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THE WHITE HOUSE

WASHINGTON

December 23, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Jonathan Bush Inquiry Concerning
Presidential Seal

As we discussed, I have advised Jonathan Bush that our office cannot approve the use of the Seal of the President on invitations to the March 6, 1984 fundraising dinner in New York. The President will address the dinner, which will benefit the Republican National Committee and the New York Republican Committee, but the invitations are being extended not by the President or the White House but by a group of New York Republican leaders. Bush stated that the Vice Presidential Seal had been used on invitations to fundraisers attended by the Vice President. I told him that we were not aware of the circumstances of those incidents, and simply reiterated our policy.

Bush then asked if the Great Seal could be used. I alerted him to the criminal prohibition in 18 U.S.C. § 713 against use of either the Great or Presidential Seal in a manner suggesting Government sponsorship, and noted that since the President and other government officials were involved in the dinner use of the Great Seal could convey the erroneous impression that the dinner was in some sense an official function. I also advised Bush that numerous complaints had been received by us and the Justice Department concerning use of the Great Seal in fundraising by the DNC and Congressional Black Caucus. Use of the Seal by the latter group resulted in a cautionary letter from the Justice Department.

Bush seems resigned to sending the invitations out without any seal. I have advised Boyden Gray of Bush's inquiry, and our response.

*FFF
New York*



THE WHITE HOUSE

WASHINGTON

January 17, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seal Inquiry

The Photo Office has referred to us a letter from the Goree Unit of the Texas Department of Corrections, asking for replicas of the Seal of the President and the Seal of the Vice President. The Goree Unit is putting together a collection of various seals of office, for display in the Administrative Building, along with a collection of state and federal prison uniform shoulder patches.

Executive Order 11649, § 1(c), permits use of the Presidential and Vice-Presidential Seals "in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals...." It can be argued that use of the seals in a display in a Texas Department of Corrections Administrative Building falls within this exception, since the building is an "educational facility," at least to the extent that it contains an educational display of seals. In any event, the main concern of 18 U.S.C. § 713 -- that the Seals not be used in a manner that suggests Presidential sponsorship or endorsement -- is not implicated by this request. My review of our handling of similar requests suggests that we are willing to provide photographs of the Seal when the contemplated displays are noncommercial and in public buildings or generally open to the public, as opposed to private collections. For example, last fall you approved use of a photograph of the Seal in a display at an American Legion post. Last spring you approved use of the Seal to accompany a collection of Presidential letters on display in the lobby of a Dallas office building. Approval of the proposed use of a reproduction of the Seal by the Goree Unit strikes me as consistent with our treatment of these earlier requests.

A draft reply is attached. The reply reviews the statute and regulations governing use of the Seal, and specifies that the photographs may only be used for the purpose specified.

Attachment

THE WHITE HOUSE

WASHINGTON

January 17, 1984

Dear Mrs. Rash:

Your letter requesting replicas of the Seal of the President and the Seal of the Vice President has been referred to this office for consideration and reply. In that letter you indicated that you were in the process of creating a collection of various seals of office and a collection of state and federal uniform shoulder patches, both collections to be displayed in your Administrative Building.

The permitted uses of the Seal of the President and the Seal of the Vice President are limited by statute and executive order. I have attached a copy of the pertinent provisions for your information. You will notice that the regulations permit the use of the Seal "in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals." While your contemplated use does not precisely fit this category, it is our understanding that your display of seals will be placed in a public building and that the proposed use of the Seal of the President and the Seal of the Vice President is in no way connected with any commercial activity. In light of these unique circumstances, we are happy to provide you with photographic reproductions of the Seals, solely for the limited use specified.

Thank you for your inquiry, and best of luck with the display.

Sincerely,

(Copy signed by FFF)

Fred F. Fielding
Counsel to the President

Mrs. W. Rash
Goree Unit/Post Office Box 38
Huntsville, Texas 77340

FFF:JGR:aea 1/17/84

cc: FFFielding/JGRoberts/Subj/Chron

FE004

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

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

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

Name of Correspondent: Mrs. W. Rosh

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

Subject: Requests a replica of Presidential and Vice Presidential seals for Texas Department of Corrections

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>W Holland</u>	ORIGINATOR	<u>831112</u>
<u>WAT18</u>	Referral Note: <u>D</u>	<u>831114</u>
	Referral Note:	<u>S 831124</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>
	Referral Note:	<u>1 1</u>

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure

- J - 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.



