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# Our Sunday Inaugurations

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January 20, 1985, marks only the sixth time in American history that inauguration day has fallen on a Sunday. And it isn't just any other Sunday either. The National Football League has scheduled Super Bowl XIX in Miami the same day—creating what one newspaper at first glance saw as a “terrible” scheduling conflict. The newspaper observed tongue and cheek that, at the risk of trivializing the Constitution, Congress could avoid such a dilemma by approving a new constitutional amendment stipulating that inaugurations would take place on January 20 except those years when they conflict with the Super Bowl.<sup>1</sup>

Thanks to tradition, Congress need never resort to such a drastic action. With five historic precedents as the guide, it was a foregone conclusion, months in advance, to those closely involved with plans for the 1985 inauguration that a private swearing in ceremony would take place on Sunday, January 20.<sup>2</sup> The public spectacle awaited by much of the Nation would unfold the following day at noon when both the President and Vice President would repeat the ceremony before a throng of thousands on the steps of the Capitol.

The grand ceremony taking place on January 21, due in large part to the event's pageantry and to the delivery by the President of his inaugural address to the Nation, is a major “media event.” Still, while it is simple and private, the official swearing-in ceremony on Sunday is constitutionally far more important. It provides the President with the authority to exercise his duties as Chief Executive a day before the public ceremony, thus ensuring that the country is never without a President.

## **Constitutional Uncertainty**

The Constitution, of course, makes no provision for a President to begin his term by taking the oath of office on more than one occasion. The practice of repeating the ceremony instead has evolved because: (1) Sunday has been considered a “legal holiday” since the colonial era when emigrants from England brought this common law tradition to America;<sup>3</sup> and (2) an obvious need for the country to avoid an interregnum between the end of one presidential term and the beginning of the next.

In drafting the Constitution, the Framers specified that the President “shall hold his Office during the Term of four Years.”<sup>4</sup> No mention was made as to when the Presidential term was to commence. It was not until September 13, 1788, that the

\* *The author is grateful for the generous advice and assistance of his colleague Dr. Harold C. Relyea.*



Continental Congress designated the first Wednesday in March, 1789, as the date when the government under the new Constitution was to begin.<sup>5</sup> As it happened, the first Wednesday of March, 1789, fell on the fourth day of the month.

With the enactment of the Succession Act of 1792, March 4 was officially designated as the date upon which the President would assume the office.<sup>6</sup> This law did not, however, specify the time of day at which the ceremony would take place. The Twelfth Amendment, ratified in June, 1804, reiterated the March 4 inaugural date, but once again no reference was made regarding the exact hour at which terms should begin and end.<sup>7</sup>

This ambiguity was to continue well into this century. Not until the ratification of the Twentieth Amendment on February 3, 1933, could it be said definitely and authoritatively at what hour, under the Constitution, a President ceased to be Chief Executive. Not only did this amendment change Inauguration Day from March 4 to January 20, it also specified that the terms of President and Vice President would begin at noon on January 20. Prior to 1849, it was assumed that a President's term ended at midnight on March 3; in later years, at noon of March 4.

Fortunately, no President ever differed with Congress on this point. Had a difference of opinion arisen "between a Congress of one party and a President of another—if any President had insisted on taking the oath at five minutes after midnight of March 3, and if Congress had insisted on passing bills up to noon of March 4—an unfortunate conflict might have resulted."<sup>8</sup> Instead a workable and practical precedent emerged amidst the anxiety and controversy that has occurred when inauguration day has fallen on a Sunday.

#### **Monroe Precedent**

Although the Supreme Court was never called upon to render an official decision that would have settled the question, Chief Justice John Marshall did offer a significant opinion on the question early in the Nation's history. When inauguration fell on a Sunday for the first time in 1821, President James Monroe sought the counsel of John Quincy Adams, his Secretary of State. Adams, like Monroe, was also uncertain as to the propriety of the President beginning his second term on the Christian Sabbath—a day on which court could not be held and legal business could not be transacted. Seeking an official opinion, Adams sought the advice of Chief Justice Marshall.

Marshall, after conversing with his Supreme Court colleagues, determined that since the "[C]onstitution only provides that the President shall take the oath it prescribes 'before he enters on the execution of his office,' and as the law is silent on the subject, the time seems to be in some measure at the discretion of that high officer." As a consequence he perceived "an obvious propriety in taking the oath as soon as it can be conveniently taken, and thereby shortening the interval in which the executive power is suspended. But some interval is inevitable. The term of the actual President will expire, and that of the President elect commence, at twelve in the night of the 3d of March."<sup>9</sup>

Presidents, the Chief Justice explained, had usually taken the "oath at mid day on the 4th. Thus there has been uniformly & voluntarily an interval of twelve hours



during which the Executive power could not be exercised." He felt that on occasion this interval might be "unavoidably prolonged even longer." Circumstances might arise that would "prevent the declaration of the person who is chosen until it shall be too late to communicate the intelligence of his election until the 4th of March." This, Marshall wrote, had "occurred at the first election."

"Undoubtedly, on any pressing emergency the President might take the oath in the first hour of the 4th of March," Marshall concluded, but it has never been thought necessary so to do, & he has always named such hour as he deemed most convenient." For these reasons he was in "favor of postponing the oath till Monday unless some official duty should require it being taken on Sunday."<sup>10</sup>

When the Joint Congressional Committee called upon Monroe on February 26 to officially inform him of his election, the President, acting on Marshall's advice, told them of his intention to take the oath of office on Monday, March 5. The only question that remained "undetermined," Adams wrote in his *Diary* that evening, was whether or not the President should deliver an inaugural address.<sup>11</sup>

For the Secretary of State, Sunday, March 4, was "a sort of interregnum, during which there was no person qualified to act as President, an event of no importance now." He readily conceded that such an interregnum in the future, however, "might be far otherwise under supposable circumstances."<sup>12</sup>

An immense crowd filled the Capitol the following day for the inaugural ceremonies in the House of Representatives.<sup>13</sup> Vice President Daniel D. Tompkins, who, because of ill health, was not in Washington at the time and knew nothing of President Monroe's concern, was sworn into office privately at his residence near New York City on Saturday, March 3. After he learned of the President's intentions, Tompkins took the oath again the following Monday.<sup>14</sup>

### A Day Without a President

Twenty-eight years later, when inauguration day again fell on a Sunday, President-elect Zachary Taylor, along with Vice President-elect Millard Fillmore, chose to follow Monroe's precedent. Both waited until noon on Monday, March 5, 1849, to take their respective oaths. When Taylor announced his intention to take the oath on Monday it was reported in the Senate and the House without comment.<sup>15</sup> That decision proved to be an uneventful one.

Uncertainty over exactly when outgoing President James K. Polk's term expired and the Thirtieth Congress actually terminated would, within days, prompt a vigorous debate at the Capitol. On the evening of March 3, Congress remained in session throughout the night. When the proceedings continued past midnight, several Senators considered it appropriate to express their belief that, although the Senate functionally remained in session, its authority and that of the outgoing President had in fact ended at the stroke of twelve.

Senator Hopkins L. Turney of Tennessee even went so far as to suggest that "at the very moment that the third day of March terminated," the nation was "without a Chief Magistrate; and all the power pertaining to that office fell upon the presiding officer" of the Senate.<sup>16</sup> Finally, shortly before seven o'clock the following morning, Congress adjourned.<sup>17</sup>

It was a long night for the retiring President, James K. Polk, as well. Reflecting on his final hours in office, Polk tells us that at about sunset on Saturday March 3, 1849, he and his Cabinet left for the "Capitol, as [was] usual on the last night of the Session of Congress so that" he would "be convenient to Congress to receive such Bills as might be passed and presented to him for his signature."<sup>18</sup> He carried with him that evening two veto messages which he anticipated using if Congress appropriated any monies for internal improvements or any legislation containing the Wilmont Proviso excluding slavery in the territory recently acquired from Mexico.<sup>19</sup>

Polk's anxiety was further heightened by the fact that he was "under the impression that, without critical examination of the subject, [his] official term as President of the U.S. would expire at midnight." When the debates in the House and Senate continued past midnight Polk became increasingly uneasy. After pondering the question of when his term expired, he was finally persuaded by several members of his Cabinet, as well as Congressmen, to remain at the Capitol. They emphasized that the Constitution provided that the "President shall hold his office for the term of four years, and as [he] had not taken the oath of office until between the hours of 12 and 1 O'Clock on the 4th of March 1845, [his] term of office would not expire until the same hour on the 4th of March, 1849."<sup>20</sup>

Despite the arguments of other members of his Cabinet and Congress, who were insistent that he should have retired at midnight, Polk continued to sign bills in the Vice President's Room "until between 3 & 4 O'Clock," when he finally left for his quarters at Willard's Hotel. At 6 a.m., in his parlour at the Willard, he signed the two bills Congress had approved since he had returned from the Hill. Neither of them contained the provisions which he opposed. For Polk, who was "exceedingly relieved" to be "free from all public cares," this marked the close of his "official term as President."<sup>21</sup>

The problem was that his successor had not yet taken the oath of office. Given the confusion of the hour, it is not surprising that Zachary Taylor's decision to delay his inaugural day would eventually give rise to an apocryphal story that David R. Atchison, President *pro tempore* of the Senate, had served as President of the United States during Sunday, March 4, 1849. Under the provisions of the Presidential Succession Act of 1792, "in case of removal, death, resignation, or inability of both the President and Vice President of the United States, the President of the Senate" stood next in line of succession. Since Atchison was President *pro tempore* of the Senate on the morning of March 4, and Taylor did not take the oath of office until the afternoon of March 5, the myth of "President" Atchinson was born.

