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WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

FE004

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING

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

Name of Correspondent: William G. King / Patton J. Harris

☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Requests: Carset Flag for Law Enforcement
Officers

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>CUHOLL</u> | ORIGINATOR | <u>8312105</u> | | <u>C</u> | <u>8312105</u> |
| <u>CUAT18</u> | Referral Note: <u>D</u> | <u>8312105</u> | | <u>C</u> | <u>8312105</u> |
| <u>CUFIEL</u> | Referral Note: <u>S</u> | <u>8312105</u> | <u>HF</u> | <u>A</u> | <u>8312105</u> |
| | Referral Note: | <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 C - Completed
B - Non-Special Referral S - Suspended

FOR OUTGOING CORRESPONDENCE:

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

Comments: _____

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Always return completed correspondence record to Central Files.
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No. of Additional Correspondents: 0001 Media: L Individual Codes: 4640 2600

Prime Subject Code: FE 004 Secondary Subject Codes: JR 006
LG LOUIS

PRESIDENTIAL REPLY

| <u>Code</u> | <u>Date</u> | <u>Comment</u> | <u>Form</u> |
|-------------|-------------|----------------|--------------|
| C | | Time: _____ | P- _____ |
| DSP | | Time: _____ | Media: _____ |

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

December 5, 1983

Dear Sirs:

Thank you for your letter of September 7 to the President, which was just recently referred to this office for consideration. Please excuse the tardiness of our response. In your letter you requested the President to issue a declaration that would allow law enforcement officers to be accorded the honor of having the American flag drape their caskets.

Federal law does not govern the question of when it is appropriate to drape a casket with the American flag. There is a statute indicating the proper manner of draping the flag over a casket, 36 U.S.C. § 175(n), and a statute specifying the circumstances under which the Administrator of the Veterans Administration shall furnish a flag for this purpose for deceased veterans, 38 U.S.C. § 901. This latter statute is addressed only to the narrow question of when free flags should be furnished by the Veterans Administration for draping over caskets, not the broader question of when the flag, however furnished, is appropriately used for that purpose. I have enclosed copies of both 36 U.S.C. § 175(n) and 38 U.S.C. § 901 for your information.

In short, we are aware of nothing in federal law that would prohibit use of the American flag to drape the caskets of deceased law enforcement officers, although you should be aware that there may be state laws addressed to this question. I hope this information is helpful. Thank you for writing.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. William G. King
Mr. Ralton J. Harris
122 Johnson Street
Louisburg, NC 27549

Enclosures
FFF:JGR:aea 12/5/83

bcc: FFFfielding/JGRoberts/Subj/Chron

THE WHITE HOUSE

WASHINGTON

December 5, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Casket Flag for Law Enforcement Officers

This item, forwarded by Correspondence on November 14, was attached to the same tracking sheet as the letter from Donald Zook concerning the respective placement of religious flags and the American flag. William G. King, Captain of the Louisburg, North Carolina Police Department, and Ralton J. Harris of the Auxiliary Force, have written the President to request that he issue a declaration that will allow deceased law enforcement officers who are not military veterans to be accorded the honor of having their caskets covered by the American flag.

There is no federal law governing the question of when the American flag may be used to cover a casket. The Flag Code specifies the proper manner of draping the flag over a casket, 36 U.S.C. § 175(n), but neither this provision nor its legislative history considers when the honor is appropriately conferred. Another provision, 38 U.S.C. § 901, prescribes when the Administrator of the Veterans Administration shall furnish a flag to drape the casket of a deceased veteran. This provision does not purport to limit the permissibility of the practice to those cases in which flags are furnished free of charge. The Veterans Administration advises that it is aware of no statute or regulation governing the use of flags to drape caskets.

Attachment

tion entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America', approved June 22, 1942 (36 U.S.C. 171-178) [sections 171-178 of this title], the flag of the United States of America may be

flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated."

Cross References

National observances, display of flag on, see section 141 et seq. of this title.

§ 175. Same; position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the radiator cap.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be

hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When the flag is displayed otherwise than by being flown from a staff, it should be displayed flat, whether indoors or out, or so suspended that its folds fall as free as though the flag were staffed.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, if it is displayed in the chancel of a church, or on the speaker's platform in a public auditorium, the flag should occupy the position of honor and be placed at the clergyman's or speaker's right as he faces the congregation or audience. Any other flag so displayed in the chancel or on the platform should be placed at the clergyman's or speaker's left as he faces the congregation or audience. But when the flag is displayed from a staff in a church or public auditorium elsewhere than in the chancel or on the platform it shall be placed in the position of honor at the right of the congregation or audience as they face the chancel or platform. Any other flag so displayed should be placed on the left of the congregation or audience as they face the chancel or platform.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. By "half staff" is meant lowering the flag to one-half the distance between the top and bottom of the staff. Crepe streamers may be affixed to spear heads or flagstaves in a parade only by order of the President of the United States.

(n) When that the union should not be June 22, 1942 Stat. 1075; J

1933 Amendment July 9, 1953, §

1942 Amendment 22, 1942, added folds fall as were staffed", when displayed window.

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NOW, THE EISENHOWER States of Chief of the States, do the following display of America at the official

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(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground. June 22, 1942, c. 435, § 3, 56 Stat. 378; Dec. 22, 1942, c. 806, § 3, 56 Stat. 1075; July 9, 1953, c. 183, 67 Stat. 142.

Historical Note

1953 Amendment. Subsec. (c). Act July 9, 1953, added second sentence.

1942 Amendment. Subsec. (l). Act Dec. 22, 1942, added "or so suspended that its folds fall as free as though the flag were staffed", and omitted provisions when displayed against a wall or in a window.

Subsec. (m). Act Dec. 22, 1942, substituted "lowering" for "hauling" in third sentence.

Legislative History. For legislative history and purpose of Act July 9, 1953, see 1953 U.S. Code Cong. and Adm. News, p. 1850.

PROCLAMATION NO. 3044

March 1, 1954, 19 F.R. 1235

DISPLAY OF FLAG AT HALF-STAFF UPON DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance

with such orders or instructions as may be issued by or at the direction of the President, or in accordance with recognized customs or practices not inconsistent with law.

5. The heads of the several departments and agencies of the Government may direct that the flag of the United States be flown at half-staff on buildings, grounds, or naval vessels under their jurisdiction on occasions other than those specified herein which they consider proper, and that suitable military honors be rendered as appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of March in the year of our Lord nineteen hundred and fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL]

DWIGHT D. EISENHOWER

Cross References

Display of replica of flag used in War of 1812 for twenty-four hours each day in Flag House Square, Baltimore, Maryland, as subject to this section, see note under section 174 of this title.

Notes of Decisions

Generally 1

Height of flag 2

Injunction against display of flag 3

1. Generally

This section respecting position of American flag when displayed or carried with other flags was not intended to prescribe behavior but was rather fashioned as an expression of prevalent custom regarding the display of the American flag. State of Del. ex rel. Trader v. Hodsdon, D.C.Del.1967, 265 F.Supp. 308.

Flying the flag of Republic of Panama and flag of United States in Canal Zone at equal heights on separate flag poles did not violate this section. Id.