JR

TEXAS
DEPARTMENT OF CORRECTIONS

184150W

October 6, 1983

President Ronald Reagan
President of the United States
White House
Washington, D.C.
20510

Dear Mr. President;

The Texas Department of Corrections, Goree Units' Front Office administration, would like to take this opportunity to request your assistance in obtaining the following: A replica of the Presidential Seal and a replica of the Vice-Presidential Seal.

Briefly, let me explain our intentions. We are presently in the process of creating a Collection of; all the State and Federal Prisons Uniform Shoulder insignia Patches, along with these will be a complete collection of the various Seals of Office, those being connected with the Federal Government. All of these will be made into a display in our Administrative Building.

We are well on our way with this project and would appreciate it very much if you would endorse our collection by forwarding the aforementioned Seals, without which our collection would be most incomplete.

In closing, let me add that we are looking forward to receiving your Seal and will be honored to add it to our collection. Further we appreciate your time and effort in assisting us in this.

Cordially yours;

Mrs. W. Rash
Mrs. W. Rash

KANEW,

What do you think?

Jay W

THE WHITE HOUSE

WASHINGTON

January 30, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seal Inquiry

Connie Marshall, of the Juvenile Books division of Random House, Inc., has requested a copy of the Seal of the President for possible use on the cover of the upcoming The Look-It-Up Book of Presidents. Marshall describes the volume as a children's trade book, and suggests the use of the Seal would be an "educational use."

Executive Order 11649, section 1(b), permits use of the Seal "in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of...the Presidency." The contemplated use of the Seal by Random House thus appears to comply with 18 U.S.C. § 713(b), which prohibits use of the Seal except in accordance with regulations issued by the President.

A separate question is raised under 18 U.S.C. § 713(a), however, by the contemplated use of the Seal on the cover of the book. Section 713(a) prohibits knowing display of the Seal for the purpose of conveying or in a manner reasonably calculated to convey the false impression of governmental sponsorship. A use of the Seal can comply with 18 U.S.C. § 713(b) and the regulations issued thereunder and still violate 18 U.S.C. § 713(a). It is quite easy to imagine a use of the Seal on a book cover that runs afoul of § 713(a) by conveying the impression that the book is a government sponsored or approved publication.

I recommend sending Marshall a copy of the pertinent statute and Executive Order along with the Seal, and alerting her to the concern that the book cover not run afoul of § 713(a). I do not, as a general matter, think it advisable for us to seek pre-publication review of the precise nature of planned uses of the Seal that comply with § 713(b) on the ground that they might violate § 713(a). In this case that would involve review of a mock-up of the cover, after which we would be in the position of giving an advisory opinion on compliance with a criminal statute -- something I think we should never do.

Attachment

THE WHITE HOUSE

WASHINGTON

January 30, 1984

Dear Ms. Marshall:

Thank you for your letter of January 25. That letter requested a full-color photograph of the Seal of the President, for possible use on the cover of the upcoming Random House book, The Look-It-Up Book of Presidents.

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

You will notice that section 1(b) of the Executive Order permits use of the Seal "in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of...the Presidency." Your contemplated use of the Seal appears to fall within this category of permitted uses.

I must advise you, however, that use of the Seal on the cover of the book raises the separate concern under section 713(a) that such use may convey the false impression of sponsorship or approval of the book by the Government. Whether this is in fact the case depends upon the precise manner in which the Seal is displayed and whatever else appears on the cover.

I have enclosed a full-color photograph of the Seal of the President, for possible use in The Look-It-Up Book of Presidents consistent with the above-referenced statutory provisions.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Connie Marshall
Juvenile Books
Random House, Inc.
201 East 50th Street
New York, NY 10022

Enclosures

FFF:JGR:aea 1/30/84

bcc: 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".

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.

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

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."

