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WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name Roberts, John

Withdrawer

LOJ 8/12/2005

File Folder JGR/SEAL OF THE PRESIDENT (6 OF 9)

FOIA

F05-139/01

Box Number 5

COOK

66LOJ

Doc No	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	MEMO	ROBERTS TO FRED FIELDING <i>Released in part 4/21/86</i>	3	5/18/1984	B6 121C

Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

April 30, 1984

Dear Mr. Burleigh:


Thank you for your letter of April 26 to Counsel to the President Fred F. Fielding. In that letter you requested permission to use the Seal of the President on the cover of a presentation your company, Portals Inc., is preparing. The presentation commemorates the centennial of the birth of Harry S Truman, and contains a brief description of his presidency along with a watermark portrait. It would not be offered for sale.

The permitted uses of the Seal of the President are limited by law. Section 713 of Title 18, United States Code, prohibits use of the Seal except in accord with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649. I have enclosed for your information copies of the pertinent statute and Executive Order.

You will notice that, pursuant to subsection 1(b) of the Executive Order, the Seal may be used "in...pamphlets... incident to a description or history of...the Presidency." It appears that your contemplated use of the Seal falls within this category of permitted uses.

Incidentally, I would point out that in the text accompanying your presentation there should be no period after former President Truman's middle initial. President Truman maintained that the "S" did not stand for anything and accordingly dispensed with the period.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mr. Thomas F. Burleigh
Vice President-Sales & Marketing
Portals Inc.
Post Office Box 627
Hawkinsville, GA 31036

THE WHITE HOUSE

WASHINGTON

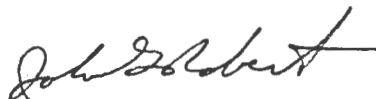
April 30, 1984

Dear Ms. Anderson:

Enclosed is a copy of our response to Thomas F. Burleigh's request for permission to use the Seal of the President on the presentation his company, Portals Inc., is preparing. As you will see, we were able to advise Mr. Burleigh that his contemplated use of the Seal was permitted under the pertinent Executive Order.

Thank you for raising this matter with us. With best wishes,

Sincerely,



John G. Roberts
Associate Counsel to the President

Ms. Bette B. Anderson
Gray and Company
3255 Grace Street, N.W.
Washington, D.C.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1/1/84

John *drum*

Name of Correspondent: Thomas F. Bourke

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

Subject: Request permission to use the Presidential Seal on a presentation piece for Harry S. Truman's birth anniversary

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>WHolland</u>		<u>ORIGINATOR</u>	<u>84/04/27</u>			<u>1 1</u>
<u>COATIS</u>		<u>R</u>	<u>84/04/28</u>			<u>584/05/01</u>

John -
 If appropriate, you might want to point out that Truman didn't put a period after the S in his name as it didn't stand for anything. According to the Legat's Office this is correct. Also, the Scholarship Program in his honor officially carries no period.

C - Completed
 S - Suspended

RESPONDENCE:
 Initials of Signer
 "A"
 Date of Outgoing

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.

PORTALS INC.

P. O. Box 627
Hawkinsville, Georgia 31036

Telephone 912-783-4101
Telex 804517

April 26, 1984

Mr. Fred F. Fielding
Counsel to the President
The White House Office
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Fielding,

Our company, Portals Inc., which started production in 1982 has been preparing a presentation piece as a limited edition for our customers, potential customers, and interested people who have been very helpful in establishing our paper mill in Georgia.

Portals Inc.'s parent company is Portals in the United Kingdom, a company that has been in existence since 1712, manufacturing banknote and security papers.

The company in the U.K. has a tradition of preparing presentation pieces as gifts.

We chose as our first presentation piece a watermark rendition of President Harry S. Truman since 1984 is the 100th Anniversary of his birth.

We plan, with your permission, to use the Presidential seal on the cover of the presentation.

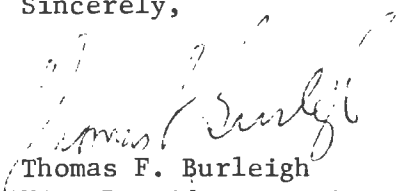
Attached is a mock-up of our presentation for your evaluation.

This piece is not to be sold.

Since May 8th, President Truman's birthday, is near, your evaluation and hopefully approval would be appreciated as soon as possible.

Thank you and best wishes.

Sincerely,



Thomas F. Burleigh
Vice President - Sales & Marketing

TFB/sjb

Enclosure

THE WHITE HOUSE

WASHINGTON

May 2, 1984

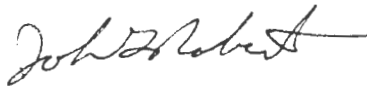
Dear Mr. Brown:

Thank you for your letter of April 23, requesting permission to use the Seal of the President in connection with a brochure commemorating the centennial of the birth of Harry S Truman.