2. Height of flag

In this section "equal" does not mean equal height. Doyle v. Fleming, D.C.Can. Zone 1963, 219 F.Supp. 277.

3. Injunction against display of flag

United States District Court did not have jurisdiction to enjoin defendant from flying the flag of the United Nations above and to the right of the American flag in front of his residence. State of Del. ex rel. Trader v. Hodsdon, D.C.Del.1967, 265 F.Supp. 308.

§ 176. Same; respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down save as a signal of dire distress.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c) The flag should never be carried flat or horizontally, but always aloft and free.

(d) The flag should never be used as drapery of any sort whatsoever, never festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged

CHAPTER 23—BURIAL BENEFITS

Sec.

- 901. Flags.
- 902. Funeral expenses.
- 903. Death in Veterans' Administration facility; plot allowance.
- 904. Claims for reimbursement.
- 905. Persons eligible under prior law.
- 906. Headstones and markers.
- 907. Death from service-connected disability.
- 908. Transportation of deceased veteran to a national cemetery.

Historical Note

1976 Amendment. Pub.L. 94-433, Title III, § 304(b), Sept. 30, 1976, 90 Stat. 1377, added item 908.

1973 Amendment. Pub.L. 93-43, § 5(b)(1), (2), June 18, 1973, 87 Stat. 81, provided for "plot allowance" in item 903, and added items 906 and 907.

§ 901. Flags

(a) The Administrator shall furnish a flag to drape the casket of each deceased veteran who—

(1) was a veteran of any war, or of service after January 31, 1955;

(2) had served at least one enlistment; or

(3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty.

(b) After the burial of the veteran the flag so furnished shall be given to his next of kin. If no claim is made for the flag by the next of kin, it may be given, upon request, to a close friend or associate of the deceased veteran. If a flag is given to a close friend or associate of the deceased veteran, no flag shall be given to any other person on account of the death of such veteran.

(c) For the purpose of this section, the term "Mexican border period" as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916.

(d) In the case of any person who died while in the active military, naval, or air service after May 27, 1941, the Administrator shall furnish a flag to the next of kin, or to such other person as the Administrator deems most appropriate, if such next of kin or other person is not otherwise entitled to receive a flag under this section, or under section 1482(a) of title 10, United States Code.

Pub.L. 85-857, Sept. 2, 1958, 72 Stat. 1169; Pub.L. 87-240, Sept. 14, 1961, 75 Stat. 512; Pub.L. 89-358, § 9, Mar. 3, 1966, 80 Stat. 28; Pub.L. 90-77, Title IV, § 402, Aug. 31, 1967, 81 Stat. 190; Pub.L. 91-588, § 9(g), Dec. 24, 1970, 84 Stat. 1585.

Historical Note

Derivation. Based on Title 38, U.S.C., 1952 ed., Supp. V, § 2801 (Pub.L. 85-56, Title VIII, § 801, June 17, 1957, 71 Stat. 117).

Earlier Laws. Corresponding provisions in prior law were contained in Veterans' Regulation No. 9(a), par. I (Ex. Ord.No.6158, June 6, 1933; Acts July 11, 1839, c. 263, 53 Stat. 999; Aug. 3, 1955, c. 493, 69 Stat. 440).

1970 Amendment. Subsec. (a). Pub.L. 91-588, § 9(g)(1), struck out reference to the Mexican border service.

Subsec. (c). Pub.L. 91-588, § 9(g)(2), substituted "For the purpose of this section, the term 'Mexican border period' as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1, 1911, and ending on May 8, 1916" for "For the purpose of this section, the term 'Mexican border service' means active military, naval, or air service during the period beginning on January 1, 1911, and ending on April 5, 1917, in Mexico, on the borders thereof, or in the waters adjacent thereto".

1967 Amendment. Subsec. (d). Pub.L. 90-77 added subsec. (d).

1966 Amendment. Subsec. (a)(1). Pub.L. 89-358 required a flag to be furnished to drape the casket of a deceased veteran who served after Jan. 31, 1955.

1961 Amendment. Subsec. (a). Pub.L. 87-240, § 1(1), inserted "or of Mexican border service" following "veteran of any war".

Subsec. (c). Pub.L. 87-240, § 1(2), added subsec. (c).

Effective Date of 1970 Amendment. Amendment by Pub.L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub.L. 91-588, set out as a note under section 521 of this title.

Effective Date of 1967 Amendment. Amendment by Pub.L. 90-77 effective the first day of the first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub.L. 90-77, set out as a note under section 101 of this title.

Effective Date of 1966 Amendment. Amendment by Pub.L. 89-358 effective Mar. 3, 1966, see section 12(a) of Pub.L. 89-358, set out as a note under section 1651 of this title.

Legislative History. For legislative history and purpose of Pub.L. 87-240, see 1961 U.S.Code Cong. and Adm.News, p. 2678. See, also, Pub.L. 89-358, 1966 U.S. Code Cong. and Adm.News, p. 1888; Pub.L. 90-77, 1967 U.S.Code Cong. and Adm.News, p. 1493; Pub.L. 91-588, 1970 U.S.Code Cong. and Adm.News, p. 5114.

Code of Federal Regulations

Use of flag for burial, see 38 CFR 1.10.

§ 902. Funeral expenses

(a) Where a veteran dies—

(1) of a service-connected disability; or

(2) who was (A) a veteran of any war; (B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or (C) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation;

under section 801(a) of this title or benefits relating to home health services under section 612(a) of this title. However, no particular type of adaptation, improvement, or structural alteration provided to a veteran under section 612(a) of this title may be provided to such veteran under section 801(b) of this title.

(As amended Pub.L. 96-385, Title III, § 301(c), Oct. 7, 1980, 94 Stat. 1531.)

1980 Amendment. Subsec. (a). Pub.L. 96-385, § 301(c)(1), (2), designated existing provisions as subsec. (a) and substituted "except as provided in subsection (b) of this section, the assistance authorized by section 801 of this title" for "the assistance authorized by this chapter".

Subsec. (b). Pub.L. 96-385, § 301(c)(3), added subsec. (b).

Effective Date of 1980 Amendment. Amendment by Pub.L. 96-385 effective Oct. 1, 1980, see section 601(b) of Pub.L. 95-385, set out as a note under section 314 of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-385, see 1980 U.S. Code Cong. and Adm. News, p. 3307.

§ 805. Nonliability of United States

The Government of the United States shall have no liability in connection with any housing unit, or necessary land therefor, or adaptation acquired under the provisions of this chapter.

(As amended Pub.L. 96-385, Title III, § 301(d), Oct. 7, 1980, 94 Stat. 1531.)

1980 Amendment. Pub.L. 96-385 made the United States nonliable for any adaptation in connection with any housing unit.

see section 601(b) of Pub.L. 96-385, set out as a note under section 314 of this title.

Effective Date of 1980 Amendment. Amendment by Pub.L. 96-385 effective Oct. 1, 1980,

Legislative History. For legislative history and purpose of Pub.L. 96-385, see 1980 U.S. Code Cong. and Adm. News, p. 3307.

CHAPTER 23—BURIAL BENEFITS

§ 901. Flags

[See main volume for text of (a) to (d)]

(e) The Administrator shall furnish a flag to drape the casket of each deceased person who is buried in a national cemetery by virtue of eligibility for burial in such cemetery under section 1002(6) of this title. After the burial, the flag shall be given to the next of kin or to such other person as the Administrator considers appropriate.

