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**APPROVED**  
**JUN 30 1976**

86/30/46

**THE WHITE HOUSE**  
**WASHINGTON**  
**June 28, 1976**

**ACTION**

**Last Day: July 2**

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

S. 3475-Display of Historical Documents in Capitol

Attached for your consideration is S. 3475, sponsored by Senator Cannon. The enrolled bill would authorize the Architect of the Capitol to display within the Capitol during the Bicentennial year, the historical drawings which resulted from the architectural competition held in 1793 for the design of the Capitol building.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 3475 at Tab B.

*Printed  
6/30  
30 Analysis  
6/30*



7000 5 7 1976



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 24 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3475 - Display of historical documents  
in Capitol  
Sponsor - Sen. Cannon (D) Nevada

Last Day for Action

July 2, 1976 - Friday

Purpose

To authorize the Architect of the Capitol to display certain drawings within the Capitol Building.

Agency Recommendations

Office of Management and Budget

Approval

Discussion

S. 3475 would authorize the Architect of the Capitol, with the approval of the Joint Committee on the Library, to place on display within the Capitol Building during the Bicentennial year, the historical drawings which resulted from the architectural competition held in 1793 for the design of the Capitol Building. It would also authorize the Architect, under the direction of the Joint Committee, to make arrangements for the protection of the drawings.

The various drawings submitted in connection with the 1793 competition are now in the possession of the Maryland Historical Society. Current law provides that "no work of art or manufacture other than the property of the United States" shall be exhibited in the corridors of the Capitol. Accordingly, the enrolled bill is necessary to suspend the statutory prohibition and allow these historical documents to be placed on display.

*James M. Frey*  
Assistant Director  
for Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 25

Time: 100am

FOR ACTION: Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 25

Time: 430pm

SUBJECT:

S. 3475 - Display of historical documents in Capitol

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 25

Time: 100am

FOR ACTION: Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 25

Time: 430pm

SUBJECT:

S. 3475 - Display of historical documents in Capitol

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 6/25/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
for the President

THE WHITE HOUSE  
WASHINGTON

June 25, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *W.6*  
SUBJECT: S. 3475 - Display of historical documents in Capitol

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be signed.

Attachments

To-  
J. Cannon  
6-24-76  
4:30 p.m.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

JUN 24 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3475 - Display of historical documents  
in Capitol  
Sponsor - Sen. Cannon (D) Nevada

Last Day for Action

July 2, 1976 - Friday

Purpose

To authorize the Architect of the Capitol to display certain drawings within the Capitol Building.

Agency Recommendations

Office of Management and Budget

Approval

Discussion

S. 3475 would authorize the Architect of the Capitol, with the approval of the Joint Committee on the Library, to place on display within the Capitol Building during the Bicentennial year, the historical drawings which resulted from the architectural competition held in 1793 for the design of the Capitol Building. It would also authorize the Architect, under the direction of the Joint Committee, to make arrangements for the protection of the drawings.

The various drawings submitted in connection with the 1793 competition are now in the possession of the Maryland Historical Society. Current law provides that "no work of art or manufacture other than the property of the United States" shall be exhibited in the corridors of the Capitol. Accordingly, the enrolled bill is necessary to suspend the statutory prohibition and allow these historical documents to be placed on display.

*James M. Frey*  
Assistant Director  
for Legislative Reference

Enclosures

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RELATING TO THE DISPLAY OF CERTAIN HISTORICAL  
DOCUMENTS WITHIN THE U.S. CAPITOL BUILDING  
DURING THE CALENDAR YEAR 1976

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JUNE 3, 1976.—Ordered to be printed

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Mr. CANNON, from the Committee on Rules and Administration,  
submitted the following

## REPORT

[To accompany S. 3475]

The Committee on Rules and Administration, to which was referred the bill (S. 3475) relating to the display of certain historical documents within the United States Capitol Building during the calendar year 1976, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

S. 3475 would authorize the Architect of the Capitol, with the approval of the Joint Committee on the Library, to place on display within the United States Capitol Building during the Bicentennial year the historical drawings which resulted from the architectural competition held in 1793 for the design of the Capitol Building.

Section 1815 of the Revised Statutes of the United States (40 U.S.C. 189) provides:

**No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol.**

S. 3475 would in effect suspend that provision for the sole purpose of permitting the Architect to display these historical documents, which are not presently the property of the United States.

The various drawings that were submitted by the entrants to the competition held in 1793 for the original design of the Capitol Building are now in the possession of the Maryland Historical Society. It is understood that they were given to the Society by the heirs of Benjamin Henry Latrobe, the second Architect of the Capitol (1803-1817). The present Architect of the Capitol, George M. White, notes

that his office and the Library of Congress are actively interested in exploring further the initial overtures that have been made regarding permanent acquisition of these documents by the government.