We reviewed the contemplated use of the Seal in response to a request from Mr. Thomas F. Burleigh of Portals Inc., for whom your company is producing the brochure. Enclosed for your information is a copy of our reply to Mr. Burleigh, noting that the Seal of the President may be used for the described purpose.

Thank you for raising this matter with us.

Sincerely,



John G. Roberts
Associate Counsel to the President

Mr. Drennen Brown
Williams Printing Company
1240 Spring Street, N.W.
Atlanta, Georgia 30309

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

F4004

John Deere

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

Name of Correspondent: *Dreanan Brown*

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

Subject: *Requests permission to reproduce the Great Seal of the President of the United States for use on a brochure commemorating Truman's birth*

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><i>W Holland</i></u>	ORIGINATOR <u><i>D 084104130</i></u>	<u>1 1</u>
<u><i>WAT18</i></u>	Referral Note: <u><i>D 084105101</i></u>	<u>S 84105111</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
 - 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, OEOP).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

Williams Printing Company
Printers/Lithographers/Designers

April 23, 1984

Mr. Fred Fielding
Council to The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

224544

Dear Mr. Fielding:

In a telephone conversation earlier today it was suggested by your secretary that I forward the following information to your office for your approval of our use of the Great Seal of the President of the United States.

We are designing and producing 1000 copies of a two page commemorative brochure honoring the centennial of President Harry S. Truman's birthday for Portals, Inc. of Hawkinsville, Georgia, Portals, Inc., with offices on the United States, Great Britian, and several other foreign countries, produces specialty papers for use as currency, bank notes, stock certificates, and the like.

The piece utilizes a gold foil stamp of the Seal on the cover on sculptural relief, along with President Truman's signature. The inside contains a short description of Truman's accomplishments in office, and is faced by a mold-made watermark portrait of Truman executed and made by Portals highly trained artists/craftsmen.

The commemorative brochure will be distributed at no charge to the upper management of many of the clients of Portals, Inc. and will be a tasteful, handsome addition to the materials bearing the Great Seal of the President of the United States. Your assistance in our gaining the permission to reproduce the Great Seal in this manner will be greatly appreciated.

Sincerely,

WILLIAMS PRINTING COMPANY



Drennen Brown
Creative Director

DB/cd

Enclosure:

1240 Spring Street, N.W./Atlanta, Georgia 30309 (404) 875-6611

Williams Printing Company

Printers/Lithographers/Designers

April 23, 1984

For further information concerning Portals, Inc. please contact:

Mr. Robert Dillashaw
Designer
Portals, Inc.
P.O. Box 627
Hawkinsville, Georgia

(912) 783-4101

To _____ *June 26th - Ave*

Date _____ Time *4*

WHILE YOU WERE OUT

M. *Josue Hill*

of *Lownd*

Phone *Pub*

Area Code Number Extension

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

RETURNED YOUR CALL

Message *May 16th*

re: Mrs. Seal

(home)

301-831-9405

After 4PM

den

Operator

LOMOND PUBLICATIONS, INCORPORATED

P.O. Box 88
Mt. Airy, Maryland 21771
301-829-1496

Management Systems
Information Management
Technical Information Systems
Technological Change
Technology Transfer
R & D Administration
Science/Technology Policy
Criminal Justice

May 16, 1984

Mr. Fred F. Fielding
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. Fielding:

Attn: John Roberts

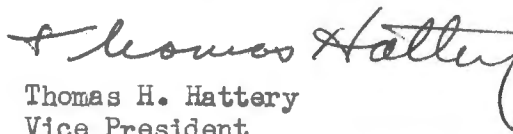
Thank you for sending another Presidential Seal and a copy of your approval letter dated December 2, 1983.

We desire to utilize a three color separation in the production of the book jacket for our new book, Presidential Elections in Maryland. We need individual color separations for yellow, red and blue. The size of the Presidential Seal image will be approximately four inches in diameter.

Production of the jacket is scheduled for the week of June 4. Accordingly, your prompt attention to this request is appreciated.

Should there be any expense involved, please contact us.

Sincerely yours,


Thomas H. Hattery
Vice President

THH:jh

THE WHITE HOUSE

WASHINGTON

March 28, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Request for Permission to Use Presidential Seal on Upcoming Book "Presidential Elections in Maryland"

Last November Thomas H. Hattery of Lomond Publications, Inc., telephoned your office with a Seal question and was referred to me. Hattery asked if he could have a copy of the Presidential Seal to use in conjunction with a map of Maryland on the cover of the upcoming Lomond book, Presidential Elections in Maryland. I advised Hattery that such use would probably be permitted, so long as the use of the Seal on the cover did not create the impression that the book was an official publication, but that he should address a formal inquiry, in writing, to you.