"Few words," as George H. Haynes has shown, "are needed to dispose of any claim for a place for Atchison in the line of presidents. Atchison's term as Senator had expired with the ending of the thirtieth Congress, early on the morning of Sunday March 4." When the Fourteenth Congress convened the following day, the first motion approved by the Senate called for the "oath of office [to] be administered by the honorable Thomas H. Benton to the honorable David R. Atchison, *Senator elect* from the State of Missouri; and that he be, and hereby is, chosen President of the Senate *pro tempore*."<sup>22</sup>

This means, Haynes argues, that from about seven on Sunday, March 4, when the Thirteenth Congress adjourned, until the initial vote of the subsequent Congress



was registered on Monday, “neither Atchison nor anyone else was president *pro tempore* of the Senate. That office was vacant.”<sup>23</sup> If that is true, who then, was President?

“It is clear,” Haynes found, “that neither Polk himself nor the Senate Committee on [Inaugural] Arrangements, nor the compiler of the *Congressional Globe*, nor the writers of daily papers . . . regarded Polk as President after 1 p.m., March 4, at the latest.” Each “one of them took great pains to refer to Zachary Taylor as ‘the President-Elect’ until he had actually taken the oath.” The *Senate Journal* of March 5, however, “used more discriminating language. It referred to Taylor as ‘the President of the United States’ three different times prior to his inauguration.”<sup>24</sup>

According to Charles Warren, late historian of the Supreme Court, the Constitution, required that the prescribed oath or affirmation be taken by Taylor before he could “‘enter upon the execution of his office,’ *not* ‘before he shall become President.’” Relying on the theory that he did not become President until he took the oath of office on March 5, Warren contends, Taylor would, “under the peremptory provisions of the Constitution—‘He shall hold his office during the term of four years’—then have been entitled to hold office until March 5, 1853. Such a possible result is, of course, quite out of the question.”<sup>25</sup>

Reflecting on Taylor’s decision to postpone his inauguration, Senator Lewis Cass of Michigan told his Senate colleagues in 1851 that Taylor’s term had actually commenced on Sunday March 4, 1849, even though he was not sworn in until Monday. Taylor, Cass stressed, “had just as much right to be sworn in at one o’clock in the morning of Monday, as he had at ten, eleven, or twelve o’clock. If this had occurred, “then this strange anomaly would result, that we should have two Presidents from the time the new one is sworn in until twelve—two lawful Presidents of the United States.”<sup>26</sup>

### Two Presidents for a Day

Although Cass’ scenario never materialized in 1849, it did become a reality some three decades later. Following the presidential election of November 7, 1876, which pitted Republican Rutherford B. Hayes against Democrat Samuel J. Tilden, the latter emerged with a popular majority of more than a quarter of a million votes, but one electoral vote short of 185 needed to win the White House. Late in January 1877, when the electoral votes of several States still remained in dispute, Congress established a special Electoral Commission to resolve the issue. Not until March 2 was the Commission’s report accepted by Congress and Hayes elected President by a single electoral vote (185–184).<sup>27</sup>

Almost immediately there were accusations that Tilden had been cheated out of the presidency and rumor had it that Hayes would never be permitted to take the oath. There was even “wild talk of an army of Democrats a thousand strong marching to Washington to do battle if necessary to prevent the infamy of a man not the choice of the people being made President by fraud,” chronicled *Harper’s Weekly*.<sup>28</sup>

Anxiety was further intensified by the fact that inauguration day in 1877 fell on a Sunday. Several newspapers expressed the opinion that it would be necessary for Hayes to take the oath of office privately on March 4, to make sure the nation did not pass even one day without a President. Others “seriously argued that in event



of an attempted coup or other commotion the Republic might fall, if there were no 'Constitutional President' sworn in as of March 4."<sup>29</sup>

Hayes did not entirely share these concerns and had faith that the country as a whole would accept the verdict of the Electoral Commission.<sup>30</sup> Nevertheless, soon after he arrived in Washington on Friday, March 2, he felt it advisable to discuss the question with President *pro tempore* of the Senate Thomas W. Ferry. In view of the circumstances, Senator Ferry suggested that it would be well for Hayes to take the oath prior to the expiration of President Grant's administration. Taking all precedents into consideration it was also decided that the "administration of the oath on Sunday would not invalidate it," and that the inaugural ceremonies might follow the next day.

With these points agreed upon, the administration of the oath by the Chief Justice was tentatively planned for noon Sunday, in the Senate Chamber.<sup>31</sup> But then, during the next few hours, President Grant and Secretary of State Hamilton Fish, who both feared the consequences of even a brief technical interregnum persuaded Hayes to take the oath privately at the White House. On Saturday evening, while attending a state dinner in his honor, the President-elect was secretly taken to the Red Room where, in the presence of Grant, Fish, and Senator John Sherman, Chief Justice Morrison B. Waite administered the presidential oath to Hayes at seven o'clock.<sup>32</sup> From that hour until noon on Monday, the United States, for the first time and only time in its history, had two Presidents.<sup>33</sup>

As Washington journalists scurried about the following morning to verify rumors of the secret oath taken at the White House, the enemies of the new President were equally busy circulating an apocryphal story that Tilden has also taken the presidential oath Saturday night, in New York.<sup>34</sup> A few hours later, at noon, Hayes repeated the oath on the East Front of the Capitol, before an estimated crowd of some thirty thousand, without serious incident.<sup>35</sup>

### Woodrow Wilson's Second Inauguration

Amidst the headlines accompanying the publication of the Zimmermann telegram, Woodrow Wilson's Sunday inauguration of March 4, 1917, was but a momentary interlude in the otherwise grave business at hand. Three days earlier, a shocked and indignant American people had first learned of the German Government's proposal, in the event of war between the countries, to seek an offensive alliance with Mexico and Japan; with Mexico to have Texas, New Mexico, and Arizona as its reward.<sup>36</sup>

The Zimmermann disclosure was still fresh in everyone's mind when Wilson arrived at the Capitol on the morning of March 4, around 10:45. He spent the next hour and a quarter in the President's Room signing bills and working on other administrative matters.<sup>37</sup> Meanwhile, only a few feet away in the Senate Chamber, "a little band" of filibusters led by Senator Robert LaFollette were busily working to defeat the Administration's demand for congressional support for arming American merchant vessels for protection against possible U-boat attacks following the rupture of diplomatic relations with Germany.<sup>38</sup>

During those final hours of the Sixty-fourth Congress, the scene in the Senate Chamber was, reporters said, one of the most dramatic in the history of the institu-

tion. "Most Senators had sat through the night and were dishevelled and unshaven. The floor was littered with paper, half chewed cigar stumps, bits of sandwiches, and other debris. Senators were angry, petulant, and ill-mannered."<sup>39</sup>

At noon, Congress adjourned, without the Senate ever having voted on the Administration's bill. Wilson had watched and waited with mounting frustration and irritation as the filibuster unfolded.<sup>40</sup> At four minutes past noon, Chief Justice Edward D. White administered the oath of office to Wilson. Witnessing the ceremony were Mrs. Wilson (the only woman to attend the ceremony),<sup>41</sup> the President's Cabinet, the chairman of the Democratic National Committee, and a few invited guests. The doors to the room were heavily guarded by the Secret Service, but were left so many of those in the adjoining corridor could see as well.

