

THE WHITE HOUSE
WASHINGTON

April 20, 1993

MEMORANDUM

TO: Thomas F. McLarty
Chief-of-Staff

George Stephanopoulos
Director of Communications

FROM: Vincent W. Foster *✓*
Deputy Counsel to the President

Subject: White House Policy Statement on Uses of the
President's Likeness, etc.

The White House's long-standing policy is to refuse permission to use the name, likeness, words, or activities of the President, his family, or the White House itself, in advertising or commercial promotions in any way that suggests a connection between the President, his family, or the White House, and the advertising and promotion, notwithstanding the merits or reasons that accompany the request.

In the past three months this office has communicated with numerous businesses and advertisers which have either used or requested permission to use the President's name, photo, or likeness, the Office of the President, the Presidential Seal or the White House for commercial or charitable purposes. A partial list of uses without our permission and uses for which permission has been sought, is attached. To our knowledge, the unauthorized advertisements ceased following a demand from this office.

copies to
TODD
PAUL
marsha scott
JOHN DWYER
return
the original

also
marcia thorne
Dawn Friedman

Please
file
use of
President's
name

A few businesses unfortunately were encouraged by the following statement in the attached article in Time:

"Bush turned down hundreds of personal-appearance requests that were deemed "unpresidential" by aides, but the Clintonites say they will agree to almost anything. 'The weirder, the better,' said a booker."

Some of this, no doubt, is a carryover from campaign strategy to publicize the candidate and his accessibility but now this must be tempered by the institutional need to avoid commercialization of the Office of the President.

Apparently some members of the junior staff, unaware of the policy, have also suggested to third party businesses or municipalities that they will have the ability to publicize a photo-op with the President in return for assistance with advance, etc. Therefore, we feel a need to issue a policy statement to staff. Up until now our office has been utilizing a 1984 summary of the policy established during President Reagan's terms. A draft of an updated policy statement is attached. We want your concurrence before distribution.

It would be useful if the statement of the policy includes a reference to the Vice President, and we have requested Roy Neel likewise to ratify the policy, including the statement in paragraph three concerning the Vice President.

Attachments

cc: Bernard W. Nussbaum
Roy Neel
Margaret Williams
John Podesta
Ricki Seidman
Frank Sobol

THE WHITE HOUSE

WASHINGTON

April 7, 1993

MEMORANDUM FOR THOMAS MCLARTY
CHIEF OF STAFF

GEORGE STEPHANOPOULOS
DIRECTOR, WHITE HOUSE COMMUNICATIONS

THRU: Vincent Foster
Deputy Counsel to the President

FROM: Frank Sobol
Counsel's Office *Frank Sobol*

SUBJECT: Report on Requests for Commercial Uses of the President

The following is a list of the written and telephonic requests that the White House has received for permission to use the President, the First Family, the Presidential Seal, or an image of the White in some commercial endeavor. Counsel's Office receives, on the average, 3-4 requests per week.

Generally the requests are declined based on a long-standing White House policy. A current draft summary of that policy is also attached.

A. USES TO ADVERTISE PRODUCTS:

1. "Clinton Sausages." A meat product producer in Hope, England wanted permission to use the President's picture on his new mesquite flavored sausages.

2. Columbo Yogurt and the White House. The Columbo people called to donate their yogurt to the White House and asked to advertise the fact that its yogurt was used here.

3. Citibank Mortgages and the White House. Citibank advertised its home loans with a picture of the White House. They agreed to stop after we called them.

4. Peter Max Art Work. This hasn't happened yet, but it is a likely event if the President is photographed with Mr. Max during a presentation of his art work at the White House.

5. "Dial the Prez!" This is a 900 number service to send messages to the White House. An Illinois company is advertising its service in ways that suggest it has a direct line to the President and his aides.

6. Bulls Basketball. North Carolina basketball owner wanted to use picture of the President in Chicago Bulls t-shirt and cap to advertise his team's games.

8. New Hampshire Manchester Guardian. Advertising company for the newspaper called to use President's picture in advertising campaign for the newspaper. The caller was aware of the irony here.

9. Waxie Maxie Music Sales. Company advertising firm called to use President's picture for "President's Day" sales campaign.

10. Cable TV in California. Advertising firm called to use the picture of the White House in campaign to get more hook ups in homes.

11. Moosehead Beer. This was pre-Inaugural, but showed what was going to happen.

12. Restaurant advertising. Law firm called for its client to see about using clips from the President's State of the Union speech as part of a new advt. campaign for the restaurant chain.

13. White House Contractor. A computer firm that has a contract with the White House asked for permission to use the White House logo on its list of customers used for advertising purposes.

14. Fuji Film. Japan portion of the firm used pictures of the President in its advertising. Agreed to stop after we contacted them. The complaint about the use came from the CEO at Kodak.

15. Post Cards. California firm called for pictures of the President, First Family, Vice President and his family to produce post cards for sale to tourists, mainly in DC.