Hattery did so by letter dated November 18, 1983, which you staffed to Ed Wilson. The letter, however, differed from Hattery's oral representation, in that it referred to use of the Seal "in our promotional material." You responded to Hattery on December 2, 1983, advising that the Seal may be used in books on the Presidency but not in advertising copy.

Yesterday I received a call from Hattery's secretary, who stated she had lost the copy of the Seal and needed one for their promotional material. After reviewing the file, I reminded her that our December 2 letter was quite explicit that the Seal may not be used for promotional purposes. She responded that they had lost that letter as well, and needed the Seal for use on the book cover even if they cannot use it in advertising.

I have no objection to sending Lomond a copy of the December 2 letter; indeed, we should do so to remind them of the prohibition on use of the Seal in advertising. We should also send a copy of the Seal, since the December 2 letter approves use of the Seal in connection with the book itself. The attached cover letter for your signature reiterates the prohibition on use of the Seal in advertising copy.

Attachment

THE WHITE HOUSE

WASHINGTON

March 28, 1984

Dear Mr. Hattery:

Last fall you requested permission to use the Seal of the President in connection with your upcoming book Presidential Elections in Maryland. By letter dated December 2, 1983, I advised you that the Seal may be used on the book itself but that it may not be used in any advertising copy. As I pointed out, use of the Seal in promotional material would not only contravene accepted advertising standards but, more seriously, would also violate a criminal statute, 18 U.S.C. § 713. Copies of the pertinent provisions were enclosed for your information.

Your office has now requested copies of our letter of December 2 and the Seal itself. A copy of the December 2 letter, with enclosures, is attached, as is a copy of the Seal. I would emphasize once again that the Seal may only be used on your book about the Presidency, and for no other purpose.

Sincerely,

Very truly yours,
Fred F. Fielding

Fred F. Fielding
Counsel to the President

Mr. Thomas H. Hattery
Vice President
Lomond Publications, Incorporated
Post Office Box 88
Mt. Airy, Maryland 21771

FFF:JGR:aea 3/28/84
bcc: FFFielding/JGRoberts/Subj/Chron

Dew FE004

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

COPY

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

Name of Correspondent: Thomas H. Hattery

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

Subject: Requests permission to use Presidential seal on upcoming book "Presidential Elections in Maryland"

ROUTE TO:		ACTION	DISPOSITION		
Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>CONHOL</u>		ORIGINATOR	<u>8311123</u>		<u>C 831202</u>
<u>JUST 11</u>		Referral Note: <u>D</u>	<u>8311123</u>		<u>C 831202</u>
<u>WFIEL</u>		Referral Note: <u>S</u>	<u>8312100</u>	<u>FF</u>	<u>A 831202</u>
			<u>1 1</u>		<u>1 1</u>
			<u>1 1</u>		<u>1 1</u>

- ACTION CODES:**
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 - 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
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- 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

December 2, 1983

Dear Mr. Hattery:

This is in response to your November 18, 1983 letter requesting permission to use copies of the Presidential Seal in Lomond Publications, Incorporated's promotional materials for the upcoming book Presidential Elections in Maryland.

Use of the Seal of the President is governed by Section 713 of Title 18, United States Code, Executive Order and the Do's and Don'ts in Advertising Copy, published by the Council of Better Business Bureaus, Inc. Copies of these documents are attached for your information.

Section 1(b) of the Executive Order specifically permits use of the Seal of the President in books about the Presidency. Therefore, insofar as your request is to use a copy of the Presidential Seal in such a book, your request is granted. However, I must caution you against using the Seal of the President in advertising copy. Such use is particularly not authorized, and is inconsistent with the law and above-noted standards.

With best regards.

Sincerely,

Orig. signed by FFF
Fred F. Fielding
Counsel to the President.

Mr. Thomas H. Hattery
Vice President
Lomond Publications, Incorporated
P.O. Box 88
Mt. Airy, Maryland 21771

FFF:DW:jk
Fielding
Lomond
Subject
Chen

THE WHITE HOUSE
WASHINGTON

November 30, 1983

Dear Mr. Hattery:

This is in response to your November 18, 1983 letter requesting permission to use copies of the Presidential Seal in Lomond Publications, Incorporated's promotional materials for the upcoming book Presidential Elections in Maryland.

Use of the Seal of the President is governed by Section 713 of Title 18, United States Code, Executive Order and the Do's and Don'ts in Advertising Copy, published by the Council of Better Business Bureaus, Inc. Copies of these documents are attached for your information.