Legislative History. For legislative history and purpose of Pub.L. 89-807, see 1966 U.S. Code Cong. and Adm. News, p. 4405. See, also, Pub.L. 91-651, 1970 U.S. Code Cong. and Adm. News, p. 5903.

EXECUTIVE ORDER NO. 11849

Feb. 16, 1972, 37 F.R. 3625, as amended by Ex.Ord.No.11816,
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 Code § 5½.

C.J.S. United States § 8.

West's Federal Forms

Actions by United States or officers thereof, see §§ 1069 to 1072.

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

Sentence and fine, see § 7531 et seq.

§ 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.

Codification of Presidential Proclamations and Executive Orders

Executive Order 11649—Regulations governing the Seals of the President and the Vice President of the United States

SOURCE: The provisions of Executive Order 11649 of Feb. 16, 1972, appear at 37 FR 3625, 3 CFR, 1971-1975 Comp., p. 675, unless otherwise noted.

By virtue of the authority vested in me by section 713(b) of title 18, United States Code, 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. 1 amended by EO 11916 of May 28, 1976, 41 FR 22031, 3 CFR, 1976 Comp., p. 119]

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.

Executive Order 11884—Prescribing the official coat of arms, seal, and flag of the Vice President of the United States

SOURCE: The provisions of Executive Order 11884 of Oct. 7, 1975, appear at 40 FR 47469, 3 CFR, 1971-1975 Comp., p. 1034.

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. The Coat of Arms of the Vice President of the United States shall be of the following design:

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle displayed holding in his dexter talon an olive branch

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

John

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

Name of Correspondent: Connie Marshall

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

Subject: Requests copy of Presidential Seal for possible use on the cover of "The Look-It-Up Book of Presidents"

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD
<u>CWHOLL</u>	ORIGINATOR	8410127
<u>CWDT 18</u>	Referral Note: <u>D</u>	8410127
	Referral Note:	58410131
	Referral Note:	1 1
	Referral Note:	1 1
	Referral Note:	1 1
	Referral Note:	1 1

- | | | |
|--|---|---|
| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet to be used as Enclosure | <ul style="list-style-type: none"> I - Info Copy Only/No Action Necessary R - Direct Reply w/Copy S - For Signature X - Interim Reply | <p>DISPOSITION CODES:</p> <ul style="list-style-type: none"> 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.

THE WHITE HOUSE

WASHINGTON

January 30, 1984

Dear Ms. Marshall:

Thank you for your letter of January 25. That letter requested a full-color photograph of the Seal of the President, for possible use on the cover of the upcoming Random House book, The Look-It-Up Book of Presidents.

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

You will notice that section 1(b) of the Executive Order permits use of the Seal "in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of...the Presidency." Your contemplated use of the Seal appears to fall within this category of permitted uses.

I must advise you, however, that use of the Seal on the cover of the book raises the separate concern under section 713(a) that such use may convey the false impression of sponsorship or approval of the book by the Government. Whether this is in fact the case depends upon the precise manner in which the Seal is displayed and whatever else appears on the cover.

I have enclosed a full-color photograph of the Seal of the President, for possible use in The Look-It-Up Book of Presidents consistent with the above-referenced statutory provisions.

Sincerely,

Fred F. Fielding
Counsel to the President

Ms. Connie Marshall
Juvenile Books
Random House, Inc.
201 East 50th Street
New York, NY 10022
Enclosures Enclos

FFF:JGR:aea 1/30/84

bcc: FFFielding/JGRoberts/Subj/Chron



RANDOM HOUSE, INC.

201 EAST 50TH STREET, NEW YORK, N.Y. 10022
TELEPHONE 212 751-2600

January 25, 1984

The Hon. Fred F. Fielding
Council to the President
The White House
Washington, D.C. 20500

Dear Mr. Fielding:

I would like to obtain a full-color photograph of the presidential seal for possible use on the cover of our upcoming book, The Look-It-Up Book of Presidents.

The book is a children's trade book, but would probably fall under the category of "educational use."

Please let me know as soon as possible whether one is available as we are under a strict deadline.

Thank you. I look forward to hearing from you soon.