Afterwards, Wilson briefly accepted congratulations, and then returned to what remained of his work. Although he "had not said anything, everyone seemed perfectly aware that he did not wish any formalities or congratulations and wanted the whole thing to be business-like and as informal as possible."<sup>42</sup> Wilson's decision to take the oath on Sunday apparently was made soon after he had severed diplomatic relations with Germany in early February.<sup>43</sup> He took this "precaution even though he [had] been assured by the State Department that it would be entirely proper and regular for him to wait until the public ceremonies" were held on Monday.<sup>44</sup>

The "simple ceremony" at the Capitol on March 4 was also more to his and his wife's liking than the formal ceremony which would follow.<sup>45</sup> As the Wilsons left the Capitol that Sunday afternoon, the Secret Service cleared a way through the large crowd which had gathered to see the First Family applauded.<sup>46</sup> Meanwhile, a tired Vice President Thomas Marshall spent the entire day quietly with his wife and a few friends from Indianapolis in his apartment at the Willard Hotel. He "had no appointments for the day and received no calls."<sup>47</sup>

Monday, March 5, was clear and cold. It was also the day, according to the *New Times*, that the "President Rode in a Lane of Steel." Not since Lincoln's first inauguration, fifty-six years earlier, had so many precautions been taken to guard the life of the President. Pennsylvania Avenue was lined with bronzed troops fresh from duty on the Mexican border. Plain-clothes men were stationed on the rooftops overlooking the avenue and the Capitol. There were Secret Service men, detectives, and policemen everywhere.<sup>48</sup> The public ceremony on the Capitol steps that day was but a momentary interlude in the grave business facing the nation.

### **A Private Ceremony at the White House**

Unlike the three previous instances when the President and Vice President took their oaths on different days, both Dwight D. Eisenhower and Richard M. Nixon were both officially administered their oaths for a second term on Sunday, January 20, 1957. Their three-minute ceremony, which began at 10:26 a.m. in the East Room of the White House, was witnessed by an audience of some eighty "relatives, close friends, high-ranking White House officials, maids, ushers, and cooks."<sup>49</sup> The media was barred from the ceremony. A lone Navy photographer recorded the historic scene.<sup>50</sup>

Although the Eisenhower Administration faced neither the domestic nor inter-



national crises that confronted Presidents Hayes and Wilson when their respective inaugurations fell on a Sunday, the private ceremony of 1957 did have a controversy of sorts. Both Eisenhower and Nixon "considered it necessary to take their oaths" on Sunday "lest some major action be necessary in advance of the ceremony for the public which would take place at noon the following day."<sup>51</sup> The problem was, who should be invited to the intimate oath taking at the White House?

Initially, White House Press Secretary James Hagerty announced that newsmen would be admitted to the private ceremony and there would be no objection to television and radio broadcasts.<sup>52</sup> Then, on January 9, the White House reversed itself and "ruled" that Eisenhower and Nixon would take their oaths in a private White House ceremony with only their families present. This decision, Hagerty explained, had become necessary because an overwhelming number of requests to attend had been received from the media.<sup>53</sup> Subsequent appeals were to have no effect on the President's decision.<sup>54</sup>

The press, as might be expected, took a rather dim view of Eisenhower's refusal to let newsmen and cameramen witness the official ceremony at the White House. Washington's *Evening Star* characterized the decision as "unwise and unjustified." The American people, the *Star* reasoned, had "a complete and legitimate interest in the ceremony, and that for historical and other reasons it should be made available to them." It was disappointing "that an erroneous decision [had] remained unchanged, for it is not in keeping with the personal characteristics of the President who had won himself so high a place in the affectionate regard of his countrymen."<sup>55</sup>

Washington's *Post* saw the Eisenhower's gesture as "an affront to the electorate for which the public 'retake' of the swearing in on Monday [would] not altogether compensate." This is the "first time in recent history," the *Post* reminded its readers, that a President of the United States has taken the oath in complete privacy. Even in times of great stress and emergency, as when President Truman took the oath shortly after President Roosevelt died, the press has been on hand.<sup>56</sup>

A second *Post* editorial, published immediately following the inauguration, further chided Eisenhower for setting "a poor precedent which [they] hoped none of his successors would follow." The *Post* believed that the "doors might never be closed upon the acceptance of the highest honor and weightiest responsibility the people of this nation have in their power to bestow."<sup>57</sup>

Although the *Christian Science Monitor* readily acknowledged that the "glare of the lights" upon a President "is merciless," his inauguration was "public business." If only "one representative of the media [had] been called upon to represent the public in reporting of the public business, one lens to record the scene in the hands of a press or TV photographer," it "would have been sufficient to give the public a chance to observe and record this public business." What troubled the *Monitor* most was that in recent years there had been a growing trend toward secrecy in government. "This is why the newspaper and radio and TV people took seriously the privacy of the ceremonies in the White House" as yet another symbol of that trend.<sup>58</sup>

Looking at the President's dilemma considerably more sympathetically, an anonymous *Monitor* writer suggested there were several sound reasons for Eisenhower's deci-



sion. If the "trappings" of the media would have been included, "the quiet little ceremony would have become a big noisy event with the nation watching on TV. The popularity of the Monday ceremonies, parade and all would have been seriously undercut."<sup>59</sup>

Amid this uproar there was also considerable confusion among the media as to exactly what would happen if Eisenhower waited until Monday to be sworn into office. For some, Speaker of the House Sam Rayburn would become President for a day, others were not even sure their would be a Chief Executive between March 4, when Eisenhower's first term expired, and March 5, when he was to take the oath on the East Front of the Capitol.<sup>60</sup>

Then there was *The New York Times* which saw all the concern as being entirely unwarranted. "Of the four preceeding Presidents whose term began on a Sunday, Rutherford B. Hayes and Woodrow Wilson were the only ones who took the precaution to be sworn in on that day. James Monroe and Zachary Taylor didn't bother, and nobody worried too much about it."<sup>61</sup>

Since Eisenhower never bothered to record his thoughts on his Sunday inauguration and its accompanying intrigue, all we are left with is the public record. What we do know is that at twenty-three minutes past noon on Monday, January 21, Eisenhower once again swore to "faithfully execute the office of President" and to "preserve, protect and defend the Constitution of the United States."<sup>62</sup>

### Conclusion

Ironically, the Constitution of the United States says nothing whatsoever about the manner in which the President shall take office, yet the lavish celebration accompanying the ceremony has become, in the minds of many as significant as the oath itself. Still, with all its pomp and politics, the formal inauguration on Capitol Hill plays a legitimate role in the American democratic process and offers the best affirmation available of Lincoln's view that "when an election is past, it is altogether fitting a free people, that until the next election, they should be one people."<sup>63</sup>

An American presidential inauguration provides an opportunity for at least a small portion of the electorate to glimpse in the flesh the men they have chosen to make fateful decisions for their Nation. It has proven to be "a healthy middle ground between a coronation and a coup d'etat."<sup>64</sup> In order to preserve this tradition, when inauguration day has fallen on a Sunday, the public investiture has merely been postponed until the next day.

Obviously this latter practice, as John Quincy Adams wisely noted in 1821, could at some future point result in a dangerous interregnum, during which no one would be qualified to act as President. The wisdom of Rutherford B. Hayes's action in not allowing such a precedent to occur in 1877 was amply justified by the subsequent actions of Woodrow Wilson in 1917 and Dwight D. Eisenhower in 1957. By also allowing the public ceremony to go forth as scheduled, they were equally judicious.

To their credit, Hayes, Wilson, and Eisenhower recognized the propriety of assuming the duties and obligations of the Presidency without allowing an interregnum to occur. Through their actions they also acknowledged the inner strength our nation has gleaned from the peaceful, orderly, transfer of power at our quadrennial inaugural ceremonies on the Capitol steps.

