top sheet of Pad visible on one side
and 'Descriptive Insert' with Price, on the other side

Descriptive
Insert Includes a description of the Product
and Price
with On quantity orders, a 'Personalized' listing
Price: or logo of the Seller will be included

Printing: White Paper
with "Quotations" in Dark Blue Ink
'Presidential Seal' screened at 5%

Price: \$1.95 @ Pad, Retail / 97¢ @ Pad, Wholesale

Purchase
Quantities: with Standard Insert...
sold in multiples of 1 doz. @ \$11.64
with 'Personalized' Insert...
shipped in multiples of 100 @ \$97.00
with agreement to purchase 300 over a 6 month period

Terms: Net 30 Days

Shipped: U.P.S. / shipped FOB Huntsville, Ala. 35804

Distribution: Homes of the U.S. Presidents, Presidential Museums,
and other Gift Shops and Museum Shops pertaining to
the Presidents

Merchandising
Aids: a 'Clear Acrylic Sales & Merchandise Counter Display'
with 'Reader Card' will be included FREE with an
initial order for 100 Pads

Please, see Questionnaire & Details of 'Descriptive Insert'...

THE WHITE HOUSE

WASHINGTON

November 30, 1983

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a source of prints for the press! Also offprints for Huron's letter

revisit it. We should, however, object to the use of the Seal on Southern Heritage's promotional material (see yellow tag), and the attached draft letter to the company does so.

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