Sincerely,

Connie Marshall
Juvenile Books
212-572-2325

THE WHITE HOUSE

WASHINGTON

February 2, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Seal Inquiry from Dorothy Vannerson
on Behalf of the Advisory Committee
on the Arts

Your office referred to me a telephone call from Dorothy Vannerson, an appointee of the President to the Kennedy Center Advisory Committee on the Arts. Mrs. Vannerson advised me that on May 3 the Kennedy Center will hold a salute to Roy Acuff, to celebrate his 80th birthday. Several legendary figures associated with country music and the Grand Ole Opry are scheduled to appear and perform. The Advisory Committee, according to Vannerson, is interested in having the Kennedy Center produce and give to Acuff and the performers commemorative belt buckles, with "A Salute to Roy Acuff. Happy 80th Birthday" surrounding either the Presidential Seal or the Great Seal. Vannerson was checking with our office on whether either seal could be used. She indicated no preference between the Presidential Seal or the Great Seal.

I see no legal problem with use of the Great Seal for this purpose. The pertinent statutory provision, 18 U.S.C. § 713(a), prohibits use of the Great Seal to convey a false impression of Government sponsorship or approval. To the extent the contemplated buckle conveys an impression of Government sponsorship or approval, however, it would not be false, if the buckle project is undertaken by the Kennedy Center Board of Trustees.

We should not approve use of the Seal of the President on the belt buckle. Such use does not fall within any of the categories of permitted uses enumerated in Executive Order 11649, and would accordingly violate 18 U.S.C. § 713(b). Mrs. Vannerson suggested the Presidential Seal could be used since the Advisory Committee was a Presidential Committee, but her premise is incorrect: the President appoints the members of the Advisory Committee, but its purpose is to advise the Kennedy Center Board of Trustees, not the President. (In any event, we are trying to restrict use of the Presidential Seal even by purely Presidential Advisory Committees.) Nor may the Kennedy Center be properly

considered a Presidential entity: it is rather a part of the constitutionally anomalous Smithsonian Institution.

As is frequently the case, it is the unasked questions that raise the greatest concerns. The Advisory Committee is subject to the Federal Advisory Committee Act and accordingly cannot engage in other than advisory functions. See 5 U.S.C. App. I § 9(b). Minting and distributing a commemorative Roy Acuff 80th Birthday belt buckle would, of course, go beyond offering advice. My understanding was that the Advisory Committee would propose this idea to the Kennedy Center Trustees. To be on the safe side, the attached draft response to Vannerson cautions her that any action must be taken by the Board, not the Advisory Committee.

Attachment

THE WHITE HOUSE

WASHINGTON

February 2, 1984

Dear Mrs. Vannerson:

You have inquired of this office whether it would be permissible for either the Great Seal of the United States or the Seal of the President to appear on a belt buckle issued by the Kennedy Center to commemorate the scheduled May 3 salute to Roy Acuff.

The permitted uses of these official seals are governed by 18 U.S.C. § 713. Section 713(a) prohibits use of either seal to convey or in a manner reasonably calculated to convey a false impression of Government sponsorship or approval. In this case any impression of Government sponsorship or approval would not be false, since the buckles would be issued by the Kennedy Center Board of Trustees. Accordingly, section 713(a) presents no difficulties.

Section 713(b) imposes additional limits on the use of the Seal of the President, prohibiting any use that does not comply with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649. A copy of the regulations, as well as the pertinent statutory provisions, is enclosed for your information. You will notice that the contemplated use of the Presidential Seal on the commemorative belt buckle does not fall within any of the permitted uses of the Seal. Accordingly, we must advise against use of the Seal of the President for this purpose. As noted above, however, the Great Seal may be used on the commemorative belt buckle.

I would point out that any decision to produce and issue the commemorative belt buckle must be made by the appropriate officials of the Kennedy Center. Such a project would be beyond the authority of the Advisory Committee on the Arts itself, which is limited by law to advisory functions.