16. Reader Digest Sweepstakes. The Digest requested permission to list a tour of the White House as one of its Sweepstakes prizes.

17. Brother's Home Office Products. Used picture of the White House in promotion for its products.

18. Grey Poupon Mustard. Used picture of the White House in promotion for its product.

19. Rock Radio Station in Michigan. Used picture of the President to promote the station.

20. No product cited. Simon Products called about using video clips of the President in a new advt. campaign for an un-named client.

21. No product cited. DMZ advertising in California called to use pictures of the President in an advertising campaign for an un-named client.

22. Use of the President pictures for sale by commercial "stock" firm. John McFie called from International Stock, a NY company that sells pictures of famous people and places. White House Photo Office agreed this was not something we should do. He can get photos from other places.

B. TV OR MOVIES:

1. 20th Century Fox. Studio called to use Presidential Seal in a made-for-TV movie. No details given.

2. Use of Presidential Seal in made-for-TV movie about secret service protection (played by Nicholas Cage) given to fictional President's widow (played by Shirley MacLaine). Letter from "Guarding Tess" production.

C. POLITICAL USES:

1. Republican Assemblyman Trice Harvey (California) used Presidential Seal and references to a "White House Briefing" (involving Marlin Fitzwater) in his fund raising letter to constituents. Our letter informed him that such uses were a violation of a criminal statute and he must stop.

D. FOLLOW-UP TO PRESIDENTIAL TRIPS/VISITS:

1. Mayor of Chillicothe, Ohio. Request from Mayor to use picture of the President from his visit to Chillicothe in full-page Wall Street Journal advt. praising the city as a wonderful place to do business.

2. Telephone Company of Chillicothe, Ohio. Phone company called asking to use President's picture on the company's annual report in honor of the President's visit.

3. Silicon Graphics Company. Request to use video tape clips of the President and Vice President's visit to the California firm in advertising "news" release on its video network.

4. T-shirt with President's picture. Identity Associates, a firm in Calif., called to request the use of the President's picture on T-shirts it would sell to celebrate his visit to the Bay area.

E. MISCELLANEOUS REQUESTS:

1. Song about the "Arkansas Man." Ms. R. Scarlett (says a friend of Judge Jack Jones) called seeking approval to mention President Clinton in her song "Arkansas Man." Have copy of the song.

2. Foreign Stamps. A man named Walter Israel called about information on using the President's image on foreign stamps. He has not returned my calls.

3. Gift memento using Presidential Seal: Lees/Keystone, Inc., an advertising firm, wrote to request the use of the Presidential Seal on award gifts to telephone employees who helped install phones in Hyde Park, NY for President's visit.

4. President's Picture and office papers. Letter from Port Clinton (Ohio) High School asked for President's picture, logs of meetings, his business card, copies of legislative bills, and other materials for use in a high school project. Sent him a picture of POTUS and VP.

5. Fund raising auction. University of Texas called for the President's picture to be used in fund raising auction at U. of Texas.

6. President's signature on copyright release form. Letter from NE Journal of Medicine seeking signature on release for article President wrote. Request approved.

7. Pictures of the President and VP using Heart Association T-Shirts. Association wrote to see if its shirts could be used by POTUS and VP in their sponsored run. Answer was yes.

8. Gift to the President. California golf shop owner called for a copy of the Presidential Seal which he proposed to use on a set of golf clubs for gift to President.

9. Utilization of Presidential Seal in fundraising publication for the Truman Library. Request reluctantly denied as outside limits of statutory authorization.

10. Form letter from the President to potential donors to be used in fundraising for educational trust for deceased friend. Recommended use of letter to family instead.

THE WHITE HOUSE

The Kids Down The Hall

For the young, diverse Clinton staff, the tools of governing are R.E.M. tapes, PowerBooks and 100-page briefing papers

By MICHAEL DUFFY WASHINGTON

ANNIE LEIBOVITZ LIKES TO SHOOT TO music. So when the photographer began setting up in the Oval Office for a *Vanity Fair* portrait of the new President just after his swearing-in, she pulled out her boom box and plugged it into an outlet not far from the portrait of George Washington. Instantly a stern White House functionary informed her, "We've never had music in the Oval Office." Only the President, it was decided, could approve such a breach in decorum. "Sure," said Clinton, and Eric Clapton's album *Unplugged* began to fill the room. A Secret Service agent remarked to a colleague, "I told you we were gonna miss the other guy."

This is not your father's White House. If anything, it's your daughter's. Gone is the strict Bush dress code that required skirts for women and forbade beards for men. In its place are not just the usual gray suits but also women in pants, tieless men in sweaters and the occasional diamond ear stud. Instead of the highly compartmentalized Bush system, in which no one knew what others were doing, the Clintonites prefer giant, free-for-all meetings and speak the same hard-nosed patois of politics and policy. "This place is completely different," said a Bush hold-over now working for Clinton. "Before, I always felt afraid that I was going to do



Dorm-room energy: A clutch of youthful staff members in the Old Executive Office Building

something wrong. Now, anything goes."

