

George W. Bush Presidential Library

Collection: Counsel's Office, White House

Series: Kavanaugh, Brett – Subject Files

Folder Title: [Office of the Counsel to the President: Transition Materials - Clinton Legacy Memos]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	Transition Materials - From: Office of the Counsel to the President	35	N.D.	P5;
002	Memorandum	Policy Guidelines - To: White House and Executive Branch Staff - From: Robert Schroeder, III	1	April 1996	P5;

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

[Office of the Counsel to the President: Transition Materials - Clinton Legacy Memos]

FRC ID:

9693

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- 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]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Withdrawal Marker

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FRC ID:

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OA Num.:

2163

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2074

FOIA IDs and Segments:

2018-0016-P

2017-0345-F

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January 12, 2001

FEDERAL JUDICIAL VACANCIESSUPREME COURT

None

CIRCUIT COURTS

DC	James L. Buckley, ret 8/31/96 Patricia Wald, retired 11/16/99
2 nd	Laurence Silberman, ret 11/01/00
3 rd	Ralph Winter, ret 9/30/00 Timothy Lewis, res 6/30/99
4 th	Morton I. Greenberg, ret 6/30/00 New Position, PL 101-650, 12/1/90 J. Dickson Phillips, Jr., ret 7/31/94 Sam J. Ervin, III, dec 9/18/99 Clyde H. Hamilton, ret 11/30/99
5 th	Francis D. Mahan, dec 8/31/00 William Garwood, ret 1/23/97 John M. Duhe, Jr., ret 4/7/99
6 th	Henry A. Politz, ret 8/10/99 Damon J. Keith, ret 5/1/95 Cornelia G. Kennedy, ret 3/1/99 David A. Nelson, ret 10/1/99 James L. Ryan, ret 1/1/2000
8 th	Gilbert S. Merritt, ret 1/17/2001 George Fagg, ret 5/1/99
9 th	C. Arlen Beam, ret 2/1/2001 Charles Wiggins, ret 12/31/96 Cynthia Holcomb Hall, ret 8/31/97
10 th	James R. Browning, ret 9/1/00 John C. Porfilio, ret 10/15/99
11 th	Stephen H. Anderson, ret 1/1/2000
Fed	Emmett Ripley Cox, ret 12/18/00 S. Jay Plager, ret 11/30/00

SPECIAL COURTS

Trade	Richard Goldberg, ret 4/2/01
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DISTRICT COURTS

AL,N	Sam C. Pointer, Jr., ret 11/19/99
Ala,S	Alex T. Howard, Jr., 10/21/96
Alaska	Ricahrd W. Vollmer, ret 12/31/00
Arizona	H. Russel Holland, ret 9/18/2001 Roger G. Strand, ret 4/22/2000
CA,E	New position, PL 106-113, 11/29/99 New position, PL 106-553, 12/26/00 Lawrence K. Karlton, ret 5/28/2000