Section 1(b) of the Executive Order specifically permits use of the Seal of the President in books about the Presidency. Therefore, insofar as your request is to use a copy of the Presidential Seal in such a book, your request is granted. However, I must caution you concerning use of the Seal of the President in advertising copy. [We have taken the consistent position that the Seal is personal to the President and is not to be used except where it will be identified exclusively with the President.]
That is particularly not authorized, and is inconsistent with the law and the above-mentioned standards [?]
With best regards.

not relevant

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Thomas H. Hattery
Vice President
Lomond Publications, Incorporated
P.O. Box 88
Mt. Airy, Maryland 21771

THE WHITE HOUSE

WASHINGTON

November 29, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: D. EDWARD WILSON, JR. *D.E.W., Jr.*

SUBJECT: Thomas H. Hattery's Request for Permission to Use
the Presidential Seal on Upcoming Book
"Presidential Elections in Maryland"

This is a November 18, 1983 request from Thomas H. Hattery, Vice President, Lomond Publications, Incorporated, for permission to use the Presidential Seal in promotional materials for an upcoming book Presidential Elections in Maryland.

The incoming letter was sent to John Roberts' attention. He informs me that Mr. Hattery had been referred to him by the Photo Office. When John talked to Mr. Hattery, Hattery said he was interested in using a copy of the Seal on the cover of the book. John agrees that this differs substantially from Mr. Hattery's written request to you that Lomond Publications be given permission to use the Presidential Seal in promoting the book.

The draft response, attached with the incoming, approves Mr. Hattery's oral request to John Roberts but cautions him concerning using the Seal in promotional materials.

· LOMOND PUBLICATIONS, INCORPORATED

P.O. Box 88

Mt. Airy, Maryland 21771

301-829-1496

Management Systems
Information Management
Technical Information Systems
Technological Change
Technology Transfer
R & D Administration
Science/Technology Policy
Criminal Justice

188775 Cu

November 18, 1983

Mr. Fred F. Fielding
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

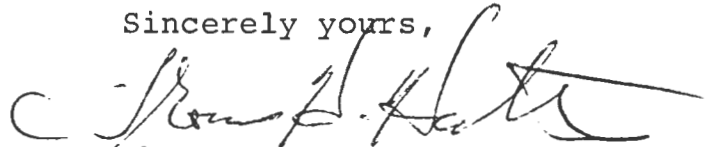
Dear Mr. Fielding:

Attn: John Roberts

In reference to my conversation with John Roberts on November 16, 1983, I am requesting copies of the Presidential Seal to use in our promotional material for the upcoming book Presidential Elections in Maryland. The Seal will be printed beside a small map of Maryland to graphically represent the topic of the book.

Presidential Elections in Maryland analyzes both electoral process and party development through every presidential election in Maryland history.

Sincerely yours,



Thomas H. Hattery
Vice President

THH:jh

THE WHITE HOUSE

WASHINGTON

May 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

Commodore Skinner's Misuse of the Seal of the President (Round 3)

You have just received a ship-to-shore letter from Commodore Skinner, dated May 3, in further response to your original letter of April 19. You wrote Skinner on April 19 (Tab A), objecting to his misuse of the Seal of the President on "Presidential Yacht memorabilia" in violation of 18 U.S.C. § 713 and the regulations promulgated in Executive Order 11649. Your letter also expressed concern about the possible impression of governmental sponsorship or approval conveyed by Skinner's brochure advertising his charter services. You asked for a reply from Skinner detailing the steps he would take to comply with the law governing use of the Seal and to correct the false impression of association with the Government conveyed by his brochure.

On April 30 we received an interim reply from Skinner dated April 27 (Tab B), in which Skinner asked whether the rules on use of the Seal applied to The Presidential Yacht Trust. We responded promptly by letter dated May 3 (Tab C), advising Skinner that the rules applied fully to The Presidential Yacht Trust, although we would be willing to consider granting permission to use the Seal in an historically accurate fashion on restored Presidential yachts themselves. Your letter noted that you looked forward to Skinner's further reply to your letter of April 19.

In his latest letter, Skinner first states that he is willing to include in future revisions of his brochure a statement to the effect that his company is not associated with or endorsed by any governmental entity. Skinner asks if there is any problem with calling his company "Presidential Yacht Charters, Inc.," and advertising "Presidential Cruises." So long as there is a disclaimer of the sort Skinner is now willing to include in his brochures, I see no problem with the nomenclature. Without such a disclaimer, as noted in your original letter of April 19, there is the possibility of conveying the false impression.

[REDACTED] 136

According to Skinner, (1) his eagle is the eagle from the Great Seal, not the Presidential Seal, (2) he uses eight stars above the eagle rather than 13, (3) he uses only the "puff balls" [technically, "cloud puffs"] from the Presidential Seal, not the "flag poles" [technically, "rays"], and (4) his ring around the Seal says "Honey-Fitz Presidential Yacht," not "Seal of the President of the United States."