(As amended Pub.L. 97-306, Title IV, § 402(a), Oct. 14, 1982, 96 Stat. 1442.)

1982 Amendment. Subsec. (e). Pub.L. 97-306 added subsec. (e).

Effective Date of 1982 Amendment. Section 402(b) of Pub.L. 97-306 provided that: "The amendment made by subsection (a) [adding subsec. (e) of this section] shall apply with respect to burials after September 30, 1982."

Legislative History. For legislative history and purpose of Pub.L. 97-306, see 1982 U.S. Code Cong. and Adm. News, p. 2877.

Library References

Armed Services § 125.
C.J.S. Armed Services § 253.

§ 902. Funeral expenses

(a) In the case of a deceased veteran—

(1) who at the time of death was in receipt of compensation (or but for the receipt of retirement pay would have been entitled to compensation) or was in receipt of pension, or

(2) who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and with respect to whom the Administrator determines—

(A) that there is no next of kin or other person claiming the body of the deceased veteran, and

(B) that there are not available sufficient resources to cover burial and funeral expenses,

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Ch. 10

PATRIOTIC CUSTOMS

36 § 173

ca and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all". Such pledge should be rendered by standing with the right hand over the heart. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the head-dress. Persons in uniform shall render the military salute. June 22, 1942, c. 435, § 7, 56 Stat. 380; Dec. 22, 1942, c. 806, § 7, 56 Stat. 1077; Dec. 28, 1945, c. 607, 59 Stat. 668; June 14, 1954, c. 297, 68 Stat. 249.

Historical Note

1954 Amendment. Act June 14, 1954, inserted "under God," in the pledge.

1945 Amendment. Act Dec. 28, 1945, inserted "The following is designated as", inserted period after "justice for all." and deleted "is rendered by standing with the right hand over the heart." in the first sentence, and inserted second sentence "Such pledge should * * *."

1942 Amendment. Act Dec. 22, 1942, struck out "extending the right hand, palm upward, toward the flag at the words 'to the flag' and holding this position until the end, when the hand drops to the side.", at end of first sentence.

Legislative History. For legislative history and purpose of Act June 14, 1954, see 1954 U.S.Code Cong. and Adm.News, p. 2339.

Notes of Decisions

Library references

United States G-5½.
C.J.S. Flags § 2.
C.J.S. United States § 8.

1. Compulsory pledge

Joint Resolution of Congress to codify existing rules and customs pertaining to

display and use of flag of the United States does not require any person to repeat the pledge of allegiance to flag. *Bolling v. Superior Court for Clallam County*, 1943, 133 P.2d 803, 16 Wash.2d 373.

§ 173. Display and use of flag by civilians; codification of rules and customs

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. June 22, 1942, c. 435, § 1, 56 Stat. 377; Dec. 22, 1942, c. 806, § 1, 56 Stat. 1074.

Historical Note

1942 Amendment. Act Dec. 22, 1942, re-enacted section without change.

Notes of Decisions

1. Power of states

This section and section 174-178 of this title codifying existing rules and customs for display and use of flag by civilians does not deprive the states of the power to regulate the conduct of citizens of the

state toward the United States flag when such conduct is likely to produce a breach of the peace within their borders. *People v. Von Rosen*, 1958, 147 N.E.2d 327, 13 Ill.2d 68.

§ 174. Same; time and occasions for display; hoisting and lowering

(a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

(b) The flag should be hoisted briskly and lowered ceremoniously.

(c) The flag should not be displayed on days when the weather is inclement.

(d) The flag should be displayed on all days when the weather permits, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Army Day, April 6; Easter Sunday (variable); Mother's Day, second Sunday in May; Memorial Day (half staff until noon), May 30; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, October 12; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; such other days as may be proclaimed by the President of the United States; the birthdays of States (dates of admission); and on State holidays.

(e) The flag should be displayed daily, weather permitting, on or near the main administration building of every public institution.

(f) The flag should be displayed in or near every polling place on election days.

(g) The flag should be displayed during school days in or near every schoolhouse. June 22, 1942, c. 435, § 2, 56 Stat. 378; Dec. 22, 1942, c. 806, § 2, 56 Stat. 1074.

Historical Note

Codification. Veterans Day was substituted for Armistice Day, to conform to the provisions of act June 1, 1954, c. 250, 68 Stat. 168. See section 6103 of Title 5, Government Organization and Employees.

1942 Amendment. Act Dec. 22, 1942, substituted "fourth Thursday in November" for "last Thursday in November."

Flag House Square, Baltimore, Maryland; Display of Flag. Act Mar. 26, 1954, c. 109, 68 Stat. 35, provided:

"That notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America', approved June 22, 1942, as amended [sections 171-178 of this title], authority is hereby conferred on the appropriate officer of the State of

Maryland to permit the flying of the flag of the United States for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland.

"Sec. 2. Subject to the provisions of section 3 of the joint resolution of June 22, 1942, as amended [section 175 of this title], authority is also conferred on the appropriate officer of the State of Maryland to permit the flying of a replica of the flag of the United States which was in use during the War of 1812 for twenty-four hours of each day in Flag House Square, Albemarle and Pratt Streets, Baltimore, Maryland."

Lexington, Massachusetts; Display of Flag. Pub.L. 89-335, Nov. 8, 1965, 79 Stat. 1294, provided: "That, notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolu-

tion entitled 'Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America', approved June 22, 1942 (36 U.S.C. 171-178) [sections 171-178 of this title], the flag of the United States of America may be

flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated."

Cross References

National observances, display of flag on, see section 141 et seq. of this title.

§ 175. Same; position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the radiator cap.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: *Provided*, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be

hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When the flag is displayed otherwise than by being flown from a staff, it should be displayed flat, whether indoors or out, or so suspended that its folds fall as free as though the flag were staffed.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, if it is displayed in the chancel of a church, or on the speaker's platform in a public auditorium, the flag should occupy the position of honor and be placed at the clergyman's or speaker's right as he faces the congregation or audience. Any other flag so displayed in the chancel or on the platform should be placed at the clergyman's or speaker's left as he faces the congregation or audience. But when the flag is displayed from a staff in a church or public auditorium elsewhere than in the chancel or on the platform it shall be placed in the position of honor at the right of the congregation or audience as they face the chancel or platform. Any other flag so displayed should be placed on the left of the congregation or audience as they face the chancel or platform.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. By "half staff" is meant lowering the flag to one-half the distance between the top and bottom of the staff. Crepe streamers may be affixed to spear heads or flagstaves in a parade only by order of the President of the United States.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground. June 22, 1942, c. 435, § 3, 56 Stat. 378; Dec. 22, 1942, c. 806, § 3, 56 Stat. 1075; July 9, 1953, c. 183, 67 Stat. 142.

Historical Note

1953 Amendment. Subsec. (c). Act July 9, 1953, added second sentence.

1942 Amendment. Subsec. (1). Act Dec. 22, 1942, added "or so suspended that its folds fall as free as though the flag were staffed", and omitted provisions when displayed against a wall or in a window.