Thank you for raising this matter with us. I hope this response is helpful, and please do not hesitate to contact this office again if you have further questions.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mrs. Dorothy Vannerson
607 Houston Avenue
Houston, TX 77007

FFF:JGR:aea 2/2/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

February 15, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Requests a Copy of the President's
Seal for a Constituent to Use in a
Classroom Bulletin Board Display

Congressman George M. O'Brien (R-IL) has written to ask for a copy of the Seal of the President for a constituent who plans to use it in a bulletin board display in her classroom. Such use is permitted by subsection 1(c) of Executive Order 11649, which authorizes use of the Seal "in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency."

I recommend sending a copy of the statute and Executive Order to O'Brien along with the Seal, for his constituent's information and as a precaution against any misuse of the Seal. A draft is attached.

Attachment

THE WHITE HOUSE

WASHINGTON

February 15, 1984

Dear Congressman O'Brien:

Thank you for your letter of February 8, requesting a copy of the Seal of the President for a constituent who plans to use it in a bulletin board display in her classroom.

The permitted uses of the Seal of the President are limited by law. Title 18 of the United States Code, section 713, generally prohibits use of the Seal except in accordance with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649, as amended.

The Executive Order permits use of the Seal in educational facilities in exhibits relating to seals or the Presidency. Your constituent's contemplated use of the Seal in a classroom bulletin board display appears to fall within this category of permitted uses, and accordingly I am happy to send along a copy of the Seal for this purpose. I have also enclosed, for your constituent's information, a copy of the statute and Executive Order governing use of the Seal.

With best wishes,

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable George M. O'Brien
House of Representatives
Washington, D.C. 20515

FFF:JGR:aea 2/15/84
cc: FFFielding/JGRoberts/Subj/Chron

**WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET**

F9004
JK

- OUTGOING**
- INTERNAL**
- INCOMING**

Date Correspondence Received (YY/MM/DD)

Name of Correspondent: Long George H. O'Brien

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

Subject: Requests a copy of the President's seal for a constituent to use in a classroom bulletin board display

ROUTE TO:		ACTION	DISPOSITION	
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Completion Date YY/MM/DD
<u>W Holland</u>		ORIGINATOR	<u>840213</u>	
<u>WAT18</u>		Referral Note: <u>D</u>	<u>840214</u>	<u>840224</u>
		Referral Note:		
		Referral Note:		
		Referral Note:		
		Referral Note:		

- 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.

GEORGE M. O'BRIEN

4TH DISTRICT ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES

LABOR, HEALTH AND HUMAN
SERVICES, EDUCATION

COMMERCE, JUSTICE, STATE
AND THE JUDICIARY
RANKING REPUBLICAN

WASHINGTON OFFICE:

2262 RAYBURN HOUSE OFFICE BUILDING
(202) 225-3636

Congress of the United States
House of Representatives
Washington, D.C. 20515

DISTRICT OFFICES:

101 NORTH JOLIET STREET
JOLIET, ILLINOIS 60431
(815) 740-2040

100 FIRST NATIONAL PLAZA
17TH AND HALSTED, SUITE 415
CHICAGO HEIGHTS, ILLINOIS 60411
(312) 754-4111

AURORA NATIONAL BANK BUILDING
105 EAST GALENA BOULEVARD
ROOM 702
AURORA, ILLINOIS 60505
(312) 844-3444

TOLL FREE NUMBER
(800) 892-9371

February 8, 1984

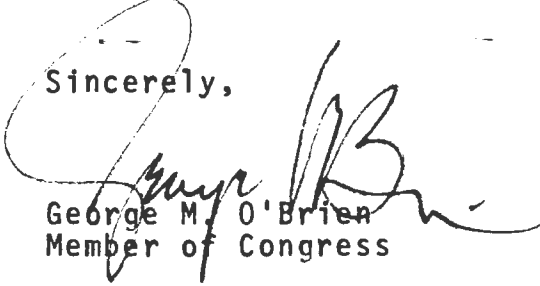
206773 *cel*

The Honorable Fred Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Fielding:

I would appreciate it if you could arrange to have a copy of the President's seal sent to my office. It is for a request from a constituent of mine who plans to use it in a bulletin board display in her classroom.