Mr. White states that the Maryland Historical Society has agreed to lend the historical drawings to the Architect of the Capitol for display during the summer of this year. He proposes to display them in the Crypt area immediately below the Rotunda, where security measures are in operation for the existing display.

Additional information relative to the purposes of S. 3475 is contained in a letter addressed to Senator Howard W. Cannon, Chairman, Joint Committee on the Library, by George M. White, Architect of the Capitol, and in a letter addressed to Mr. White by Mrs. Romaine Stec Somerville, Assistant Director/Curator of the Maryland Historical Society, which letters are as follows:

THE ARCHITECT OF THE CAPITOL,  
Washington, D.C., April 20, 1976.

HON. HOWARD W. CANNON,  
Chairman, Joint Committee on the Library,  
Washington, D.C.

DEAR MR. CHAIRMAN: The various drawings that were submitted by the entrants to the competition held in 1793 for the original design of the Capitol have been loaned by the Maryland Historical Society to the American Institute of Architects for an exhibition which is now in effect at the Octagon House.

Because of the significance of these drawings to the history of the Capitol, it seemed appropriate, especially in this bicentennial year, to arrange for a similar exhibition here in the Capitol. Upon my inquiry, the Maryland Historical Society has agreed to such a loan for the summer of this year. I therefore propose to display the drawings in the Crypt area immediately below the Rotunda, where we have security measures in operation for the existing display.

As you know, 40 USC 189 provides that "No work of art or manufacture other than the property of the United States shall be exhibited in the National Statutory Hall, the Rotunda, or the corridors of the Capitol."

Also, 40 USC 188 provides that "The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the capitol."

It is evident that, as submissions to the government for the 1793 competition, with no provision for title to remain in the individual competitors, the items that comprise this exhibit were at one time the property of the United States. There is, further, some ambiguity with regard to how the documents came into the possession of Benjamin Henry Latrobe, the second Architect of the Capitol (1803-1817), whose heirs gave them to the Maryland Historical Society. Even though the documents may have been abandoned or perhaps given to Latrobe, since they were indeed originally the property of the United States, they are thus distinguishable, in my judgment, from other items that are not and have not been so titled.

It is perhaps also worthy of note that the Library of Congress and this office are actively interested in exploring further the initial overtures that have been made regarding permanent acquisition of these documents by the government.

Thus, because of their special nature, it is my judgment that permitting their exhibit would set no adverse precedent that would preclude the government from the future enforcement of 40 USC 189, and I therefore recommended the approval by the Joint Committee on the Library of the proposed bill to provide for that exhibition.

Cordially,

GEORGE M. WHITE, FAIA,  
*Architect of the Capitol.*

MARYLAND HISTORICAL SOCIETY,  
*Baltimore, Md., April 22, 1976.*

MR. GEORGE M. WHITE, FAIA,  
*Architect of the Capitol,*  
Washington, D.C.

DEAR MR. WHITE: At their last regular meeting, the Gallery Committee of the Maryland Historical Society recommended approval of your request to borrow the drawings for the Capitol from the Capitol Competition of 1792, owned by the Maryland Historical Society, for an exhibition to be held from June 18 to September 7, 1976 at the United States Capitol, provided that your office will assume responsibility for the packing and transportation of the drawings from the Octagon to the Capitol; and provided that at the close of the exhibition at the Capitol on September 7, 1976, the above drawings be immediately shipped to: New Orleans Museum of Art, P.O. Box 19123, City Park, New Orleans, Louisiana 70179, to the attention of: E. John Bullard, Director, for an exhibition which is scheduled to open on September 10, 1976; and provided that the staff of the New Orleans Museum be given access to the drawings during the exhibition to prepare shipping containers, etc. This recommendation was approved by the Council on the Society on April 19, 1976.

Loan forms for your signature (with confirmation of insurance value) will follow shortly.

Sincerely,

(Mrs.) ROMAINE STEC SOMERVILLE,  
*Assistant Director/Curator.*

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# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

Relating to the display of certain historical documents within the United States Capitol Building during the calendar year 1976.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing contained in the provisions of section 1815 of the Revised Statutes of the United States (40 U.S.C. 189), or any other law, shall be construed as prohibiting the Architect of the Capitol, during the Bicentennial year from displaying, in such manner and within such area of the United States Capitol Building, as the Architect of the Capitol, with the approval of the Joint Committee on the Library, shall determine, the historical drawings which resulted from the architectural competition held in 1793 for the design of the United States Capitol Building.

Sec. 2. For the purpose of displaying such historical drawings in the United States Capitol Building, the Architect of the Capitol, under the direction of the Joint Committee on the Library, is authorized to enter into such arrangements or agreements as may be necessary in order to assure the protection of the aforementioned drawings while such drawings are under his supervision.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*