Subsec. (m). Act Dec. 22, 1942, substituted "lowering" for "hauling" in third sentence.

Legislative History. For legislative history and purpose of Act July 9, 1953, see 1953 U.S. Code Cong. and Adm. News, p. 1850.

PROCLAMATION NO. 3044

March 1, 1954, 19 F.R. 1235

DISPLAY OF FLAG AT HALF-STAFF UPON DEATH OF CERTAIN OFFICIALS AND FORMER OFFICIALS

WHEREAS it is appropriate that the flag of the United States of America be flown at half-staff on Federal buildings, grounds, and facilities upon the death of principal officials and former officials of the Government of the United States and the Governors of the States, Territories, and possessions of the United States as a mark of respect to their memory; and

WHEREAS it is desirable that rules be prescribed for the uniform observance of this mark of respect by all executive departments and agencies of the Government, and as a guide to the people of the Nation generally on such occasions:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby prescribe and proclaim the following rules with respect to the display of the flag of the United States of America at half-staff upon the death of the officials hereinafter designated:

1. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions for the period indicated upon the death of any of the following-designated officials or former officials of the United States:

(a) The President or a former President: for thirty days from the day of death.

The flag shall also be flown at half-staff for such period at all United States embassies, legations, and other facilities abroad, including all military facilities and naval vessels and stations.

(b) The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives: for ten days from the day of death.

(c) An Associate Justice of the Supreme Court, a member of the Cabinet, a former Vice President, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force: from the day of death until interment.

2. The flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the metropolitan area of the District of Columbia on the day of death and on the following day upon the death of a United States Senator, Representative, Territorial Delegate, or the Resident Commissioner from the Commonwealth of Puerto Rico, and it shall also be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the State, Congressional District, Territory, or Commonwealth of such Senator, Representative, Delegate, or Commissioner, respectively, from the day of death until interment.

3. The flag of the United States shall be flown at half-staff on all buildings and grounds of the Federal Government in a State, Territory, or possession of the United States upon the death of the Governor of such State, Territory, or possession from the day of death until interment.

4. In the event of the death of other officials, former officials, or foreign dignitaries, the flag of the United States shall be displayed at half-staff in accordance

Historical Note

1942 Amendment. Act Dec. 22, 1942, salute in the same manner", for "merely substituted "military salute", for "right-hand salute" in second sentence, "should stand at attention" in fourth sentence, and added fifth sentence.

Cross References

Allen as used in Immigration and Nationality Act defined, see section 1101(a) (3) of Title 8, Aliens and Nationality.

§ 178. Same; modification of rules and customs by President

Any rule or custom pertaining to the display of the flag of the United States of America, set forth in sections 171-178 of this title, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation. June 22, 1942, c. 435, § 8, 56 Stat. 380; Dec. 22, 1942, c. 806, § 8, 56 Stat. 1077.

Historical Note

1942 Amendment. Act Dec. 22, 1942 reenacted section without change.

PROCLAMATION NO. 2605

Feb. 21, 1944, 9 F.R. 1957, 58 Stat. 1126

THE FLAG OF THE UNITED STATES

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States; and

People all over the world recognize the flag of the United States as symbolic of the United States; and

The effective prosecution of the war requires a proper understanding by the people of other countries of the material assistance being given by the Government of the United States:

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and laws of the United States, particularly by the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 [sections 171-178 of this title], as President and Commander in Chief, it is hereby proclaimed as follows:

1. The use of the flag of the United States or any representation thereof, if approved by the Foreign Economic Administration, on labels, packages, cartons, cases, or other containers for articles or products of the United States in-

tended for export as lend-lease aid, as relief and rehabilitation aid, or as emergency supplies for the Territories and possessions of the United States, or similar purposes, shall be considered a proper use of the flag of the United States and consistent with the honor and respect due to the flag.

2. If any article or product so labelled, packaged or otherwise bearing the flag of the United States or any representation thereof, as provided for in section 1, should, by force of circumstances, be diverted to the ordinary channels of domestic trade, no person shall be considered as violating the rules and customs pertaining to the display of the flag of the United States, as set forth in the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 (U.S. C.Supp. II, Title 36, secs. 171-178) [sections 171-178 of this title], for possessing, transporting, displaying, selling or otherwise transferring any such article or product solely because the label, package, carton, case, or other container bears the flag of the United States or any representation thereof.

Sec.

1.943 Transfer of claims.

REFERRALS TO GAO OR JUSTICE DEPARTMENT
FOR LITIGATION

1.950 Prompt referral.

1.951 Current address of debtor.

1.952 Credit data.

1.953 Report of prior collection actions.

1.954 Preservation of evidence.

REGIONAL OFFICE COMMITTEES ON WAIVERS
AND COMPROMISES1.955 Regional Office Committees on
Waivers and Compromises.

1.956 Jurisdiction.

1.957 Committee authority.

1.958 Finality of decisions.

1.959 Records and certificates.

1.960 Legal and technical assistance.

1.961 Releases.

1.962 Waiver of overpayments.

1.963 Waiver; other than loan guaranty.

1.963a Waiver; erroneous payment of pay
and allowances.

1.964 Waiver; loan guaranty.

1.965 Application of standard.

1.966 Scope of waiver decisions.

1.967 Refunds.

1.968 [Reserved]

1.969 Revision of waiver decisions.

1.970 Standards for compromise.

VETERANS ADMINISTRATION SEAL AND
INSIGNIA§ 1.9 Reproduction of Veterans Adminis-
tration seal and insignia.

The reproduction of the Veterans Administration seal for other than official purposes is prohibited. However, the Administrator or Deputy Administrator may authorize the manufacture, sale or possession of Veterans Administration insignia by any person or persons, provided such action will tend to advance the aims, purposes and mission of Veterans Administration.

(72 Stat. 1114; 38 U.S.C. 210)

[24 FR 10018, Dec. 11, 1959]

THE UNITED STATES FLAG FOR BURIAL
PURPOSES§ 1.10 Eligibility for and disposition of the
United States flag for burial purposes.

(a) *Eligibility for burial flags*—(1) *Persons eligible.* (i) A veteran of any war, of Mexican border service, or of service after January 31, 1955, discharged or released from active duty

under conditions other than dishonorable. (For the purpose of this section the term "Mexican border service" means active military, naval, or air service during the period beginning on January 1, 1911, and ending on April 5, 1917, in Mexico, on the borders thereof, or in the waters adjacent thereto.)

(ii) A peacetime veteran discharged or released, before June 27, 1950, from the active military, naval, or air service, under conditions other than dishonorable, after serving at least one enlistment, or for a disability incurred or aggravated in line of duty.

(iii) Any person who has died while in military or naval service of the United States after May 27, 1941. This subdivision authorizes and requires the furnishing of a flag only where the military or naval service does not furnish a flag immediately. The only cases wherein a flag is not supplied immediately are those of persons whose remains are interred outside the continental limits of the United States, or whose remains are not recovered or are recovered and not identified.

(iv) Any person who served in the organized military forces of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States, dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who dies after separation from such service under conditions other than dishonorable, on or after April 25, 1951. (38 U.S.C. 107(a)).

