



# COUNTY OF UNION

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Robert E. Barry, Esq., County Counsel

April 21, 2011

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Via Facsimile 434-978-1789 & Regular Mail

Douglas R. McKusick, Esq.  
The Rutherford Institute  
International Headquarters  
PO Box 7482  
Charlottesville, VA 22906

**RE: Use of the Seal of the County of Union/Union County  
Citizen's Forum**

Dear Mr. Mckusick:

As promised, I respond to the substance and argument of your letter dated April 5, 2011. For your information, this Seal is in fact now trademarked.

I do not believe your position is one of merit. The seal of the County of Union is: (1) trademarked under Federal Law and the New Jersey Statute you cite precludes use of the Counties "insignia" by others; and (2) required by New Jersey statute to exist as the official seal of the County of Union and required on all official documents. Furthermore there is no impairment of your client's first amendment right.

First, the cases you cited are inapposite. They deal with commercial matters regarding the provision of goods and services. Each case deals with a commercial entity and a competitor or business interest. They do not deal with a governmental entity that is, by law, required to have an official seal as is the case here.

Second, N.J.S.A. 40A:9-66 requires our County Clerk to have an official seal of the county. It must be used on all official documents. Id. N.J.S.A. 56:3-13.29(c) prohibits a third party, such as your client, from registering a mark that uses such an insignia. Indeed, N.J.S.A. 52:2-4 makes unauthorized use of the State seal a crime. It is clear, therefore, that the County is justified in its position and demand to entities you do not represent and your demand is rejected.

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## COUNTY OF UNION

Finally, there is no impairment of a First Amendment right here. The County has not chilled expression in any way. Unauthorized use of its seal in no way inhibits expression or criticism. The County of Union simply is protecting its official seal, protected by trademark, from direct and unauthorized use.

Please be guided accordingly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'NWA', is written over the typed name.

NORMAN W. ALBERT  
First Deputy County Counsel

NWA/tp