## Notes

1. ". . . But Next Time," *Boston Globe*, January 24, 1981, p. 8.
2. "President's Oath Will Be Taken Twice Next Year," *Washington Post*, September 26, 1984, p. A15; and "The Super Rumor," *New York Times*, September 18, 1984, p. A24.
3. *American Jurisprudence* (Rochester, 1974), v. 73, p. 784. See also "Sunday Laws," *American Law Review* 2 (Jan. 1868): 226-239; William Lee O'Malley, "Validity of Contracts Executed on Sunday," *Notre Dame Lawyer* 5 (April/May 1930): 385; Angelo T. Freedley, "The Legal Effect of Sunday," *American Legal Register* 19 (March 1880): 137-145, (April 1880): 209-215; J. G. Woerner, "Sunday and Sunday Laws," *American Law Review* 18 (Sept./Oct. 1884): 778-800; and James Hastings, ed., *Encyclopedia of Religion and Ethics* 13 vols. (New York, 1908-1926), v. 12, pp. 103-111.
4. Article II, Section 1, Clause 1.
5. *Journals of the Continental Congress 1774-1789*, v. 34, Sept. 13, 1788. p. 523.
6. 1 Stat. 241.
7. 2 Stat. 306; and U.S., Congress., Senate., *The Constitution of the United States of America: Analysis and Interpretations*, Senate Document 92-82, 92d Cong. (Washington, 1972), p. 29.
8. Charles Warren, "Political Practice and the Constitution," *University of Pennsylvania Law Review* 89 (June 1941): 1005.
9. John Marshall to John Quincy Adams, February 20, 1821, General Records of the Department of State, Miscellaneous Letters of the Department of State, 1789-1906 (M179, Roll 50), Record Group 59, National Archives. Marshall's letter is also quoted in Warren, "Political Practice and the Constitution," pp. 10007-10008.
10. *Ibid.*
11. Charles Francis Adams, ed., *Memoirs of John Quincy Adams* 12 vols. (Philadelphia, 1874-77), v. 5, p. 302. Monroe's intention of taking the oath on Monday was officially reported to Congress on Feb. 27, 1821. *Journal of the House*, 16th Cong., 2d Sess., Feb. 27, 1821, p. 279; and *Journal of the Senate*, 16th Cong., 2d Sess., Feb. 27, 1821, p. 231.
12. Adams, *Memoirs of John Quincy Adams*, v. 5, p. 317.
13. "Inauguration of the President." *Annals of Congress*, 16th Cong., 2d Sess., March 5, 1821, p. 1305. See also W. P. Cresson, *James Monroe* (Chapel Hill, 1946), p. 354; and Harry Ammon, *James Monroe: The Quest for National Identity* (New York, 1971), pp. 471-472.
14. "Daniel D. Tompkins," *Washington Daily National Intelligencer*, March 10, 1821, p. 3; "Mr. Tompkins," *Niles Weekly Register* 20 (March 17, 1821: 36; and "The Next Election," *New York American*, March 6, 1821, p. 2. See also Adams, *Memoirs of John Quincy Adams*, v. 5, p. 326; and Ray W. Irwin, *Daniel Tompkins: Governor of New York and Vice President of the United States* (New York, 1968), p. 264.
15. *Journal of the Senate*, 30th Cong., 2d Sess., February 27, 1849. p. 267; and *Journal of the House*, 30th Cong., 2d Sess., February 28, 1849. p. 549.
16. Hopkins L. Truney, "Civil and Diplomatic Appropriations." *Congressional Globe*, 30th Cong., 2d Sess., May 3, 1849, v. 18, p. 689.
17. The question of when a President's term and a Congress end was not to be answered at this time, but a precedent was established by the fact that Congress had remained in session beyond midnight. During that time it had approved legislation and the outgoing President had signed it. The question of legality of such action, however, is attested by the fact that until 1907 bills passed and signed after midnight on March 3 were always designated in the *Statutes at Large* as "Act of March 3," and all nominations agreed to under these circumstances were designated as being confirmed on March 3.
18. Milo Milton Quaife, *The Diary of James K. Polk* 4 vols. (Chicago, 1910), v. 4, p. 363.
19. *Ibid.*, pp. 363-366.
20. *Ibid.*, p. 367.
21. *Ibid.*, pp. 367-369, 372-373.
22. George H. Haynes, "President of the United States for a Single Day," *American Historical Review* 30 (January 1925): 308. Brainerd Dyer believes that "if anyone was President from Sunday noon



- to Monday noon, it was Taylor. He could not 'enter upon the execution of his office' until he had taken the required oath, but if an emergency had required action, he could quickly have taken the oath and performed the necessary acts." Dyer, *Zachary Taylor* (Baton Rouge, 1946), p. 307. Holman Hamilton feels the "Issue is academic" since no business was transacted. He contends that "experts are of the opinion that Taylor was Chief Executive during the period-in fact, if not in accordance with ceremony." Hamilton, *Zachary Taylor: Soldier in the White House* (Hamden, Conn., 1966), p. 153.
23. Haynes, "President's of the United States for a Single Day," p. 308.
  24. *Ibid.*, p. 310.
  25. Quotes are taken from *Ibid.*
  26. Lewis Cass, "River and Harbor Improvements," *Congressional Globe* 20 (March 10, 1851), p. 413 Appendix.
  27. 24 Stat. 227-229; and U.S. Electoral Commission, 1877, *Proceedings of the Electoral Commission and of the Two Houses of Congress in Joint Meeting Relative to the Counting of the Electoral Votes Cast December 6, 1876* (Washington, 1877, pp. 726-728. See also "The Agony Over! Hayes Elected President," *Washington National Republican*, March 2, 1877, p. 1; "Decided," *New York Herald*, March 2, 1877, p. 3; "The Fraud Consummated," *New York Sun*, March 2, 1877, p. 1; "Hayes and Wheeler," *Washington Evening Star*, March 2, 1877, p. 1; "Hayes President," *New York Times*, March 2, 1877, p. 1.
  28. "Inaugurations at Washington," *Harper's Weekly* 57 (March 8, 1913): 14. See also "For and Against Hayes," *New York Herald*, March 5, 1877, p. 3; "Mr. Hayes Not President," *New York Sun*, March 5, 1877, p. 1; "A Title With a Blur," *New York Sun*, March 5, 1877, p. 2; "Mr. Hayes's Inauguration," *New York Sun*, March 6, 1877, p. 1; "The People's Resentment," *New York Sun*, March 6, 1877, p. 3; and Bill Severn, *Samuel J. Tilden and the Stolen Election* (New York, 1968), p. 201.
  29. Harry Barnard, *Rutherford B. Hayes and His America* (Indianapolis, 1954), pp. 401-402.
  30. *Ibid.*, pp. 402-404.
  31. "The New Administration," *New York Times*, March 4, 1877, p. 1; "No Interregnum," *Washington National Republican*, March 4, 1877, p. 2; "Our New President," *Washington National Republican*, March 4, 1877, p. 1; "The President-Elect," *New York Herald*, March 3, 1877, p. 5; and "The Time of the Inauguration," *Washington Evening Star*, March 3, 1877, p. 1.
  32. "The Oath of Office - Why It was Taken on Saturday Night," *New York Herald*, March 5, 1877, p. 5; "President Sworn in on Saturday," *Washington Evening Star*, March 5, 1877, p. 1; and "The Presidential Oath," *Washington National Republican*, March 5, 1877, p. 1. See also Charles Richards Williams, *Diary and Letters of Rutherford B. Hayes* 5 vols. (Columbus, Ohio: 1924), v. 3, p. 426; Kenneth B. Davison, *The Presidency of Rutherford B. Hayes* (Westport, Connecticut: 1972), p. 46. Hayes's signed Presidential oath is found in Oaths of Office of Miscellaneous Federal Employees, General Records of the Department of State, Inventory 157, Entry 392, Tray 10. Record Group 59, National Archives.
  33. It was H. J. Eckenrode who first suggested that from seven until midnight on March 3, 1877, the "United States had two Presidents." Eckenrode, *Rutherford B. Hayes: Statesman of Reunion* (Port Washington, New York: 1930), p. 237.
  34. "Editorial," *Washington Evening Star*, March 5, 1877, p. 2; Movements of President Hayes: How He Passed the Sabbath - The Oath of Office Taken on Saturday," *New York Times*, March 5, 1877, p. 1; and "A Remarkable Rumor About Mr. Tilden's Inauguration," *New York Herald*, March 5, 1877, p. 5. See also Charles R. Williams, *The Life of Rutherford B. Hayes: Nineteenth President of the United States* 2 vols. (Boston, 1914), v. 2, p. 5.
  35. "The Inauguration," *New York Herald*, March 6, 1877, p. 3; "Inauguration Day," *Washington Evening Star*, March 5, 1877, p. 1; "The New Administration," *New York Times*, March 6, 1877, p. 1; and "Nineteenth President," *Washington National Republican*, March 6, 1877, p. 1.
  36. Arthur S. Link, *The Papers of Woodrow Wilson* 42 vols. (Princeton, 1966-1983), v. 42, p. 318.
  37. "President Takes the Oath: Sworn by Chief Justice White at the Capitol Without Ceremony,"