(b) *Disposition of burial flags.* (1) When a flag is actually used to drape the casket of a deceased veteran, it must be delivered to the next of kin following interment. Where the flag is not claimed by the next of kin it may be given upon request to a close friend or associate of the deceased veteran. Such action will constitute final and conclusive determination of rights under this section. (38 U.S.C. 901.)

(2) The phrase "next of kin" for the purpose of disposing of the flag used

Chapter I—Veterans Administration

§ 1.12

for burial purposes is defined as follows, with preference to entitlement in the order listed:

- (i) Widow or widower.
- (ii) Children, according to age (minor child may be issued a flag on application signed by guardian).
- (iii) Parents, including adoptive, stepparents, and foster parents.
- (iv) Brothers or sisters, including brothers or sisters of the halfblood.
- (v) Uncles or aunts.
- (vi) Nephews or nieces.
- (vii) Others—cousins, grandparents, etc. (but not in-laws).

(3) The phrase "close friend or associate" for the purpose of disposing of the burial flag means any person who because of his or her relationship with the deceased veteran arranged for the burial or assisted in the burial arrangements. In the absence of a person falling in either of these categories, any person who establishes by evidence that he or she was a close friend or associate of the veteran may be furnished the burial flag. Where more than one request for the burial flag is received and each is accompanied by satisfactory evidence of relationship or association, the head of the field station having jurisdiction of the burial flag quota will determine which applicant is the one most equitably entitled to the burial flag.

(72 Stat. 1114, 1169, as amended; 38 U.S.C. 210, 901)

[13 FR 6999, Nov. 27, 1948, as amended at 20 FR 8350, Nov. 8, 1955; 24 FR 10106, Dec. 15, 1959; 31 FR 4959, Mar. 26, 1966; 42 FR 27245, May 27, 1977]

QUARTERS FOR VETERANS ADMINISTRATION EMPLOYEES OVERSEAS

§ 1.11 Quarters for Veterans Administration employees in Government-owned or rented buildings overseas.

Pursuant to the provisions of 5 U.S.C. 5912, a U.S. citizen employee of the Veterans Administration permanently stationed in a foreign country may be furnished, without cost to him, living quarters, including heat, fuel, and light, in a Government-owned or rented building. When in the interest of the service and when administratively feasible, an agreement may be entered into by the Chief Benefits Di-

rector or his designee with another Federal agency, which is authorized to furnish quarters, to provide such quarters for Veterans Administration employees under the provisions of 31 U.S.C. 686. Quarters provided will be in lieu of any living quarters allowance to which the employee may otherwise be entitled.

(72 Stat. 1114; 38 U.S.C. 210)

[33 FR 362, Jan. 10, 1968]

PUBLIC PARTICIPATION

§ 1.12 Public participation in regulatory development.

It is the policy of the Veterans' Administration to afford the public general notice, published in the FEDERAL REGISTER, of proposed regulatory development, and an opportunity to participate in the regulatory development in accordance with the provisions of the Administrative Procedure Act (APA). All written comments received will be available for public inspection. Exceptions to the policy of permitting public participation in the regulatory development may be authorized by the Administrator or one of his Deputies if adequately justified and concurred in by the General Counsel. Such exceptions, unless public comment is required by statute, may be recommended when: (a) The proposed regulations consist of interpretative rules, general statements of policy, or rules of Veterans' Administration organization procedure or practice, or (b) when the Veterans' Administration for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. (5 U.S.C. 553).

(5 U.S.C. 553; 38 U.S.C. 210)

[37 FR 7157, Apr. 11, 1972]

LOUISBURG

191868 cu

September 7, 1983

5
Legal Counsel
SEP 11 1983
The Honorable Ronald Reagan
President of the United States
1600 Pennsylvania Avenue
Washington, D. C.

~~TYPE
APR 1
REFG6~~

Dear Mr. President:

Each year funeral services are held for many law enforcement officers who are not military veterans, and as a result they are not entitled to the honor of having their caskets covered by our American flag. We feel that since these officers are under a sworn oath to defend the Constitution of the United States, they are as much servants of America as are military personnel. Having previously expressed this concern to Senators Jesse Helms and John East, we are hoping that you, Mr. President, can issue a declaration which will allow this honor to be accorded to future sworn officers who are released from duty under honorable conditions. For those individuals who have taken an oath to defend the Constitution, it seems only fitting that they should be covered by the symbol of freedom and unity which they have sworn to protect.

With your endorsement of this policy and declaration, we cannot help but believe that the local governing body under which each officer served would gladly provide a flag in recognition of the decedent's prior service.

Most sincerely,

William G. King
William G. King, Captain
Louisburg Police Department
122 Johnson Street
Louisburg, N. C. 27549

Ralton J. Harris
Ralton J. Harris
Louisburg Police Department
Auxiliary Force

WGK/RJH/cp

cc: Senator Jesse Helms
Senator John East

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1/1/12Name of Correspondent: Clyde Gunter☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Wishes to incorporate eagle from the Presidential Seal in the logo for his investigative agencies.

ROUTE TO:

ACTION

DISPOSITION

| Office/Agency (Staff Name) | Action Code | Tracking Date YY/MM/DD | Type of Response | Completion Date YY/MM/DD |
|----------------------------|-------------|------------------------|------------------|--------------------------|
| <u>WHOLL</u> | ORIGINATOR | <u>83/12/23</u> | | <u>C 84/01/12</u> |
| <u>WHAT17</u> | <u>D</u> | <u>83/12/23</u> | | <u>C 84/01/12</u> |
| <u>WHFIEL</u> | <u>S</u> | <u>84/01/12</u> | <u>JV</u> | <u>A 84/01/12</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: _____

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.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4690 _____

Prime Subject Code: FE 004 Secondary Subject Codes: JL 008 _____

PRESIDENTIAL REPLY

| Code | Date | Comment | Form |
|------|-------|-------------|--------------|
| C | _____ | Time: _____ | P- _____ |
| DSP | _____ | Time: _____ | Media: _____ |

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

January 12, 1984

Dear Mr. Gunter:

This will respond to your recent letter to Mrs. Reagan requesting assistance in obtaining Government approval of a logo you would like to use to identify your investigative agency. The logo you propose to use includes an eagle that is very similar to the eagle used in the Great Seal of the United States and in the Seals of the President and Vice President.

Title 18 of the United States Code, Section 713, is the principal Federal law governing the use of the Great Seal of the United States, and the Seals of the President and Vice President. Section 713 proscribes use of the Presidential Seal except in a manner consistent with regulations promulgated by the President. Those regulations are embodied in Executive Order 11649 (February 16, 1972), as amended by Executive Order 11916 (May 28, 1976). Subsection (a) of that statute prohibits the knowing display of any likeness or facsimile of those Seals in connection with, inter alia, any advertisement, publication or stationery, "for the purposes of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States." I attach for your information a copy of 18 U.S.C. § 713, the notes to which include the Executive Order mentioned.

As a matter of policy, this Administration adheres strictly to the statutes and regulations identified above when responding to requests on use of the Seal. In our view, your proposed logo may be inconsistent with those statutory restrictions; however, the Criminal Division of the Justice Department is responsible for determining whether a particular use of a facsimile of the Presidential or Great Seal is unlawful.