Skinner is flat wrong on point one. Skinner's eagle is the eagle as it appears on the Seal of the President, not the Great Seal. The shield is curved, not flattened; the "e pluribus unum" banner is in one part directly above the bird's head, not in two parts, on either side of the head. With respect to point two, there are nine stars directly above the eagle's head in the Presidential Seal, and eight in the identical place in Skinner's seal. Skinner also omits the four additional stars elsewhere on the Presidential Seal, to the right of the eagle's head. I hardly think this serves to distinguish his seal from the Presidential Seal, nor does the absence of "rays" from Skinner's seal and the fact that Skinner's seal says "Honey-Fitz Presidential Yacht" rather than "Seal of the President of the United States" do so.

Here one picture is worth a thousand words. I defy any reasonable person to put Skinner's seal and the Presidential Seal side-by-side and contend that the former is not substantially identical to the latter. In any event, Skinner's hair-splitting is irrelevant. As pointed out in our earlier correspondence, 18 U.S.C. § 713 applies to "any substantial part" of the Seal of the President. Deleting the "rays" and a few of the stars from the Seal hardly suffices to remove the reproduction from the coverage of the statute.

Skinner states that if you still think his seal resembles the Presidential Seal, he will change it. He asks you to detail specifically what parts of his seal are objectionable, and also that he be permitted to use up his current supply. Finally, Skinner complains that individuals representing themselves as officials of The Presidential Yacht Trust are misusing the Presidential Seal.

As noted, I find Skinner's effort to distinguish his seal from the Presidential Seal totally unpersuasive and legally irrelevant. I do not think we should grant him permission to use up his stock. [REDACTED] 136

[REDACTED]

b6

I do not think we should accept Skinner's invitation to tell him specifically what parts of his seal are objectionable. We can express a willingness to review any new versions he cares to submit.

[REDACTED]

b6

I
await your guidance on how to approach this latest development.

Attachment

THE WHITE HOUSE

WASHINGTON

May 31, 1984

Dear Commodore Skinner:

This is written in response to your letter of May 3, received in this office on May 15. (I assume that by now you have received my letter of May 3, written in response to yours of April 27.)

I appreciate your expressed willingness to include a disclaimer on future revisions of your brochure, noting that your company is not in any way associated with or endorsed by any government entity. Assuming that such a disclaimer appears on your company's materials, I have no objection to the name of the company, "Presidential Yacht Charters, Inc." The problems otherwise presented by this name and description can be cured by an appropriate disclaimer.

I must advise you that I am not persuaded by your efforts to distinguish the seal appearing on your "Presidential Yacht memorabilia" from the statutorily protected Seal of the President. It is not true that the eagle on your seal is the eagle from the Great Seal of the United States. There are several discernible differences between the eagle on the Seal of the President and that on the Great Seal; the eagle on your seal is rather clearly taken from the former. The other differences you cite are rather trivial given the substantial similarity of the seal on your memorabilia to the Seal of the President. The assertion that "the only real part of the Presidential Seal that I used is the cluster of white 'puff balls' specifically without the flag poles" strains credulity. The design and placement of the eagle, olive branch and arrows, shield, banner in the eagle's beak, and circle of stars, in addition to what you refer to as the "puff balls," are taken directly from the Seal of the President. Given this use of substantial parts of the Seal, the fact that you omitted the background rays and a few of the internal stars can hardly be considered significant. I would remind you, as I noted in my original letter, that the pertinent statute applies to use of "any substantial part" of the Seal of the President. 18 U.S.C. § 713.

You have asked me to identify specifically which parts of your seal are objectionable. As noted, your seal as presently designed is almost an exact replica of the Seal of

the President. Obviously, there may be options for changing your seal so that it might not run afoul of 18 U.S.C. § 713 by incorporating substantial parts of the Seal of the President. Indeed, a seal could be designed that includes none of the elements of the Seal of the President. But this office is not going to be in the position of designing your seal; my concern is that you may now be violating the law.

In response to your request, I cannot authorize you to use up your supply of items violating 18 U.S.C. § 713. That statute is a criminal statute and it would be inappropriate for me to authorize its continued violation. With respect to your report of misuse of the Seal by other individuals, please be assured that this office will review the matter and take whatever action may be appropriate.

Sincerely,

Only signed by FFF
Fred F. Fielding
Counsel to the President

Commodore Ed Skinner
Presidential Yacht Charters, Inc.
Box 32241
Washington, D.C. 20007

FFF:JGR:aea 5/31/84
bcc: FFFielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

May 18, 1984

Dear Commodore Skinner:

This is written in response to your letter of May 3, received in this office on May 15. (I assume that by now you have received my letter of May 3, written in response to yours of April 27.)