The important changes are not merely stylistic. For the first time in memory, many blacks and other minorities can be found working in jobs that don't come with a uniform. Though George Bush signed a landmark disabled-rights law, Clinton and Gore have disabled people on their staffs. Visitors to the Bush White House were typically greeted by a perfectly accessorized heiress who escorted guests to the aide (always male) they wished to see. Now, more typically, a geeky-looking 23-year-old male wearing two beepers escorts visitors to see the woman with whom they have an appointment.

Long-closed doors in the cavernous Old Executive Office Building are now open all day long, and doors connecting separate offices have been pried open. For the first time in years, people congregate in the halls to chat, turning the corridors into something akin to a high school between classes. The West Wing of the White House has been harder to change, since it is organized for "fat old men and their secretaries," as a Clinton aide put it. Last month Clinton asked about tearing down walls to make his horizontal management style work better, but was told it couldn't be done. Partly as a result, it is not uncommon to bump into the President, the Vice President or Hillary Rodham Clinton in the offices of deputy assistants.

Bush turned down hundreds of personal-appearance requests that were deemed "unpresidential" by aides, but the Clintonites say they will agree to almost anything. "The weirder, the better," said a booker. In early February Clinton appeared in a promotional teaser for a sports-blooper show on a TV station in Birmingham, Alabama.

"Just watching one of my regular White House jogs would make your Hall of Shame," plugged Clinton.

On the second floor of the Old E.O.B. where the massive Clinton communications machine is located, the median age has dropped from 45 to about 25. The gang that is known internally as "the children" have brought with them boom boxes, R.E.M. tapes, takeout food, cappuccin makers and a dorm-room energy. Secret Service agents use the code name "acres" to refer to the White House complex. "We just call it 'the campus,'" said deputy press secretary Lorraine Voles.

The whiz kids were dismayed to discover a shortage of faxes, beepers, voicemail, laptops and high-speed E-mail. Young aides have swamped White House purchasing agents with requests for a computer of choice: Apple's Macintosh PowerBook. "Given the equipment around here," said a senior official, "it's no wonder Bush lost."

The Clinton team's appetite for data-by-the-megabyte has expanded presidential briefing papers from the normal 10 pages to more than 100. To save trees, secretaries have been ordered to use both sides of each piece of paper. Al Gore aides used Dan Quayle's leftover statuary before diving into fresher stock.

To ward off isolation, Clinton urged aides to take Sundays off. Mrs. Clinton stopped by a Washington grocery store for a bit of shopping, though she only \$11 with her at the time. Dan Dreyer, 37, the deputy communications chief, guards against complacency by keeping his office walls bare. "We don't want to feel like we own the place," he says. "For now, they do."

DRAFT

MEMORANDUM FOR WHITE HOUSE AND EXECUTIVE BRANCH STAFF

**FROM: FRANCIS THOMAS SOBOL
SPECIAL COUNSEL TO THE PRESIDENT**

SUBJECT: Policy Guidance on Non-White House Uses of the President and First Lady's Likeness, Words, or Activities as well as Images of the White House and the Presidential Seal

Background

The President receives many requests from individuals, businesses, educational institutions, and others to use his name, likeness (pictures or video tape), activities, or words to promote a variety of endeavors. Businesses, individuals, and communities often propose to use pictures or references to the President's visits or words to promote their products, services, or potential. Various companies desire to use a likeness of the President, the First Family, the White House or the Presidential Seal to capture the attention of the public for their advertising and in the process create a linkage (intentionally or otherwise) between their products or services and the President.

White House Policy Against Commercial Entanglements for the President

The White House's long-standing policy is to refuse permission to use the name, likeness, words, or activities of the President, his family, or the White House itself, in advertising or commercial promotions in any way that suggests a connection between the President, his family, or the White House, and the advertising and promotion, notwithstanding the merits or reasons that accompany the request.

The Vice President also subscribes to this policy and its implementing procedures.

Exceptions to the Policy

The reproduction of the likeness, words, or activities of the President, his family, the White House, or the Presidential Seal in educational materials or presentations may be allowed by the White House on a case by case basis. The test for approval is whether the use avoids creating an impression of a Presidential endorsement or approval of a commercial product, service, or enterprise. In addition, permission may be granted to use the President's likeness or that of the White House in fund raising activities conducted under Government auspices or involving a worthwhile charitable or philanthropic endeavor after a case by case review of the merits of the request.

Procedure for Policy Enforcement

Prior written approval must be obtained from the Counsel to the President for all non-White House uses of the likeness, name, words, or activities of the President, his family, or the White House itself. The same policy applies to proposed uses of the Presidential Seal; however, uses of the Seal are also governed by Federal law as codified at 18 U.S.C. § 713.

All requests should be in writing and sent to the Office of the Counsel to the President, the White House, Washington, DC 20500.

April 7, 1993