



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

July 16, 2021

Lisa O. Monaco
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Nicholas L. McQuaid
Acting Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Re: Request for Investigation of Use of Presidential Seal at Trump National Golf Club Bedminster

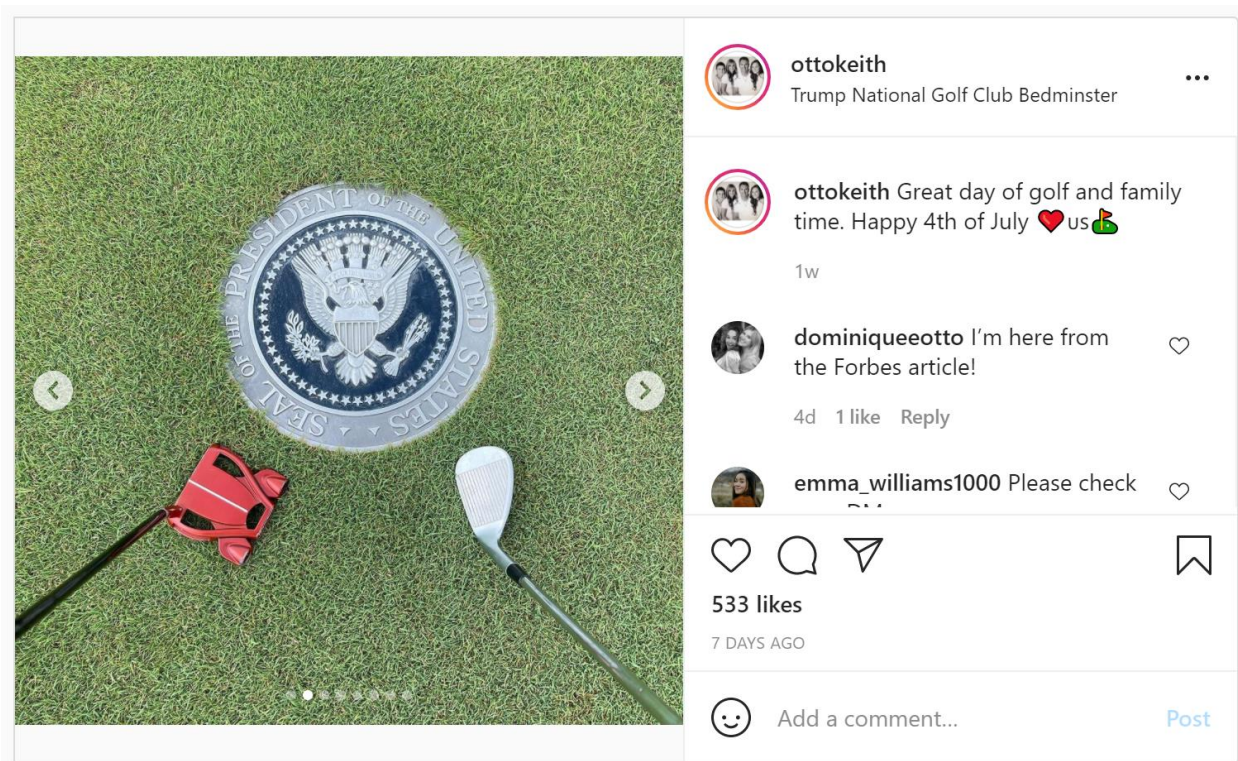
Dear Ms. Monaco and Mr. McQuaid:

Citizens for Responsibility and Ethics in Washington (“CREW”) respectfully requests that the Department of Justice (“DOJ”) investigate whether the Trump National Golf Club Bedminster (“Trump Bedminster”) is improperly displaying a likeness of the presidential seal in violation of federal law. If it is, we ask that you take appropriate corrective action, including, if necessary, seeking criminal penalties and injunctive relief to halt improper use of the seal.

A photograph posted to Instagram on July 5, 2021¹—and later reported by *Forbes* on July 7²—depicts a golf tee marker displaying the presidential seal at Trump Bedminster:

¹ ottokeith, Instagram, July 5, 2021, <https://bit.ly/3ATnMEC>.

² Zach Everson, *Is Trump’s Golf Course Illegally Using The Presidential Seal?*, *Forbes*, July 7, 2021, <https://bit.ly/2UJZ48T>.



Under 18 U.S.C. § 713(a), it is a crime to “knowingly display[] any printed or other likeness of the . . . seal[] of the President . . . of the United States . . . in, or in connection with . . . 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.”³ Violators face up to six months’ imprisonment and a monetary fine.⁴ The Attorney General may bring an action to enjoin violations of the statute “[u]pon complaint by any authorized representative of any department or agency of the United States.”⁵

Here, there is reason to believe that Trump Bedminster is violating § 713(a) by knowingly displaying a likeness of the presidential seal for commercial purposes. As an initial matter, no question has been raised as to the authenticity of the July 5 photograph, which appears to depict Trump Bedminster and was posted to Instagram with the golf club tagged as the location. The Trump Organization has not responded to *Forbes*’ request for comment on the photograph,⁶ nor has it publicly denied its authenticity. If Trump Bedminster is in fact displaying the presidential seal as depicted in the photograph, the display would be “in connection with” a “building” (*i.e.*, the Trump National Golf Club Bedminster) within the meaning of § 713(a).