I appreciate your expressed willingness to include a disclaimer on future revisions of your brochure, noting that your company is not in any way associated with or endorsed by any government entity. Assuming that such a disclaimer appears on your company's materials, I have no objection to the name of the company, "Presidential Yacht Charters, Inc.," or to describing the services you offer as "Presidential Cruises." The problem otherwise presented by this name and description can be cured by an appropriate disclaimer.

I must advise you that I am not persuaded by your efforts to distinguish the seal appearing on your "Presidential Yacht memorabilia" from the statutorily protected Seal of the President. It is not true that the eagle on your seal is the eagle from the Great Seal of the United States. There are several discernible differences between the eagle on the Seal of the President and that on the Great Seal; the eagle on your seal is rather clearly taken from the former. The other differences you cite are rather trivial given the substantial similarity of the seal on your memorabilia to the Seal of the President. It is totally untrue to assert that "the only real part of the Presidential Seal that I used is the cluster of white 'puff balls' specifically without the flag poles." The design and placement of the eagle, olive branch and arrows, shield, banner in the eagle's beak, and circle of stars, in addition to what you refer to as the "puff balls," are taken directly from the Seal of the President. Given this use of substantial parts of the Seal, the fact that you omitted the background rays and a few of the internal stars can hardly be considered significant. I would remind you, as I noted in my original letter, that the pertinent statute applies to use of "any substantial part" of the Seal of the President. 18 U.S.C. § 713.

You have asked me to identify specifically which parts of your seal are objectionable. As noted, your seal as presently designed is almost an exact replica of the Seal of

the President. Obviously, there are innumerable options for changing your seal so that it would not run afoul of 18 U.S.C. § 713 by incorporating substantial parts of the Seal of the President. Indeed, a seal could be designed that includes none of the elements of the Seal of the President. This office would be happy to review and offer advice concerning any new versions of your seal you may care to submit.

In response to your request, I cannot authorize you to use up your supply of items violating 18 U.S.C. § 713. That statute is a criminal statute and it would be inappropriate for me to authorize its continued violation. With respect to your report of misuse of the Seal by other individuals, please be assured that this office will review the matter and take whatever action may be appropriate.

Sincerely,

Fred F. Fielding
Counsel to the President

Commodore Ed Skinner
Presidential Yacht Charters, Inc.
Box 32241
Washington, D.C. 20007

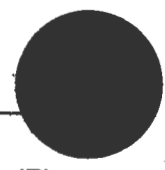
FFF:JGR:aea 5/18/84
bcc: FFFielding/JGRoberts/Subj/Chron

PR01409

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: Ed Skinner



John →
a) *mech*
b) *what happened to 1st wgs? require?*

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

Subject: Forwards additional information on Presidential yacht charters, Inc.

ROUTE TO:

Office/Agency (Staff Name)	ACTION		DISPOSITION		
	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU Holland</u>	ORIGINATOR	<u>84.05.16</u>			<u>1 1</u>
<u>WAT18</u>	Referral Note:	<u>cont. corresp.</u>			
	<u>D</u>	<u>84.05.17</u>		<u>S</u>	<u>84.05.22</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
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		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	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.

SHIP TO SHORE COMMUNICATION
Box 32241, Washington, DC 20007
24-hour hotline: (202) 362-8297

May 3, 1984

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

Dear Fred:

Not having heard from you in response to the request for additional information, which I made in my letter to you of 4/27/84, I have decided to respond to your requests outlined in your letter of 4/19/84 anyway, even if my response may not be as complete as I would like for it to be, lacking the information I requested.

First, let me report that I will be more than glad to include in future revisions of our subject brochure, as you requested, wording to the effect that Presidential Yacht Charters, Inc. is not in any way associated with or endorsed by any government entity. Believe it or not, you are the first person to my knowledge to state an opinion to us that our brochure implies a "connection", association or endorsement with/by the Federal Government.

You should be aware that I proudly named my organization, "Presidential Yacht Charters, Inc.", out of respect for the two former "Presidential Yachts" which I was instrumental in bringing back to Washington for the first time since their respective retirements from government service (the yacht, SEQUOIA, and the yacht formerly known as the HONEY-FITZ). Under Presidential Yacht Charters, I did initially represent the former HONEY-FITZ in charter operations here in the Washington area. As a matter of fact, the former HONEY-FITZ is the only one of the two aforesaid yachts which has the required U.S. Coast Guard Certification making her legal for charters.

You will also note from my brochure that my "Presidential Cruise" is obviously in commemoration of the service of past "Presidential Yachts" with the hope of letting some of my customers share in the little known knowledge and appreciation of the the historical aspects of the aforesaid yachts, by cruising the same path as, and repeating some of the ceremonial functions observed in the past on, the yachts. If you find any problem with that aspect, please let me know.