Calif, C	John G. Davies, ret 7/18/98
	Kim M. Wardlaw, upon elev 8/3/98
	William D. Keller, ret 10/29/99
	Richard Paez, elev 3/14/00
CO	J. Spencer Letts, ret 12/19/00
DC	Zita Weinshienk, ret 4/3/98
	Stanley S. Harris, ret 2/1/96
	Stanley Sporkin, ret 2/12/99
FL, M	New position, PL 106-113, 11/29/99
FL, S	Edward B. Daniels, ret 7/1/00
	New position, PL 106-553 12/21/00
GA, M	J. Robert Elliott, ret 12/31/00
	Duross Fitzpatrick, ret 02/01/01
HI	Alan C. Kay, ret 1/2/2000
IO, S.	Charles R. Wolle, ret 10/16/01
KS	G. Thomas Van Bebber, ret 12/31/00
KY, E	William O. Bertelsman, ret 2/1/2001
	New position, PL 106-553, 12/26/00
	Henry R. Wilhoit, Jr., ret 12/31/00
LA, E	Morey L. Sear, ret 10/31/2000
MA	Note - next vacancy cannot be filled once Rya Zobel returns to court Edward Harrington, ret 3/1/2001 (Cannot be filled)
MI, E	Patrick J. Duggan, ret 9/29/00
MS, N	Neal B. Biggers, ret 10/01/00
MO, E	George F. Green, Jr., ret 12/1/96
MO, W	D. Brook Bartlett, dec 1/21/00
MT	Charles C. Lovell, ret 6/14/2000
NE	William G. Cambridge, ret 7/11/00
NV	Johnnie B. Rawlinson, elev 7/26/00
	New position, PL 106-553, 12/26/00
NM	John Edwards Conway, ret 9/1/00
	New position, PL 106-553, 12/26/00
NC, E	W. Earl Britt, ret 12/07/97
	James C. Fox, ret 1/31/01
N.D.	Patrick Conmy, ret 1/5/2000
OH, N	George W. White, ret 2/26/99
OK, N, E&W	Michael Burrage, res 3/1/2001
OK, N	Thomas R. Brett, ret 10/3/96
OK, W	Wayne Alley, ret 5/16/99
	Ralph Thompson, ret 12/16/99
OR	Robert Jones, ret 5/1/2000
PA, E	Edmund Ludwig, ret 5/20/97
	Norma L. Sharkey, ret 12/31/98
	Edward N. Cahill, ret 12/31/98
PA, M	James F. McClure, Jr., ret 4/7/2001
	Sylvia H. Rambo, ret 4/18/2001
PA, W	Maurice B. Cahill, Jr., et 11/28/94
	Alan N. Bloch, ret 4/12/97
	Donald Lee, ret 4/6/2000
SC	New position; PL 106-553, 12/26/00
TN, W	Jerome Turner, dec 2/12/00

TX,N
TX,S
TX,S
TX,W

UT
VA,E
WA,W
WI,E

Robert B. Finney, ret 8/31/00
Filamon Velazquez, ret 5/1/00
New position, PL 106-553, 12/26/00
New position, PL 106-53, 12/26/00
Harry Lee Hudspeth, ret 6/30/01
David Sam, ret 11/1/99
New position, PL 106-553, 12/26/00
Robert J. Bryan, ret 11/1/00
New position, PL 106-553, 12/26/00

CLAIMS COURT

Loren Smith, term expired 7/10/2000
Eric Bruggink, term expiring 4/15/2001
Marion Horn, term expiring 4/15/2001
John Weise, term expiring 10/13/2001

STATUS OF VACANCIES:

CURRENT:

Supreme:	0
Circuit:	27
Trade:	0
District:	57

subtotal: 84

UPCOMING 2000:

Supreme:	0
Circuit:	1
Trade:	1
District:	8

subtotal: 10 (94)

SUBTOTAL: 94 Article III

Claims:

Current	01	Article I
Upcoming	03	Article I

TOTAL: 96

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

(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 the seal of the United States Senate, 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) Whoever, except as directed by the United States Senate, or the Secretary of the Senate on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Senate, 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.

(d) A violation of the provisions of this section may be enjoined at the suit of the Attorney General,

(1) in the case of the great seal of the United States and the seals of the President and Vice President, upon complaint by any authorized representative of any department or agency of the United States; and

(2) in the case of the seal of the United States Senate, upon complaint by the Secretary of the Senate.

(As amended Pub. L. 102-229, Title II, § 210(a)-(d), Dec. 12, 1991, 105 Stat. 1717.)

HISTORICAL AND STATUTORY NOTES

Codifications

"(3) redesignated as subsection (d)." set out in the language of Pub. L. 102-229, § 210(c) has been editorially determined to be directory language and not part of the text changes for such section and has been executed as the probable intent of Congress.

1991 Amendment

Catchline. Pub. L. 102-229, § 210(a), substituted "the seals of the President and Vice President, and the seal of the United States Senate"

for "and of the seals of the President and the Vice President."