Sincerely,


George M. O'Brien
Member of Congress

GMO:cas

THE WHITE HOUSE

WASHINGTON

February 20, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Follow-Up Letter Regarding Use of the
Presidential Seal on a Book Titled
"The Look-It-Up Book of Presidents"

You will recall that Ms. Marshall of Random House wrote seeking permission to use the Seal of the President on the cover of the upcoming Look-It-Up Book of Presidents. By letter dated January 30, you advised Marshall that this use was acceptable under the regulations and 18 U.S.C. § 713(b), and sent her a copy of the Seal. You warned, however, that the Seal should not be used in a manner that suggests sponsorship or approval of the book by the Government in violation of 18 U.S.C. § 713(a). Marshall has now written again, stating that the Seal will not be used in such a manner, and that it will appear on the cover, along with the title, the author, and the publisher. She asks if any of this presents a problem.

I see no difficulties with the planned cover. The fact that "Random House, Inc." will appear on the cover does much to dissipate any possible perception that the book is a Government publication. Nor do I object to advising Marshall that her contemplated use, as described, does not appear to present problems under 18 U.S.C. § 713(a). As I noted in my memorandum on Marshall's first letter, I do not think we should review book covers as a matter of course for compliance with 18 U.S.C. § 713(a), which, as distinct from 18 U.S.C. § 713(b), contemplates no advisory or regulatory role for our office. Here, however, Marshall has volunteered the information, and an appropriately circumspect reply can avoid the problem -- largely theoretical in this area -- of giving definitive advice concerning compliance with a criminal statute. A draft is attached..

Attachment

THE WHITE HOUSE

WASHINGTON

February 20, 1984

Dear Ms. Marshall:

Thank you for your further correspondence concerning the contemplated use of the Seal of the President on the upcoming Random House book, The Look-It-Up Book of Presidents. In my previous letter I advised that use of the Seal for this purpose was permissible under the regulations promulgated pursuant to 18 U.S.C. § 713(b). I cautioned, however, that the Seal not be used in a manner suggesting Government sponsorship or approval in violation of 18 U.S.C. § 713(a).

In your latest letter you described somewhat the appearance of the cover, noting that the identity of the publisher and author would appear over the Seal. This would largely dissipate any possible misimpression that the book was sponsored or approved by the Government, and, while this office does not give advisory opinions concerning compliance with 18 U.S.C. § 713(a), the contemplated use of the Seal does not appear to present any difficulties under that statute.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Connie Marshall
Random House, Inc.
201 East 50th Street
New York, NY 10022

FFF:JGR:aea 2/20/84
cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

F4004

OUTGOING

INTERNAL

INCOMING

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

Name of Correspondent: Connie Marshall

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

Subject: Follow-up letter regarding use of the Presidential Seal in a book titled "The Look-Up Book of Presidents"

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>W Holland</u>	ORIGINATOR <u>84/02/15</u>	<u>1 1</u>
<u>W AT18</u>	Referral Note: <u>DDI</u> <u>A/D</u> <u>84/02/16</u>	<u>584/02/26</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>

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FOR OUTGOING CORRESPONDENCE:

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

Comments: FFF asked that this be sent to you for your information and comments

- Keep this worksheet attached to the original incoming letter.
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RANDOM HOUSE, INC.

201 EAST 50TH STREET, NEW YORK, N.Y. 10022
TELEPHONE 212 751-2600

February 9, 1984

The Hon. Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Dear Mr. Fielding:

Thank you for sending me a color print of the presidential seal and the accompanying note explaining the restrictions of its use.

This is to confirm that the seal will not be used in such a manner as to "convey the false impression of sponsorship or approval of the book by the Government."

The seal will appear on the entire cover over which the following copy will be printed: Random HOuse, Inc. By Wyatt Blassingame. Illustrated with photographs. From Washington to Reagan.

Please let us know if anything mentioned above seems to be a problem.

Thank you.

Sincerely,

Connie Marshall

THE WHITE HOUSE

WASHINGTON

January 30, 1984

Dear Ms. Marshall:

Thank you for your letter of January 25. That letter requested a full-color photograph of the Seal of the President, for possible use on the cover of the upcoming Random House book, The Look-It-Up Book of Presidents.