Regarding the use of the Presidential Seal, you will note from the enclosed photo that the commemorative seal I am using is, in fact, not the Presidential Seal. I personally designed my seal to 1) use the eagle from the great seal of the United States (as is commonly done by many organizations, public as well as private), 2) use only eight large stars above the eagle (instead of the thirteen smaller stars so placed on the Presidential Seal), 3) use only the white

Mr. Fred F. Fielding, May 3, 1984, p. 2.

"puff balls" from the Presidential Seal (and not the thirteen flag poles to which they are attached on the Presidential Seal), and 4) ring the commemorative seal with the words, for example, "HONEY-FITZ PRESIDENTIAL YACHT" (instead of the words, "Seal of the President of the United States", from the Presidential Seal.)

Since there is no longer a government yacht assigned for use by the President (and has not been for the past two Administrations); since there never was a government seal or logo specific to the five government yachts used by past Presidents (thus none to be confused with my commemorative seal); and since the only real part of the Presidential Seal that I used is the cluster of white "puff balls" specifically without the flag poles (the only part of the seal I designed which bears a resemblance unique to the Presidential Seal), I felt that I was doing all that was reasonable and required by law to develop a commemorative seal which was an appropriate historical reference to the prior yachts, without improperly infringing upon the Seal of the President of the United States itself.

However, if you still feel that the seal I have designed and am using on commemorative items (as is done widely in Washington with the "great seal", the Capitol building, the White House building, etc., in photos and statues for sale as souvenirs) bears an improper or illegal resemblance to the Presidential Seal, please let me know, and let me know specifically which parts of the seal you have problems with, and I will gladly change my commemorative seals to eliminate those parts. My only request, in light of the fact that I did use due diligence to design my seal(s) so as not to actually duplicate the Seal of the President, is the request that I be allowed to use up the supply I now have of the items which bear my specially designed seal. Again, that is merely my request.

You should be aware of another problem related to the matter.

Parties now representing themselves to be officials of The Presidential Yacht Trust, which I personally founded in 1981 to acquire and preserve the yacht, SEQUOIA, are using an exact duplication of the internal Seal of the President of the United States. The group, which is directed by Richard Arendsee and his paid representative, Michael Doud Gill, are in my opinion illegally representing the Trust, are in gross violation of I.R.S. regulations and other laws, and have already been cited by the press as corrupting that project.

I bring this to your attention because Mr. Gill has frequently named you as a close personal friend, and the aforesaid group has just recently let it be known that they were going to take measures to prevent me from using the seals I have developed as commemorative to the aforesaid yachts. Having served as a member of the 1981 Presidential Inaugural Finance Committee, my personal loyalty to the President is such that I would not want to see anything that would be of unjustified embarrassment to the Administration.

Sincerely,





THE WHITE HOUSE

WASHINGTON

July 25, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS 

SUBJECT: Seal Request

Your office referred to me a call from Mr. Aubrey Nicklas concerning the use of the Seal of the President. Mr. Nicklas, calling on behalf of Richfood, Inc., of Richmond, is seeking permission to use the Seal in "a patriotic, get-out-and-vote display" to be erected by Richfood at the upcoming convention of the Independent Grocers Association in North Carolina. He assured me that the display would have no commercial attributes.

I advised Mr. Nicklas that the permitted uses of the Seal of the President were limited by law, and that his contemplated use did not appear to be within any of the categories of permitted uses. I noted that the Great Seal of the United States was more appropriate for a patriotic display, so long as the use of the Great Seal did not convey a false impression of governmental sponsorship or approval. Mr. Nicklas thought the Great Seal would in fact meet his needs, and requested a reproduction of it, as well as an explanation of why he could not use the Seal of the President (so he could explain it to his superiors). An appropriate letter is attached for your review and signature.

Attachment

THE WHITE HOUSE

WASHINGTON

July 25, 1984

Dear Mr. Nicklas:

Through a telephone conversation with John Roberts of my staff, you have inquired on behalf of Richfood, Inc., whether the Seal of the President may be used in a patriotic display at the upcoming convention of the Independent Grocers Association.

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. Your contemplated use of the Seal of the President does not appear to fall within any of the categories of permitted uses.

As Mr. Roberts advised you, it generally is more appropriate to use the Great Seal of the United States in connection with patriotic displays of the sort you envision for the convention. The Great Seal may be used for such purposes so long as it is not used "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." 18 U.S.C. § 713(a). For your convenience, I have enclosed a color reproduction of the Great Seal.

Thank you for raising this matter with us. If we may be of any further assistance, please do not hesitate to call.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Aubrey Nicklas
Richfood, Inc.
Post Office Box 26967
Richmond, VA 23261

Enclosures

FFF:JGR:aea 7/25/84

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. 4408. See also, Pub.L. 91-651, 1970 U.S. Code Cong. and Adm.News, p. 5903.