We appreciate your inquiry into this matter and hope this information is useful to you.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Clyde J. Gunter
General Investigative Services
20142 Ecorse Road
Taylor, Michigan 48180

FFF:SMC:ph 1/12/84

cc: FFFielding/SMCooksey/Subject/Chron.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 12, 1984

FOR: FRED F. FIELDING

FROM: SHERRIE M. COOKSEY *SMC*

SUBJECT: Request from Clyde Gunter for Authorization
to Use the Eagle from the Presidential Seal
in the Logo of his Investigative Agency

Clyde J. Gunter, a private investigator specializing in the location of missing persons, has asked Mrs. Reagan for assistance in obtaining Government approval of his logo for his investigative agency. That logo contains a likeness of the eagle on the Presidential and Great Seals.

As you know, 18 U.S.C. § 713 prohibits the knowing display of any likeness of the Great Seal of the United States, or of the Presidential Seal, or any facsimile thereof, in connection with, inter alia, any advertisement, publication or stationery, "for the purposes of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States". The logo Gunter proposes to use could be viewed as a display of a facsimile of the Presidential Seal in a manner reasonably calculated to convey a false impression of Government sponsorship. Of course, pursuant to Executive Order No. 11649, you could approve this "use" of the Presidential Seal if it were for an exceptional historical, educational or newsworthy purpose. However, I do not believe Gunter's proposed logo falls within those permissible categories.

Attached for your review and signature is a letter to Gunter explaining the statutory restrictions on use of the Presidential Seal and why we cannot approve his proposed logo.

Attachment

General Investigative Services

Civil • Criminal • Background • Injury
Internal Theft • Polygraph Examinations • Protective Services

December 20, 1983

Mrs. Nancy Reagan
The White House
Washington, D.C. 20500

Dear Mrs. Reagan:

A few weeks ago, you placed a personal phone call to Mrs. Pat Greenwald of Munster, Indiana, concerning a letter she wrote to you about her missing son, Joseph Carl Scharfenberg. Since that time I have been retained by Mrs. Greenwald to locate her son. It may interest you to know that in the week I have been searching for him, I have been able to establish where he was as of March 20, 1982. Although he has since then moved and left no forwarding address, we at least know he is still alive.

For the past eleven years, I have devoted my efforts to locating missing persons. Due to these efforts, and my current rate of success (94%), I have been able to establish myself as an expert in this field.

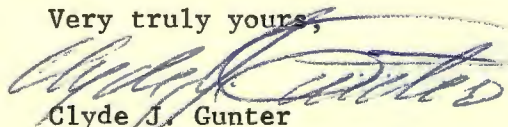
As you know, there are thousands of people throughout the United States, just like Pat Greenwald, who have no place to turn, and are left with the same feeling "nobody cares".

With that thought in mind, for the past year I have been working to establish a network of qualified and reputable investigative agencies to assist me in my efforts in locating missing persons. My objective is to have an associate agency in each state and, as of this date, I have twenty-eight (28) such agencies in various states who are willing to assist me.

In order to set up an agency which would be recognized nationally, I have designed an official logo to be used on all correspondence and by all investigative agencies assisting me in locating missing persons. Because of the design of this logo, I have been informed that governmental approval may be needed prior to the initiation of its use. I have enclosed a copy of the logo for your convenience and would appreciate any assistance or suggestions that you may have in obtaining approval for its use.

I sincerely appreciate your time and consideration regarding this matter.

Very truly yours,


Clyde J. Gunter

192946

Fred
This looks like
a "legal" matter
to me —
Thanks — aw

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THE WHITE HOUSE
WASHINGTON

March 29, 1982

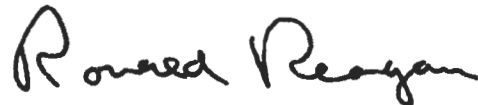
Dear Mr. Gunter:

It gives me great pleasure to commend you on the wonderful work you are doing.

Through simple acts of love and concern, we are all recipients of many forms of charity. The sacrifices that are made in a charitable spirit measure the scope of our character and the fullness of our lives. Our nation's well-being is enhanced whenever people help each other in time of need. As there can never be a replacement for the assistance which caring and concerned individuals can provide for each other, we all have an important part to play in making our communities better places for us to live together.

You have my great admiration and I want to wish you continued success in your efforts as you enrich the lives of your fellowmen.

Sincerely,

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, flowing style with a large initial "R".

Mr. Clyde J. Gunter
457 North Monroe Street
Monroe, Michigan 48161

FOR IMMEDIATE RELEASE:

MICHIGAN MAN FINDS MISSING PEOPLE FAST

The problem of missing people seems to be growing to epidemic proportions:

For families and friends of those who disappear, the emotional trauma of "not knowing what happened" can be extreme.

For some of those people, Clyde Gunter has provided the answers. Mr. Gunter, 30, is a Lincoln Park, Michigan private investigator who specializes in finding missing people...and in some cases, he succeeds with amazing speed.

For example, Mr. Richard Daggett of Toledo, Ohio had lost contact with his brother. Missing for 35 years, he was located by Mr. Gunter in only 18 minutes, much to the surprise of Mr. Daggett.

In another case, a family asked Mr. Gunter to locate a brother who had been missing for 15 years. Understandably, they were astonished when they received the brother's Stanton, California phone number and address, only 28 minutes after Mr. Gunter agreed to handle the case.

When his abilities came to the attention of P.M. MAGAZINE, Toledo, Mr. Gunter was challenged to find the father-in-law of a viewer who had asked for help. WTOL-TV videotaped the tearful first meeting of a young Ft. Bragg soldier and his father, missing for nearly 23 years. In this case, Mr. Gunter spent only 25 minutes on the telephone before locating the father.

Mr. Gunter has had similar success in finding bail jumpers, children kidnapped by separated parents, and has recently devised a system for locating the biological parents of adopted children. He has also completed an instruction manual that gives step-by-step details on finding missing people.

FOR MORE INFORMATION CONTACT:

CLYDE GUNTER

1592 Garfield

Lincoln Park, Michigan 48146

or Call

(313) 388-4242

FOR IMMEDIATE RELEASE:

LOCATING MISSING PEOPLE REQUIRES CHANGING IDENTITY

On some days he is a minister; on others he might be an insurance salesman, an unemployed friend from the service or perhaps a bereaved widower who stutters. Acting is part of his job, but he isn't an actor. His job is finding missing people.

Clyde Gunter is a 30-year-old private investigator from Lincoln Park, Michigan and his job is to locate lost relatives, children who have been kidnapped by separated parents, bail jumpers and people who have skipped on unpaid bills.

Mr. Gunter says that finding missing people calls for good investigative techniques more than anything else. "People do not simply vanish into thin air....there is always someone who knows where they are," explains Gunter. "The trick is to locate that individual and get them to reveal information that will lead you to the person you want to find."

Many times, however, people protect that information, especially when the missing person is wanted by law. These are cases that call for a change of identity on the part of Mr. Gunter.

In one bounty hunting case, Mr. Gunter posed as a Bible salesman in order to talk with a family who was hiding the location of their son, awaiting trial for armed robbery. After a few minutes, the whole family was on their knees praying in the living room. Everyone was crying, me included. On the way out the door, the mother asked me to pray for her son, the robber, and then she told me where he was hiding. The next day he was in jail.