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

You will notice that section 1(b) of the Executive Order permits use of the Seal "in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of...the Presidency." Your contemplated use of the Seal appears to fall within this category of permitted uses.

I must advise you, however, that use of the Seal on the cover of the book raises the separate concern under section 713(a) that such use may convey the false impression of sponsorship or approval of the book by the Government. Whether this is in fact the case depends upon the precise manner in which the Seal is displayed and whatever else appears on the cover.

I have enclosed a full-color photograph of the Seal of the President, for possible use in The Look-It-Up Book of Presidents consistent with the above-referenced statutory provisions.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Connie Marshall
Juvenile Books
Random House, Inc.
201 East 50th Street
New York, NY 10022

Enclosures

FFF:JGR:aea 1/30/84

bcc: FFFielding/JGRoberts/Subj/Chron

To John

Date 4/4 Time 3:11

WHILE YOU WERE OUT

M. Det. Jansson

of (Houston)

Phone 713/224-8587

Area Code Number Extension

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

RETURNED YOUR CALL

Message _____

Belt buckle \$1500-
do not give to
POUS or EM

Operator

THE WHITE HOUSE

WASHINGTON

April 12, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Approval of Use of Presidential Seal
for White House Fellowship Brochure

Denise Liebowitz has asked for permission to use the Seal of the President on the cover of the next revision of the White House Fellowship brochure. She notes that the Seal was used in earlier revisions of the brochure. As you directed, I have prepared a memorandum for your signature declining this request and advising Liebowitz to use the White House Fellows Seal. The memorandum points out that the earlier versions referred to by Liebowitz were designed and first produced before passage of the 1971 law imposing limitations on the use of the Seal.

Attachment

THE WHITE HOUSE

WASHINGTON

April 12, 1984

MEMORANDUM FOR DENISE LIEBOWITZ
PRESIDENT'S COMMISSION ON WHITE HOUSE
FELLOWSHIPS

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

SUBJECT: Request for Permission to Use Seal of
the President

You have asked for permission to use the Seal of the President on the cover of the next revision of the White House Fellowships annual brochure. I am compelled to decline your request.

The permitted uses of the Seal are limited by law. Title 18 of the United States Code, section 713, generally prohibits use of the Seal except in accordance with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649, as amended. Copies of the pertinent statute and executive order are enclosed for your information.

You will notice that your contemplated use of the Seal does not fall within any of the categories of permitted uses. This Administration has strictly interpreted the provision permitting use of the Seal by the President, and we have declined requests by numerous other Presidential commissions for use of the Seal. Adherence to this policy is particularly appropriate in this case, since the White House Fellowships program has its own seal. That seal should be used in lieu of the Seal of the President.

It is true that the Seal of the President appeared on the cover of earlier versions of the White House Fellowships annual brochure. I would point out, however, that the earlier version of the brochure was designed and first produced before passage of the statute imposing legal limitations on the use of the Seal.

Thank you for raising this matter with us.

FFF:JGR:aea 4/12/84

cc: FFFielding/JGRoberts/Subj/Chron

JV

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

*No - use their Seal -
Pls prepare memo for
my signature*

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

Name of Correspondent: Denise Debowitz *DDH - look at
Worksheet*

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

Subject: Approval of Use of Presidential Seal for White House Fellowship brochure

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>OW Holland</u>	<u>DDH</u> ORIGINATOR <u>8410410</u>	<u>1 1</u>
<u>OWAT18</u>	<u>DDH</u> Referral Note: <u>D 8410411</u>	<u>S 8410421</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>
	Referral Note: _____	<u>1 1</u>

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PRESIDENT'S
COMMISSION ON WHITE HOUSE FELLOWSHIPS
THE WHITE HOUSE

April 9, 1984

221667

MEMORANDUM

TO: Dianna Holland
FROM: Denise Liebowitz
RE: Approval of Use of Presidential Seal

As I mentioned on the phone, we are planning our annual revision of the White House Fellowship brochure. We would like to return to a cover which was last used at least six years ago and which features an embossed presidential seal (sample attached).

I hope that Mr. Fielding is able to approve our use of this seal so that we can proceed with our printing schedule.