Trump Bedminster also appears to be using the seal “in a manner reasonably calculated to convey[] a false impression of sponsorship or approval” of the golf club “by the

³ 18 U.S.C. § 713(a).

⁴ *Id.*

⁵ *Id.* § 713(f)(1).

⁶ Everson, *Forbes*, July 7, 2021.

Government of the United States” in violation of the statute. The presidential seal is typically used only in official government settings, such as in the Oval Office or on the side of Air Force One, and its use outside of that context has been strictly policed by the White House Counsel’s Office. In 2005, for example, the White House sent a cease-and-desist letter to satirical news website *The Onion*, demanding that it remove a replica of the presidential seal from its website because the seal “is not to be used in connection with commercial ventures or products in any way that suggests presidential support or endorsement.”⁷ Trump Bedminster’s apparent use of the seal carries a much higher risk of creating a false impression of “presidential support or endorsement” of a private business, because the golf club is owned by Mr. Trump. Given Trump Bedminster’s close connection to a former president, there is a reasonable likelihood of confusion as to whether its use of the seal reflects presidential support or endorsement of the business. Indeed, that potential confusion may be *why* Trump Bedminster is using the seal—to give the false impression that it is the “president’s” golf club, thus enhancing its commercial appeal.

Considering the former president’s actions since losing the 2020 election, it is also possible that Trump Bedminster is displaying the seal for the specific “purpose of conveying . . . a false impression of [presidential] sponsorship or approval.” Mr. Trump has vehemently disputed the legitimacy of the election based on fabricated claims of voter fraud. Just last month at a political rally, Mr. Trump continued to falsely claim he “won that election in a landslide.”⁸ He also refuses to call himself the “former” president, instead using the phrase “45th President” in official press releases, and signing at least one letter as “President Donald J. Trump.”⁹ Mr. Trump and key supporters have also alarmingly claimed he will be “reinstated” as president this August, even though that is legally impossible.¹⁰ In keeping with this disturbing pattern of anti-democratic behavior, it may be the case that Trump Bedminster—where the former president is residing this summer¹¹—is displaying the presidential seal to help propagate the dangerous lie that Donald Trump won the 2020 election.

Notably, this would not be the first time the Trump Organization has attempted to improperly use the presidential seal at its golf courses. In March 2018, *ProPublica* reported that “President Trump’s company recently ordered dozens of presidential seals to be used as golf tee markers” at various golf courses, apparently in violation of § 713(a).¹² The next day, the Trump Organization issued a statement claiming that the “plaques were presented to the club by a small group of members, who are incredible fans of the President, in honor of Presidents day [sic] weekend. They were temporary and have since been removed.”¹³ This

⁷ See, e.g., Katharine Q. Seelye, *Protecting the Presidential Seal. No Joke.*, *New York Times*, Oct. 24, 2005, <https://nyti.ms/2UAKgJP>.

⁸ Nathan Layne, *At Ohio rally, Trump knocks Biden on border, hints at 2024 plans*, *Reuters*, June 27, 2021, <https://reut.rs/3i5CzTQ>.

⁹ Mark Joyella, *Rachel Maddow: Donald Trump ‘Apparently Thinks He’s Still President’*, *Forbes*, Feb. 5, 2021, <https://bit.ly/3r75Kdj>.

¹⁰ Mike Jankowicz, *Mike Lindell set August 13 as the date in his bonkers theory that Trump will be reinstated as president*, *Insider*, July 6, 2021, <https://bit.ly/3k7NqiP>.

¹¹ Everson, *Forbes*, July 7, 2021.

¹² Katherine Sullivan, *Trump’s Company Removes Presidential Seal From Golf Course*, *ProPublica*, March 6, 2018, <https://bit.ly/36tYS0e>.

¹³ *Id.*; see also *CREW files DOJ complaint on Trump Organization using Presidential Seal*, *CREW*, March 23, 2018, <https://bit.ly/3r7ikJB>.

July 16, 2021

Page 4

prior incident suggests Trump Bedminster is (or should be) aware that using the presidential seal as a tee marker may be illegal, and that it is doing so anyway.

Unlawful use of the presidential seal for commercial purposes is no trivial matter, especially when it involves a former president who is actively challenging the legitimacy of the current president. We therefore urge DOJ to promptly investigate this matter and take appropriate corrective action, including, if necessary, seeking criminal penalties and injunctive relief to halt improper use of the seal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Noah Bookbinder', with a long horizontal flourish extending to the right.

Noah Bookbinder
President

cc: Dana Remus, White House Counsel