In another case, a wanted man was located in Canada; the problem was to get him to voluntarily return to the states. By posing as a construction contractor, Mr. Gunter's "job interview" with the wanted man was interrupted by a pre-arranged call. After a brief drive across the border to "meet the other boss and sign the papers," the man was taken by Mr. Gunter who then turned him over to the custody of United States authorities.

Mr. Gunter's files are filled with similar fascinating cases that rival any television detective series....only his are real life stories.

FOR MORE INFORMATION PLEASE CONTACT:

CLYDE GUNTER

~~1592 Garfield~~

~~Lincoln Park, Michigan 48146~~

~~(313) 388-4282~~

or Call

FOR IMMEDIATE RELEASE:

MICHIGAN PRIVATE INVESTIGATOR DEVELOPS METHOD
FOR LOCATING PARENTS OF ADOPTED

Anyone who is adopted and who has tried to find their biological parents can relate stories of frustration. Coping with attorneys, agencies, bureaucratic red tape and complex legal roadblocks is difficult for those who have tried; and many have given up, assuming that it will be impossible to locate their true parents.

For these people, Clyde Gunter may provide a new and successful way to circumvent these obstacles. Mr. Gunter is a Lincoln Park, Michigan private investigator who specializes in finding missing people and recently, by accident, uncovered a method to discover the true parents of adopted children. "So far I have applied this system to several new cases and was surprised to find out it worked each time," says Mr. Gunter.

Although he declines to detail the method, he says that new information indicates it will not only work in nearly all cases, but it will work rapidly. "At the outside, it should take no longer than 90 days, and in some cases, I may be able to have documented proof within a week."

Currently, Mr. Gunter wishes to test the system on other adoptees and would welcome any inquiries.

FOR FURTHER INFORMATION PLEASE CONTACT

CLYDE GUNTER
1592 Garfield
Lincoln Park, Michigan 48466

or Call
(313) 348-4232

FOR IMMEDIATE RELEASE

PARENTAL KIDNAPPING A RAPIDLY GROWING PROBLEM

Recent estimates indicate that anywhere between 25,000 and 100,000 children are stolen by divorced or separated parents every year. Parents who have suffered this tragedy know it is traumatic, not only for them but for the children as well.

One person who is intimately familiar with a number of these families is Clyde Gunter, a private investigator from Lincoln Park, Michigan. Over the last year he has handled over 30 such cases and the problem seems to be growing larger. "Every time I research a new case I run across someone else who tells me about another one."

Recently while talking with a Detroit area sheriff, Mr. Gunter was told about a frantic parent who stopped a school bus and forcibly attempted to abduct a child. Although this parent failed, many more succeed, much to the distress of the parent having legal custody.

"I receive calls from both parents and police alike. The reason is usually the same; the police haven't had the manpower or the resources to handle the case," says Mr. Gunter. Fortunately, the private investigator can many times succeed when law enforcement personnel cannot. "I can cross state lines, assume a new identity to get information from people who won't talk with police and a number of other things that would preclude law enforcement officials from completing the case. Even more importantly, I have the time to devote to a thorough investigation because it's my business," says Mr. Gunter.

Without question the job of locating missing children has its rewards. "It's really a terrific feeling to be there when a parent and a child are reunited. To put a family back together again is just an overwhelming experience."

FOR MORE INFORMATION PLEASE CONTACT

CLYDE GUNTER

~~1592 Garfield~~

~~Lincoln Park, Michigan 48146~~

~~or call~~

~~(313) 388-4282~~

OFFBEAT USA

THE HUMAN SIDE OF THE NEWS

This private detective is master of disguise

LINCOLN PARK, Mich. — Sometimes he's a clergyman. Sometimes he's an insurance salesman, an old Army buddy or a bereaved widower who stutters. Acting is part of Clyde Gunter's job, but he isn't an actor. Gunter, 30, is a private detective and his specialty is finding missing persons — fast. A Toledo, Ohio, man spent 35 years trying to locate his brother, from whom he was separated in



CLYDE GUNTER: He finds missing persons — fast.

childhood. Working on the telephone, Gunter found the man's brother in 18 minutes. Hearing of that incident, WTOL-TV in Toledo challenged Gunter to find the father-in-law of a viewer who asked for help. It took Gunter 25 minutes to locate the man, missing for almost 23 years. Gunter also finds bail jumpers, children kidnapped by separated parents and the natural parents of adopted children. "People do not simply vanish into thin air," Gunter said. "There is always someone who knows where they

are." On a bounty-hunting case, Gunter went to the home of a fugitive armed robbery suspect. The detective posed as a Bible salesman and soon had "the whole family on their knees, praying in the living room," he said. "Everyone was crying, me included." The suspect's mother asked Gunter to pray for her son, and she told Gunter where he was. The next day, the man was in jail.

January 18, 1982

Monroe Tribune

Monroe Man to appear on National T. V.

By Joseph Astro

On December 31, 1981, we printed a story on Clyde J. Gunter and his unusual occupation as a "Bounty Hunter" or "Skip Tracer" as he prefers to be called. Within a week after the story was printed, the nationally televised program, P.M. Magazine picked up the story and contacted Mr. Gunter, wanting to film a sequence for T.V.

According to Tom Marshall of P.M. Magazine, filming of the sequence is to start on Thursday, January 21st and will be aired on

national T.V. the week of February 22nd. Part of the sequence will be filmed on location in Monroe and in Toledo, Ohio.

Mr. Gunter will be working on a missing person case which came in to our office.

In addition to the filming for the P.M. Magazine, Mr. Gunter is currently working closely with a writer on a T.V. series to be tentatively titled "Missing Persons," which has already caught the eye of one producer in New York and another producer in Hollywood, California.

February 8, 1982

Monroe Tribune

Father and Son Reunited after almost 23 years

By Joseph Astro

A lot of hard work goes into finding a missing person, but as we soon found out the end result was worth it all. In order for you to receive the full impact of the story, I am going to recap the chain of events that led to a happy family reunion.

P.M. Magazine of Toledo was in the process of filming a segment for T.V. on Clyde Gunter of Monroe. Clyde has the unusual ability of finding missing people in an incredibly short period of time. Before filming had actually started, P.M. Magazine received a letter from Sandra Scott of Jasper, Michigan, asking them if they could help find her husband's father. She went on to state that her husband had been separated from his father when he was about three months old and that other attempts to contact him or learn of his whereabouts had failed. The letter was given to Clyde to try and find the missing father.

I talked with Tom Marshall of P.M. Magazine and this is what we learned, "I called Clyde at his office in Monroe about 5:45 p.m. on January 27, 1982. I gave him the O.K. to start working on the Scott case, which he had picked up at

our office earlier that same day. Clyde told me that he would start searching for the missing father as soon as he was finished completing some work he had on his desk. I also asked Clyde if he could have a couple of people time him in order to know how long it had taken him to find the missing father. Later on that evening I received a call at my home from Clyde and he told me that he had not only found the missing father in 25 minutes, but that he and two other persons had already paid the father a visit at his home. All that was left to do now was to reunite them together. The son, Mike Scott, was stationed at the U.S. Army Base in Fort Bragg, North Carolina. I talked with the Chaplain on base, explained the situation to him, and he in turn managed to have Mike sent home on a seven day leave. On Friday, February 5, 1982, we picked up the father, Duane Scott and drove him to Jasper, Michigan for the reunion. With tears in their eyes, the father and son were reunited together after almost 23 years."