- New York Times*, March 5, 1917, pp. 1, 2; "President Sworn at Noon Sunday," *Washington Evening Star*, March 5, 1917, p. 5; "Wilson Sworn In: Stage Set For Ceremonies," *New York World*, March 5, 1917, p. 7; and "Wilson Takes Oath: Sworn in Again Today," *Washington Post*, March 5, 1917, p. 1.
38. "Armed Neutrality Talked To Death," *Washington Evening Star*, March 6, 1917, p. 9; "Filibuster Until End," *Washington Post*, March 4, 1917, p. 8; and Louis Seibold, "Tired Out By Long Fight, Senate Ends Amid Charge of Humiliating Filibustering," *New York World*, March 5, 1917, p. 1.
  39. Arthur S. Link, *Wilson* 5 vols. (Princeton, 1965), v. 5, p. 360-361.
  40. *Ibid.*, pp. 362; Ray Stannard Baker, *Woodrow Wilson: Life and Letters* 6 vols. (New York, 1937), v. 5, p. 481; and Link, *Papers of Woodrow Wilson*, v. 41, pp. 319-320, 332.
  41. Thomas W. Brahany, executive clerk at the White House, tells us in his Diary that when President Wilson "said he would take the oath 'privately' on Sunday he meant *privately*." He "did not wish any women other than Mrs. Wilson present." If Wilson's three daughters "had gone to the Capitol to see their father take the oath courtesy would have required them to ask all of [the] men and women who are White House guests, and the result would be a 'function' at the Capitol." Brahany imagined the "President told the family embarrassment would be avoided if all of them would stay at home. Even Colonel House, a White House guest, the President's closest friend didn't go to the Capitol." Quote taken from Link, *Papers of Woodrow Wilson*, v. 41, p. 328.
  42. "President Takes the Oath," *New York Times*, March 5, 1917, p. 3. See also notes 37 and 41.
  43. "When March 4, 'Inauguration Day,' Falls on Sunday," *Washington Evening Star*, March 4, 1917, p. 1, pt. 4. Preliminary discussions on whether Wilson would take the oath at the Capitol or the White House are found in "Cordon of Troops on Inaugural Line," *Washington Evening Star*, March 2, 1917, p. 1; "Troops to Guard Line," *Washington Post*, March 3, 1917, p. 1. Citing Chief Justice Marshall's letter of February 20, 1821, the *Washington Post* stressed that even when inauguration day has fallen on a Sunday, there never has been an interval during which the United States was without a President. "President Always In," *Washington Post*, March 5, 1917, p. 9.
  44. "Inauguration's Eve Finds City Ready," *Washington Evening Star*, March 4, 1917, p. 1.
  45. Edith Bolling Wilson, *My Memoir* (Indianapolis, 1938, 1939), p. 130. See also note 41.
  46. "President Takes Oath," *New York Times*, March 5, 1917, p. 3.
  47. "Mr and Mrs. Marshall Enjoy Rest: Vice President Feels Session's Strain," *Washington Post*, March 5, 1917, p. 2. Even Arthur S. Link fails to provide an explanation of why Marshall did not attend the Sunday ceremony at the Capitol. Link, *Wilson*, v. 5, p. 361.
  48. "President Rode in Lane of Steel," *New York Times*, March 6, 1917, p. 1.
  49. James C. Hagerty Press Conference, January 20, 1957, pp. 4-5, Box 47, Papers of James C. Hagerty, 1953-1961, Dwight D. Eisenhower Library, Abilene, Kansas; and Edward T. Folliard, "Ike, Nixon Take Oath in Private," *Washington Post and Times Herald*, January 21, 1957, p. A1, A3. See also "Eisenhower Begins Second Term," *Christian Science Monitor*, Jan. 21, 1957, p. 7; "80 See Private Oath Ceremony at the White House," *Washington Evening Star*, Jan. 21, 1957, p. A2; and footnote 3.
  50. The decision to have a photographer present was apparently not made until just a few hours before the ceremony. James C. Hagerty's Press Conferences of January 16, 1957, p. 3, and January 19, 1957, p. 3. Hagerty Papers. Photographs of the White House ceremony were not released to the press until January 24. "Flashback," *Washington Post and Times Herald*, Jan. 25, 1957, p. A3; and "Pictures of the White House Oaths Can Now Be Shown," *Washington Evening Star*, Jan. 25, 1957, p. A9.
  51. W. H. Lawrence, "Eisenhower Takes Oath in Private; Nixon Also Sworn," *New York Times*, Jan. 21, 1957, pp. 1, 16.
  52. John Klutiz, "Long Holiday Seen for Inauguration," *Washington Post and Times Herald*, Jan. 3, 1957, p. 1; and "President's Jan. 20 Oath Will Be on T.V.," *New York Times*, Jan. 3, 1957, p. 15.
  53. "Diplomats, Officials, Press Barred From Scene of President's Oath," *Washington Post and Times*

- Herald*, Jan. 10, 1957, p. 1; "President Plans Oath in Private," *New York Times*, Jan. 10, 1957, pp. 1, 22; "President Takes Oath Jan. 20; Press Barred," *Washington Evening Star*, Jan. 9, 1957, p. A7.
54. Doris Fleeson, "The President's Swearing-In," *Washington Evening Star*, Jan. 17, 1957, p. A9; "Inauguration Ban on Newsmen Holds," *New York Times*, Jan. 17, 1957, p. 35; W. H. Lawrence, "Inaugural Plans Moving Swiftly," *New York Times*, Jan. 19, 1957, p. 11; "Photographers Protest Blackout at White House," *Christian Science Monitor*, Jan. 15, 1957, p. 6; Richard E. Mooney, "Inaugural Crowds Gather; Private Oath Taking Today," *New York Times*, Jan. 20, 1957, pp. 1, 50; and "News Bar Protested," *New York Times*, Jan. 15, 1957, p. 18.
  55. "Unjust and Unwise," *Washington Evening Star*, Jan. 19, 1957, p. A4.
  56. "A Public Business," *Washington Post and Times Herald*, Jan. 16, 1957, p. A10.
  57. "History in Private," *Washington Post and Times Herald*, Jan. 21, 1957, p. A10.
  58. "Eisenhower Begins Second Term," *Christian Science Monitor*, Jan. 21, 1957, p. 7.
  59. "Inauguration: Dual Event Explained," *Christian Science Monitor*, Jan. 19, 1957, p. 9.
  60. "Eisenhower Oath to Sidestep Myth," *New York Times*, Jan. 13, 1957, p. 50; "Eisenhower's Second," *New York Times*, Jan. 20, 1957, p. 1E; Edward T. Folliard, "2 Other Presidents Sworn in Privately," *Washington Post and Times Herald*, Jan. 19, 1957, p. B1; and Josephine Ripley, "Eisenhower is Third to Have Dual Inauguration," *Christian Science Monitor*, Jan. 10, 1957, p. 4.
  61. "Dress Rehearsal," *New York Times*, Jan. 20, 1957, p. 10E.
  62. Edward T. Folliard, "U.S. Will 'Help Heal Divided World,' Ike Declares as He is Inaugurated," *Washington Post and Times Herald*, Jan. 22, 1957, pp. A1, A4; Chalmers Roberts, "Plaza Ceremony Overwhelmingly Solemn," *Washington Post and Times Herald*, Jan. 22, 1957, p. A2; "Thousands Witness Inauguration," *Washington Evening Star*, Jan. 21, 1957, p. A1; and W. H. Lawrence, "Eisenhower in Second Inaugural Calls Upon Country to Sacrifice for a Global 'Peace With Justice,'" *New York Times*, Jan. 22, 1957, pp. 1, 16.
  63. "Reply to Governor Edwin D. Morgan at Albany, New York, February 18, 1861," in Roy B. Basler, *The Collected Works of Abraham Lincoln* 9 vols. (New Brunswick, N. J., 1953-1955), v. IV, p. 225.
  64. Stephen W. Stathis and Lee Roderick, "When Inaugurations Were a Bargain," *Wall Street Journal*, Jan. 17, 1973, p. 12.



# Postal Service offers inaugural cancellations

A small crowd of newsmen, postal workers and curious passers-by gathered yesterday at the west end of the main post office building as Postmaster General William Bolger unveiled the official Inaugural Postal Cancellation.

The cancellation, which will be available in eight cities, including Washington, features a sketch drawing of the White House and the words "Inauguration Day," along with the usual city, state, zip code and date.

Mr. Bolger noted that yesterday's ceremony was a first: "Graced by a beautiful rendition of the White House, this is the first Inauguration Day cancellation to feature a drawing of any kind."

In addition, he said, the cancellation will be available for two days, Jan. 20 and 21, to celebrate the inauguration. The stamp will go out of existence on Jan. 22.

There will be a limit of 50 can-

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## *President Reagan will be sworn in legally on Jan. 20 in a private, non-media event at the White House.*

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cancellations per customer in each city for each date, unless prior approval is obtained from the general manager, Stamps Division. In Washington, D.C., cancellation will be provided at City Post Office, North Capitol Street at Massachusetts Avenue NW.

According to Mr. Bolger, the cancellation stamp will appear for two days because of this year's unique swearing-in process.

For only the sixth time in American history, the constitutionally mandated swearing-in day, Jan. 20, falls on a Sunday. As a result, President Reagan will be sworn in legally on Jan. 20 in a private, non-media event at the

White House, while the public festivities will take place on Jan. 21 at the U.S. Capitol, where the swearing-in will be repeated for the benefit of the public.