Subsec. (a). Pub. L. 102-229, § 210(b), inserted "or the seal of the United States Senate," after "Vice President of the United States,".

Subsec. (c). Pub. L. 102-229, § 210(d), added subsec. (c). Former subsec. (c) was redesignated (d).

Subsec. (d). Pub. L. 102-229, § 210(c), redesignated former subsec. (c) as (d), and added provision empowering the Attorney General, in the case of the seal of the United States Senate, to bring an action enjoining violations of this section upon the complaint of the Secretary of the Senate.

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 of 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.

Management under Executive Order 10927 of March 18, 1961, and sponsored or approved by the occupant agencies; (b) concessions or personal notices posted by employees on authorized bulletin boards; (c) solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Public Law 95-454); and (d) a lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (Title 40, U.S. Code 490(a)(16)). Public areas of GSA-controlled property may be used for other activities permitted in accordance with Subpart 101-20.7.

§ 101-20.310 Photographs for news, advertising, or commercial purposes

Photographs may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except where security regulations apply or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken. [End of text]

USE OF THE NAME OR LIKENESS OF THE PRESIDENT OF THE UNITED STATES

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Use of the President's Name or Likeness

President Clinton is adhering to a long-standing policy of refusing permission to use the name or likeness of the President of the United States, or of the First Lady, in advertising or commercial promotion in any way that suggests a connection between the President or First Lady and such advertising or promotion, notwithstanding the merits or reasons that accompany the request. The reproduction of the President's or First Lady's name or likeness for sale as such, or inclusion in an educational game, book, collection of portraits and/or biographies shall not be considered advertising or promotion if there is no indication or suggestion of endorsement or approval by the President or First Lady of a commercial product, service or enterprise.

The Counsel to the President has advised the Council of Better Business Bureaus, Inc. (CBBB) that exceptions to this rule, which has been adhered to by all Presidents, can be granted only after a request in writing has been submitted to and approved by the Counsel to the President.

The policy applies with equal force to the use of the name or likeness of the President, or of the First Lady, for any promotion or similar publicity purposes. The only instances where permission has been granted have been in connection with fund-raising campaigns sponsored by the federal government, or conducted under government auspices, such as those of the American National Red Cross. Even to such organizations, no overall permission is granted. Each individual case must be brought to the attention of the White House for approval and such exceptional cases could be considered only on their individual merits.

Exception may also be made with respect to advertisements promoting books or articles about the President authored by him or radio—TV programs featuring him, but only if such advertisements are submitted to the Counsel to the President for approval in advance. This procedure must also be followed in connection with similar advertisements

proposing to make use of the name or likeness of the First Lady. (See also 2-394.)

For additional guidance, contact the Office of the Counsel to the President, the White House, Washington, D.C. 20500; telephone (202) 456-7900.

Use of the Presidential Seal

It is not permissible to use the Seal of the President of the United States in advertising copy. The Presidential Seal may be used only as authorized by Federal statute or by the Counsel to the President. (18 U.S.C. Sect. 713 and Executive Order No. 11649 (1972))

Use of the Vice President's Name or Likeness

Counsel to Vice President Gore has informed the Council of Better Business Bureaus that the Vice President and his family would ask that their names and likenesses not be used for advertising commercial enterprises. The Vice President has adopted exactly the same policy on use of his or his family's name or likeness as maintained by the President.

Council of Better Business Bureaus' Recommendations

The Council of Better Business Bureaus recommends to advertisers and advertising agencies that if any use of the President's or Vice President's name or likeness, or those of their families, office or staff, or of the Presidential Seal, is contemplated for advertising or commercial purposes, it be submitted in advance to the Counsel to the President or Vice President for approval.

CBBB recommends to media that they require all advertisers offering advertising which uses the name or likenesses of the President, Vice President, their offices, seals or staff, or members of their families, to submit evidence of authorization of such use.

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236b

236c