We agree with Clyde when he said, "the end result was worth it all."

Monroe man has unusual occupation

By Joseph Astro

For many years they were almost unheard of, like the days of the wild west, the Cowboys and Indians, it seemed they were now a part of history. They were an elite group of men, small in number then and even smaller in number now, and known by only one name, "Bounty Hunter."

Recently, I had an opportunity to talk with a modern day "Bounty Hunter" or "Skip Tracer", as they now prefer to be called. His name is Clyde Gunter.

Now 29 years of age, born and raised in Monroe, he is still active in the art of "Skip Tracing." I asked Clyde what "Bounty Hunter" or "Skip Tracer" really was, "there are actually two different definitions, a "Bounty Hunter" is most often always referred to as a person who actively tracks down another person who has a reward or "bounty" on their head (or person) for committing some act of crime. A "Skip Tracer", on the other hand, is usually employed by an attorney or even a creditor, such as a bank, to find a person who might have left town or even the state, with property for which the bank might have a lien on, such as a car. "Bounty Hunter" can also be a person who takes on any job where a reward is being offered. An insurance company may offer a reward for the return of stolen property that they had insured. A bank sometimes offers a reward for information leading to the arrest and conviction of the bank robbers."

I asked Clyde how he got started in this business, "about four years ago a friend, who was a bail bondsman in Ar
Con't. on Page 3

December 31, 1981

MONROE TRIBUNE

unusual occupation

(Con't. from Page 1)

Arbor, approached me and offered me a few hundred dollars to go to Florida with him and help apprehend a fugitive. Upon our return to Michigan with our man, my friend asked if I would be interested in taking a case of my own. He offered me a substantial amount (the reward), which I could not turn down. I didn't know at the time that the man I was going to look for had been gone for some three years and no one had been able to find him. Within 48 hours, I had picked up this particular man in Houston, Texas and returned him to the Washtenaw County Jail, and I've been doing it ever since."

Out of approximately 140 cases Clyde worked on, most of them had been cleared up within 15 days after they were received, which made Clyde one of the most sought after "Bounty Hunters" in the country. His clients came from as far away as California and Florida.

Two of the most fantastic cases I've heard about is where Clyde found some missing relatives in an incredibly short amount of time. I contacted one family and spoke with Mr. Richard Daggett. Mr. Daggett told me that he and Clyde were having a cup of coffee and that he told Clyde about his brother, who they had not seen or heard from in 35 years.

"We had spent almost \$10,000 trying to find him and had no luck at all. Frankly, when Clyde told me he could find my brother, I laughed, but I gave him the information anyway. We went back to my office and Clyde wanted to know if he could use a phone and an empty office. Just before going into the office he asked me to time him. I said O.K., Clyde walked into the office and closed the door. Then 18 minutes later he came back into my office and said, 'Dick, I have already talked with your brother by phone, here's his address and phone number, he's waiting for you to give him a call.' 'I've never seen anything like it,' said Richard. "Thanksgiving was less than a week away and we definitely had a lot to be thankful for."

The second case the family contacted Clyde and offered him a reward to find their brother who had been missing for 15 years. In 28 minutes after receiving the information from the family, Clyde called them back and gave them their brother's phone number and address in Stanton, California.

If there is someone you or your family have been trying to locate and would like Clyde's services contact:

Missing Persons
C/O Monroe Tribune
1241 S. Monroe St.
Monroe, Michigan 48161

THE BLADE Peach Section

TOLEDO, OHIO, TUESDAY, FEBRUARY 23, 1982

I FIND MISSING PERSONS

Meet Clyde Gunther. He's a Monroe, Michigan man who finds missing people. He tracks down all types and he almost always gets his man (or woman)! Join PM's Tom Marshall tonight and learn Clyde's system for locating lost souls!

TONIGHT AT 7:00

LOOK TO
WTOL-TV
TOLEDO

PM
MAGAZINE



Tuesday

5:30 PM to 6:30 PM

- 5:30 **4 NEWS**
9 CAROL BURNETT AND FRIENDS
 —Comedy
 Comedy: a psychiatrist (Harvey Korman) tries to discover why a patient has crying spells; and a mugger (Tim Conway) is arraigned at the same time his latest victim (Carol) is reporting the incident to police.
13 M*A*S*H
 Radar turns disc jockey in an attempt to soothe the nerves. Gary Burghoff.
24 HERE'S LUCY—Comedy
 Lucy and Harry are working as bookies—and they don't even know it! Lucy: Lucille Ball. Harry: Gale Gordon.
30 57 ELECTRIC COMPANY
 —Children
56 ENERGY, TECHNOLOGY AND SOCIETY
62 DARK SHADOWS—Serial
- EVENING
- 6 PM **2 4 7 9 11 13 24 NEWS**
20 STARKY & HUTCH—Crime
 Drama
 A boxer's life is threatened when he

FEBRUARY 23, 1982

PRIME-TIME CHART IS ON A-71

- refuses to throw a fight for a vicious hood. Paul Michael Glaser, David Soul. Spenser: Gary Lockwood. Jeeter: Whitman Mayo. Gavin: Bernard Behrens. Booker: Shaka Cumbuka. Huggy: Antonio Fargas. (60 min.)
30 QUILTING—Instruction
31 BACKSTAGE AT THE GRAND OLE OPRY
 Guests: Roy Acuff, Steve Wariner. Music: "Back in the Country" (Roy).
50 HAPPY DAYS AGAIN—Comedy
 Part 2 of a three-part episode in which the gang travels West to help Marion (Marion Ross) save her uncle's dude ranch from financial ruin. Thunder: Ruth Cox. Blackie: Jason Evers. Richie: Ron Howard. Phil: Brad Wilkin.
56 PATTERNS OF REBIRTH
57 FOCUS ON SOCIETY—Sociology
62 SCENE—Dance
- 6:30 **2 11 CBS NEWS—Dan Rather**
4 13 NBC NEWS—John Chancellor
24 ABC NEWS—Frank Reynolds
30 OVER EASY (CC)
 Lyricist Sammy Cahn. (Repeat)
31 TAVI—Discussion
 Russ Larson and Jeff Duncan of the

I FIND MISSING PERSONS



Discover a Monroe, Michigan man with a unique occupation...he tracks down missing persons. Some run from the law, others are separated from their families, but most are tracked down by our man. Tonight Tom Marshall tracks down Clyde Gunter of Monroe!

TONIGHT AT 7:00

WTOL-TV
TOLEDO

PM
MAGAZINE

Clyde Gunter

*A General Investigative
& Security Service*

CONFIDENTIAL INVESTIGATIONS
EXECUTIVE PROTECTIVE SERVICES
POLYGRAPH EXAMINATIONS

20142 Ecorse Road
Taylor, MI 48180

(313) 277-8400



TITLE: "Missing Persons Bureau of Investigation" -
designates an investigative agency devoted
solely to the efforts of finding missing
people.

EAGLE: Gold in color, with its crested Red, White &
Blue shield, will signify the concern of the
American People as a whole.



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