In addition to Washington, D.C., the cancellation stamp will be sold in Tampico, Ill., birthplace of Mr. Reagan; Dixon, Ill., Mr. Reagan's boyhood home; Santa Barbara, Calif., where the Reagans maintain a residence; Milton, Mass., Vice President George Bush's birthplace; Greenwich, Conn., boyhood home of Mr. Bush; Houston, Mr. Bush's legal residence for the last 20 years; and Kennebunkport, Maine, where Mr. Bush also maintains a residence.

To obtain a cancellation stamp through the mail, people should send envelopes with a stamp affixed in the upper right-hand corner. Requests must be received on or before the date of the cancellation requested.

In other inaugural news, tickets for seats to the Inaugural Parade on Jan. 21 are now on sale at three prices: \$100 for premium seats, \$75 for preferred seats and \$12.50 for reserved seats.

Reserved seats, which will be available at several locations along the parade route, may be purchased through Ticketron around the country by calling the toll-free number: (800) 445-9574. In states that don't have toll-free service, customers may call (312) 853-3636.

The preferred and premium seats, which will be in a special viewing area on Pennsylvania Avenue across from the White House and the presidential reviewing stand, may be purchased directly from the Inaugural Committee by calling 433-7160 or by writing: Inaugural Parade Tickets, Box 1985, Washington D.C. 20013-1985.

Although there is no limit on the number of tickets purchased, all sales will be made on a first-come, first-serve basis.

— Marc Lee

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THE WHITE HOUSE

WASHINGTON

September 20, 1984

BS

After calling John Roger's office I find:

You are to be at Gerry Fox's office  
1800 E Street  
Room 6137  
at 9:30 AM tomorrow

After a brief meeting you will get in  
his personal car and be driven to the  
facility.

You will not be seeing the military  
facility tomorrow, sometime next week.

THE WHITE HOUSE

WASHINGTON

September 17, 1984

*File*

Inaugural Meeting

September 18, 1984

4:30 PM

Mr. Deaver's Office

PARTICIPANTS:

Mr. Jerry Fox, GSA - # 566-1212

Brig. Gen. William Roosma - Mil. District Wash.

Col. Dominic Ruggerio - Mil. District Wash.

John Rogers

Bill Sittmann

This meeting should be handled as an introduction and to pick GSA, and MDW brains on what has been planned and agreed to up to this time.

1. You instruct them that you are White House rep. until formulation of Inaugural Committee. ✓
2. They should submit a report on what they have done in previous ceremonies.
3. They should explain their functions. ✓
4. They should explain what they feel we should be doing until formation of committee. ✓
5. They should be instructed to submit a report on problems encountered at last ceremony.
6. They should be told to submit recommendations. ✓



THE WHITE HOUSE  
WASHINGTON

August 15, 1984

MEMORANDUM FOR: MICHAEL K. DEAVER .  
FROM: JOHN F. W. ROGERS  
ASSISTANT TO THE PRESIDENT FOR  
MANAGEMENT AND ADMINISTRATION  
SUBJECT: PRESIDENTIAL INAUGURAL COMMITTEE

*Bill  
Call FF about  
& tell him I'd  
like to be appointed  
BS spoke w FF  
8/17 10:00 AM  
he will make  
sure its done  
gr*

As promised in my previous memo, I am providing you with information on the Presidential Inaugural Committee.

According to Title 36 of the U.S. Code, Chapter 30, Section 721 (b)(2), "Presidential Inaugural Ceremonies," the term "Inaugural Committee" means the committee in charge of the Presidential Inaugural ceremony and functions and activities connected therewith to be appointed by the President-elect. The committee is responsible for planning and executing all public functions except the swearing-in at the Capitol. It is formally formed subsequent to the general election by the President-elect.

In the past the chairmen of the DNC and RNC have appointed a small pre-election committee to work on the initial planning. This should take place after the Republican National Convention. It was this pre-election committee I was referring to in my discussions with you.

I recommend you discuss the appointment of an administration representative with Frank Fahrenkopf. I think they may be thinking of appointing Fred Bieble.

File

THE WHITE HOUSE  
WASHINGTON

August 15, 1984

Bill  
Call F. Fahrenkopf  
& tell him I'd  
like to be appointed!

2/4

220-4300

MEMORANDUM FOR: MICHAEL K. DEEVER .  
FROM: JOHN F. W. ROGERS  
ASSISTANT TO THE PRESIDENT FOR  
MANAGEMENT AND ADMINISTRATION  
SUBJECT: PRESIDENTIAL INAUGURAL COMMITTEE

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I recommend you discuss the appointment of an administration representative with Frank Fahrenkopf. I think they may be thinking of appointing Fred Bieble.

Spoke w/ F. Fahrenkopf 8/17 10:04am  
he will make sure it's done



September 25, 1984

MEMORANDUM

TO: BILL SITTMAN

FROM: LANNY CAREW LRC

SUBJECT: PRELIMINARY PLANNING FOR THE **FIFTIETH INAUGURATION**

It is not too early to consider forming a skeleton crew who will help plan for our President's Inaugural celebration on January 21, 1985 and the seven days of special events preceding it. With 110 days left until that historic week and only 6 weeks away from the election itself, it is time to begin an overall plan for these activities.

It would be advantageous for the powers-that-be to select someone to oversee such a plan. By this, many of the major problems the Presidential Inaugural Committee faced last time could be alleviated. The disasters of enormous proportions were:

1. ticketing
2. overcrowding of events
3. poor organization of details
4. finance

Many of these negatives were caused by poor management - not identifying potential problems in time and remedying the situation before Inauguration Day was already upon them.

It is my understanding that a military staff is presently in place and has been working on the fundamental organizing of the 1985 Inaugural. I believe I would be well suited to act as a liaison between the Armed Forces committee and the White House because of my knowledge of past Inaugurations.

As you are aware from the last Inauguration, upwards of between 1750 to 2000 staff and volunteer workers will be involved in the forth coming celebration and if we can start now in at

least putting together the basis for the administrative, logistical and technical support so much the better rather than reactive approach after the election.

I would be valuable to you and Micheal Deaver in identifying, planning, orchestrating and executing the Inauguation celebration. We can set a standard to the way it should be done in the future if we start now. It would be a much smoother operation with time to do it correctly.



# WITHDRAWAL SHEET

## Ronald Reagan Library

*Collection Name*

DEAVER, MICHAEL: FILES

*Withdrawer*

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RE ISSUE INVOLVING INAUGURAL COMMITTEE

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

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

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

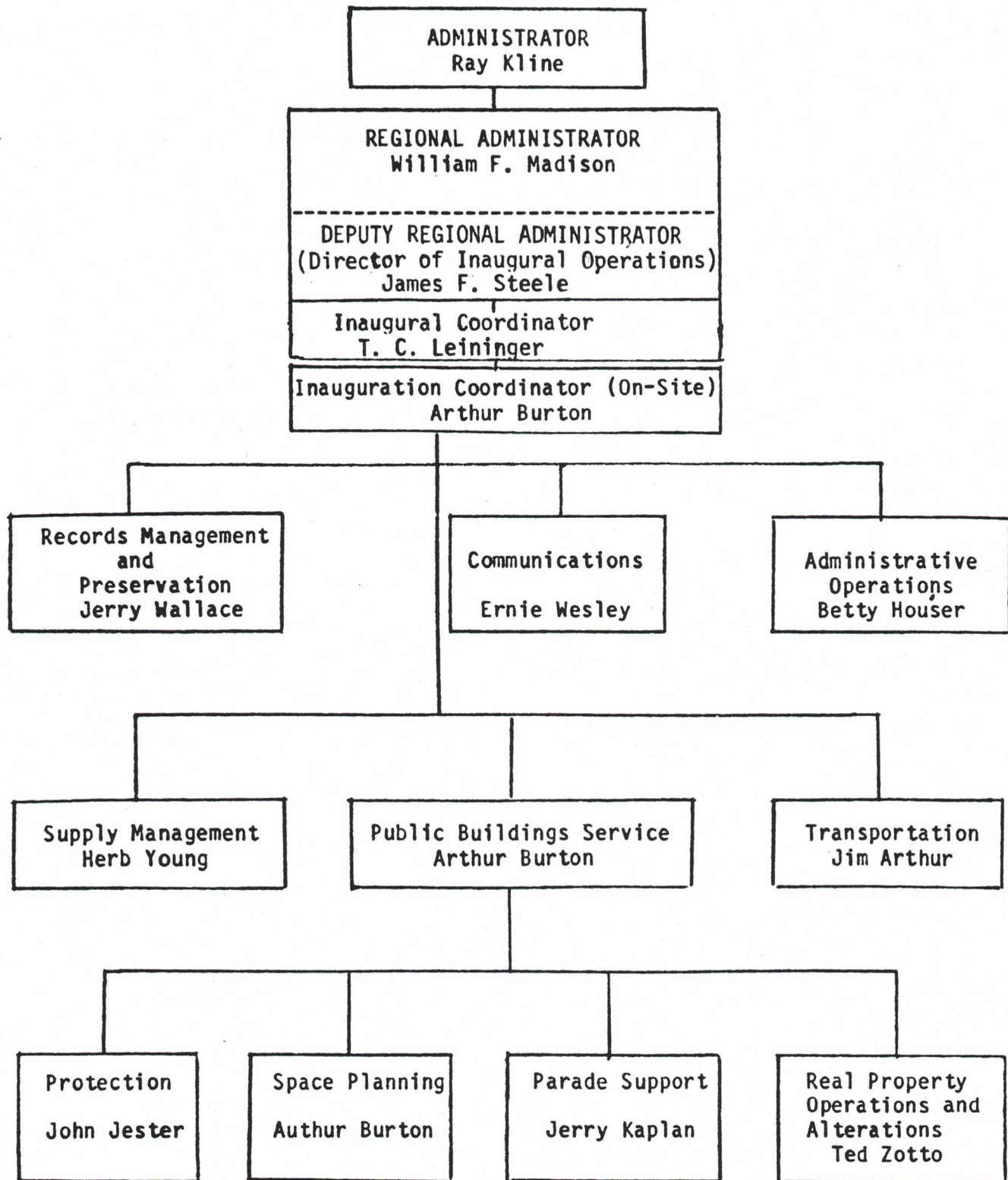
B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.





MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GENERAL SERVICES ADMINISTRATION  
AND  
THE PRESIDENTIAL INAUGURAL COMMITTEE

1. This Memorandum of Understanding sets forth the general guidelines for the provision of General Services Administration (GSA) support services for the Civilian Inaugural Committee. These support services are authorized by 40 USC 5490 (a)(15). This Memorandum further defines which services are provided by GSA at no cost to the Inaugural Committee and those services which are reimbursable and are to be paid for by the Inaugural Committee. The proper application of the standards defined in this document will require the Inaugural Committee to designate an appropriate official to authorize deviations from the standards as necessary. All office equipment and machines, furniture, and other similar items shall be returned to GSA in a similar condition as when received.

a. Space - Space for the Inaugural Committee headquarters is to be assigned on the basis of a functional requirement rather than a square foot per person concept. The functional requirements will be developed from a review of the actual space needs from past Inaugurals. GSA will provide space to the extent that it is available within our inventory in the Washington Metropolitan area only, for the Committee's use as office space, motor pool use, for float construction, and for a Will-Call Ticket Office. If this space is in our inventory in the Washington Metropolitan area, it will be provided without charge. If space is not in our inventory for any of the above requirements and must be leased for the short-term use of the Committee, or if space is required outside of the Washington Metropolitan Area, the Committee will reimburse GSA for the cost of the rental.

GSA will provide without cost services in the above space that is in our inventory in the Washington Metropolitan area: cleaning, cooling or heating, mechanical maintenance, and initial space alterations. The Committee shall reimburse GSA if extensive space alterations are required to modify the space for the specific needs of the Committee. If it is necessary to lease space for the above, the Committee will reimburse GSA for the costs of these services.

Protection in the headquarters office space, motor pool, and the Will-Call Ticket Office will be provided by GSA to the extent that it can be considered normal protection. Normal protection is defined as that protection provided to an average agency to protect property and personnel. If special security is required due to the nature of the operation of the Inaugural Committee, which is over and above that which GSA would normally provide, such protection is reimbursable. Protection provided at the float construction location is reimbursable in any event in view of the fact that this protection is primarily for the purpose of protecting the private property of the float builders.

b. Telephones - Telephone installations will be planned by GSA and a representative of the Telephone Company working with the Pre-Election Inaugural Committee Chairman. All requests for telephone installations will be in writing, and approved by the appropriate Inaugural Committee official prior to submission to GSA.

Single line beige push button phones will be installed in all offices except those of the Chairman, Executive Director, General Counsel, and Vice Chairman. Any different installation shall be authorized by the appropriate Inaugural Committee official. No intercommunicating systems or automatic ringing private line intercoms will be installed unless approved by the appropriate Inaugural Committee official. Only dial intercom systems will be approved. Except those specifically approved by the appropriate Inaugural official, all lines will be restricted so that no long distance calls can be placed by dialing "9". Except in very unusual circumstances, no telephones will be moved after initial installation.

Any other special or additional equipment will have to be approved by the appropriate Inaugural Committee official.

All telephone installations and service costs will be reimbursed by the Inaugural Committee to GSA. There will be monthly billings by GSA with payment due to GSA within 30 days of receipt of the bill.

c. Furniture - GSA will provide furniture and office equipment for the needs of the Inaugural Committee to the extent that it is available and complies with the following standards. Deviations from these standards must be approved by the appropriate Inaugural Committee official. Any additional costs due to a deviation from these standards will be paid by the Inaugural Committee.



Chairman	Class A Furniture, Carpets, Drapes
Executive Director General Counsel Vice Chairman	Class A Furniture, Carpets
Vice Chairman's immediate offices	Class C Furniture, Carpets
Information Center	Class C Furniture, Carpets
All other space	Metal furniture

GSA will fund the initial moving of furniture into Inaugural Committee space. The costs of any subsequent internal moves of furniture by the Committee shall be reimbursed to GSA and held to a minimum. Timely notice of the intention to move such furniture will be given to GSA to permit the scheduling of movers.

d. Parking - Parking for the Inaugural Committee personnel will be provided to the extent it is available. GSA will issue parking permits in block to the appropriate Inaugural Committee official, and the Committee will issue permits and control assignments. All permit holders will be expected to observe the rules printed on the back of the permits and any posted rules and regulations. In keeping with GSA's policy, information of carpools should be encouraged.

e. Motor Vehicles - If requested by the Inaugural Committee, GSA will lease Government-owned motor vehicles to the Inaugural Committee to the extent they are available. Such vehicles will be leased at the GSA going rate and can only be driven by military personnel or civilian Federal employees.

f. Procurement and Administrative Supplies - If requested by the Inaugural Committee, GSA will establish a procurement office to assist in the handling of contracts and will also establish a supply room to provide administrative supplies. The Committee shall reimburse GSA for the cost of all administrative supplies. Administrative supplies will be provided on a consignment basis. Any unused supplies may be returned for credit after the Inauguration and one consolidated bill will be rendered by GSA. Typewriters and other office machines will be provided from GSA inventories to the extent that they are available, without cost. Additional office equipment rented from local companies will be reimbursable to GSA. All maintenance on these machines shall be the responsibility of the Committee.

g. Signs - In the past, the Inaugural Committee has required a considerable amount of signs for various purposes. GSA will provide at no cost building signs, that designate room areas, parking areas, directional signs, etc., in buildings that are in GSA inventory. The Committee shall reimburse GSA for all other signs designed specifically for Committee use in the buildings, at party sites, at fringe parking lots, for use during the parade, or any other purpose.

h. Miscellaneous Services - As needed, GSA will provide the following services at no cost: 1. Facilities for food service; 2. Installation of vending machines; 3. During the parade, on property under the charge and control of GSA, the provision of restrooms, facilities for medical aid stations and Lost and Found stations, standby personnel during the parade to provide for emergency requirements, Federal Protective Service security requirements in connection with the parade, and snow removal if needed. GSA will provide on a reimbursable basis facilities for TV coverage in GSA space by the networks, and facilities for sound systems to be used by announcers covering the parade.

2. This Memorandum of Understanding ~~will become~~ will become effective on the date signed by the Presidential Inaugural Committee and GSA, and will terminate on February 28, 1985, following the Presidential Inauguration. Changes to this Memorandum of Understanding may be made at any time as the need arises provided it is agreed to by each party signing the Memorandum. The Committee designates the following official to authorize deviations from the operating procedures, as provided for in the body of the Memorandum of Understanding:

JAMES F. STEELE, Jr.