EXECUTIVE ORDER NO. 11644

Feb. 16, 1972, 37 F.R. 3625, as amended by Ex.Ord.No.11916, May 25, 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 § 512

C.J.S. United States § 6

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.

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§ 715

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- Rich Food Co
Richmond

- North Carolina
Salemlet Green Assoc.

- Cut out & paste

Aubrey Nicholas

Rich Food Soc.

P.O. 26967

Richmond Va

23261

THE WHITE HOUSE

WASHINGTON

August 9, 1984

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Use of Presidential Photos and Seal
for Commercial Profit by Piedmont
Pictures, Inc.

Attached, as we discussed, is a letter to Piedmont Pictures, objecting to their sale of reproductions of the Seal of the President and inquiring as to the source of their White House photographs. The use of the Seal by Piedmont clearly violates 18 U.S.C. § 713. With respect to the photographs, however, there is probably nothing we can do, provided Piedmont is simply selling reproductions of photographs released into the public domain. Their response to our inquiry should help determine if this is the case.

Attachment

THE WHITE HOUSE

WASHINGTON

August 9, 1984

Dear Mr. McFarlin:

Your company's offer for sale of White House photographs and reproductions of the Seal of the President has come to our attention, and raises several serious concerns. The permitted uses of the Seal of the President are limited by law. Section 713 of Title 18, United States Code, establishes criminal penalties for the reproduction or sale of any likeness of the Seal of the President, except as authorized by regulations promulgated by the President. These regulations are embodied in Executive Order No. 11649, as amended. I have enclosed copies of the pertinent statute and executive order for your information.

You will notice that your use of the Seal is not authorized by the executive order, and constitutes a violation of 18 U.S.C. § 713. I must, accordingly, advise you to cease immediately any reproduction and sale of likenesses of the Seal.

Your offer for sale of White House photographs also raises serious concerns. I would appreciate being advised concerning the source of the photographs, whether they are White House originals or reproductions produced by your company, and any other information that would assist us in evaluating whether your marketing of the photographs is consistent with applicable law and White House policy.

Thank you in advance for your cooperation. I look forward to hearing from you at your earliest convenience.

Sincerely,

Orig. signed by FFF (a)

Fred F. Fielding
Counsel to the President

Mr. William F. McFarlin
President
Piedmont Pictures, Inc.
Post Office Box 648
Madison, Virginia 22727

FFF:JGR:aea 8/9/84

bcc: FFFielding/JGRoberts/Subj/Chron

PR 14-09

JGR

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

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

Name of Correspondent: William F. McFarlin

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

Subject: Use of Presidential photos and Seal for Commercial profit by Piedmont Pictures, Inc.

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>CUHOU</u>	<u>DD</u> ORIGINATOR <u>84 10 8 106</u>	<u>1 1</u>
<u>CUAT18</u>	<u>A DD</u> <u>84 10 8 107</u>	<u>S 84 10 8 107</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: George Saunders memo attached

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

Dear,
Billy Suddix advised
if any of these photos
were given out to
the media there would
be no control over
their reproduction.

USSS is checking
on the President, Redmont
pictures, Wm F. McFarlin.

There is no record
in Corre. of any Pres.
pictures sent to Mc-
Farlin

Dean

Seas Saunders
x 7601

VIRGINIA PILOT NEWSPAPER
NORFOLK

SUNDAY, 29 July



• NEVER OFFERED BEFORE •
• OVER 30 YEARS OF
PRESIDENTIAL PHOTOGRAPHS,
HARRY TRUMAN THRU RONALD
REAGAN. TAKEN BY WHITE HOUSE
NEWS PHOTOGRAPHERS.
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446-2000
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Piedmont
pictures

** 800 552-5636*

Wynnum - VCS
866-8352

Piedmont Pictures, Inc.

TELEPHONE
(703) 948-6315

P. O. BOX 648
MADISON, VIRGINIA 22727

250818

Dear Customer:

We are pleased to respond to your request for information about our company. Thank you for your show of interest.

We believe it would be helpful to you if we provide some background information about our firm. The enclosed brochure will give you the information that you requested.

We take pride in manufacturing an excellent product (manufactured totally in the U.S.A.). Also the prompt, courteous handling of requests and deliveries. A very large percentage of our business comes from repeat business and referrals. This is very satisfying, to say the least.

Recently we introduced the services of Master Card and Visa into our firm, allowing our customers the added convenience of charging their orders. However, your personal check will continue to be welcome. Please do not send cash through the mail.

If a problem arises concerning our product or the delivery of it, please make us aware by calling or writing to the above address. Your request will be responded to and taken care of immediately.

Very truly yours,

William F. McFarlin, President

William F. McFarlin

and the staff of Piedmont Pictures, Inc.