Deputy Regional Administrator, NCR

The General Services Administration designates the following official to authorize deviations from the operating procedures as provided for in the body of the Memorandum of Understanding:

T. C. LEININGER

Inaugural Coordinator

APPROVED:

Chairman, Civilian  
Inaugural Committee

Regional Administration, National  
Capital Region, GSA

DATE \_\_\_\_\_

DATE \_\_\_\_\_



Executive order establishing procurement policy under which government contracts above \$5 million could be denied to companies that failed or refused to comply with voluntary wage and price standards was authorized under this chapter. *American Federation of Labor and Congress of Indus. Organizations v. Kahn*, 1979, 618 F.2d 784, 199 U.S.App.D.C. 300, certiorari denied 99 S.Ct. 3107, 443 U.S. 915, 61-12d 879, rehearing denied 100 S.Ct. 190, U.S. 881, 62 L.Ed.2d 123.

and property management practices; and standardized purchase specifications

etuation of his functions under this the executive agencies affected, and Department of Defense as determined by authorized (1) to make surveys of practices and obtain reports thereon executive agencies in the establishments; stocked by them and from time to time and to the Director of the Office and maintain such uniform Federal to identify and classify personal Provided, That the Administrator cataloging activities of the General Defense so as to avoid unnecessary promulgated by the Administrator for Office of Federal Procurement Policy standardized forms and procedures, authorized by law to prescribe, and

(b) and (c)

Stat 800, Oct 10, 1979, Pub L. 96 83,

Office of Management and Budget. The Bureau of Management and Budget and the offices of the Bureau of the Budget, Deputy Directors of the Bureau of the Budget designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistants of the Office of Management and Budget respectively. Records, property, personnel and funds of the Bureau of the Budget transferred to the Office of Management and Budget. See Part I of Reorganization Plan No. 10, set out in the Appendix to Title 5, Government Organization and Employees.

Legislative History. For legislative history see 101 Stat. 491-400, see 1974 U.S. Code Cong. and Adm. News, p. 4589. See, also, 101 Stat. 483, 1979 U.S. Code Cong. and Adm. News, p. 1492.

§ 489. Civil remedies and penalties

Notes of Decisions

15. Injunction

Governing principles pertaining to court's responsibility in granting interim and final injunctive relief precluded court from ordering General Services Administration to prepare an environmental impact statement, with respect to transfer of property in question to electric utility as site for building of nuclear power electric generating plant, without first exploring possi-

bility that, due to Department of Interior's assertedly paramount interest in property, no environmental impact statement either as to the entire property in question or, as to any part of it, is required by National Environmental Policy Act, section 4321 et seq. of Title 42; thus, further filings of memoranda and hearing were required. *Rhode Island Committee on Energy v. General Services Administration*, D.C.R.I. 1976, 411 F.Supp. 323.

§ 490. Operation of buildings and related activities by Administrator

(a) General duties

Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

[See main volume for text of (1) to (13)]

(14) to enter into contracts for periods not exceeding three years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned;

(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in section 721 of Title 36) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator;

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



## Building Operations Inaugural 1985

The after action report recommended monies be set aside to maintain Tempos A & B (2nd & T Streets, SW., Washington, DC) as the 1985 Inaugural site. Because of many factors this was not done and the deterioration, particularly of the roof and heating plant progressed to the point that renovations were economically out of the question.

In September 1983, we became aware that the Defense Intelligence School Complex in Anacostia Park would become vacant in July 1984. We got an agreement to occupy these buildings for August 1984 until April 1985 on a permit from Military District of Washington. This site appears ideal. It has security, space and parking. The buildings are World War II temporarily constructed, 2 floors with a total of 66,000 square feet.

Heating - The heating system is a simple hot water system. The Navy is operating the boiler plant on a reimbursable basis.

Cooling - The entire building is cooled by approximately 200 window or small package units. All of these units are in good operation.

Floors - Floors throughout are wood, in excellent condition. 90 percent of the building is carpeted.

Roof - The roof is old and flat, but in good condition with no leaks.

Cafeteria - We have had to take a portion of the building and construct a cafeteria and set aside a room across the hall as a dining room. This should prove more than adequate.

Loading and Unloading - There are ample locations and facilities to load and unload.

Elevators - Two temporary elevators have been installed to the second floor. These will remain in place as long as needed and provide ample access to the second floor.

Fire Safety - These buildings have been inspected by our Fire Safety Branch and they are as accident and fire safe as they can be made.

Parking - There are approximately 1500 parking spaces available.

Security - The buildings are surrounded with an eight foot chain link fence topped by barbed wire. The grounds are well lit and there is ample guard service.



Keys - Locks were removed when the Intelligence Service moved. Locks have been installed and we will have key control.

Building Maintenance and Operation - The South Area AWG Group will supply the machines for all necessary work. The Anacostia Region Field Office will be the cost center for all charges to the Inaugural.

Float Construction - The floats will be constructed by a constructor hired by PIC. They will be constructed, as in the past in PS 137 in the Navy Yard.

Motor Pool - The motor pool will be housed in building 167 in the Navy Yard. This buildings was previously used as a motor pool by the GSA and it is an ideal location and facility.

Signs - Signs will be coordinated with Mr. Forsyth of the GSA sign shop in the Navy Yard. Unit price contracts will be in place to ? the much of the sign volume.

## **GSA Provides Overall Administrative Support**

### **-Major Functions-**

- **Space and Parking (PIC and AFIC) - Arthur Burton**
  - space planning and layout
  - minor alterations
  - food services, including vending machines
  - real property operation and maintenance
  - signs
- **Furniture (PIC and AFIC) - Larry Monroe**
- **Motor Pool (PIC and AFIC) - Jim Authur**
  - float construction facilities
  - Protective services
  - facilities for AFIC motor pool
- **Telecommunications - Ernie Wesley**
  - telephones
  - teletype, facsimile, etc.
  - word processing equipment
- **Records - Jerry Wallace**
  - Information management
  - Retention of historically valuable materials
- **Supply Management - Herb Young**
  - office supplies
  - contracting
- **Parade - Jerry Kaplan**
  - first-aid stations
  - snow removal, if necessary
- **General administration - Arthur Burton**
  - Administration and office services
  - printing & distribution
  - financial management
  - property accountability
  - furniture and moving
  - office equipment
  - support to Will-Call Ticket Office



## Summary of GSA-Provided Services

### No Cost

Space assigned on functional basis for office space, motor pool, float construction, Will-Call Ticket Office with cleaning, cooling or heating, mechanical maintenance initial space alterations, food service, vending machines

Average level protective services for office space, motor pool, Will-Call Ticket Office

Office furniture and office equipment, to the extent it is available

Parking

Building signs and other directional signs

Parade support for Federal property: restrooms, medical aid stations, Lost and Found stations, snow removal if necessary from GSA-controlled property

### Reimbursable

Extensive space alterations

Special security  
Float construction security

Telephone installations and operations

Additional office equipment duplicating equipment.

Leased motor vehicles

Administrative supplies

All other signs

GSA Presidential Inaugural  
Support Committee

James Steele, Deputy Regional Administrator, NCR, GSA  
Director of NCR Inaugural Operations

Ted Leininger, Deputy Assistant Regional Administrator, PBS, GSA  
Inaugural Coordinator

Arthur Burton, Inaugural Coordinator, GSA (On Site)

Jim Arthur, Deputy Inaugural Coordinator, PBS, GSA (Possible)

Betty Houser, Assistant Inaugural Coordinator, PBS, GSA

1. Administrative Services - Don Jodrie, Larry Monroe
  - Furniture and moving
  - Property accountability
  - Financial management
2. Building Operations - Betty Houser, Earl Catterton, Andrea Crawford
  - Space planning and layout
  - Construction/minor alterations
  - Door signs
  - Cafeteria
  - Cleaning services
3. Historian/Archivist - Jerry Wallace
  - Records management, filing system
  - Records preservation of historically valuable materials
4. Operations Coordinator - Jim Arthur
  - Construction, and operation AFIC motor pool at Building 167, Navy
  - Coordination with PIC Transportation Committee for motor pool requirements
  - Coordination with FPS on security
  - GSA transportation services
  - Operation of parking
  - Coordination of sign and printing requests with PIC
  - Director of close down operations
  - Coordination of GSA after action report



5. Parade Support on Federal Property - Jerry Kaplan  
(North District Manager)
  - First aid stations
  - Admittance control stations for parade viewing
  - Snow removal
  
6. Procurement and Supply, Mail Room, Reproduction Center -  
Herb Young, David Davis, Joyce Lofty, Deltha Chick, Peg Anthony,  
Florence Robinson
  - Operation of supply room
  - Contracting services
  - Leasing of equipment
  - Mail room operations
  - Reproduction room
  
7. Telephone Services - Ernie Wesley, Vivian Green
  - Telephone layout and installation
  - Telephone financial arrangements
  - Teletype, facsimile equipment
  - Telephone directory
  - C&P Telephone Co. liaison
  
8. Will-Call - Dale Bruce
  - Set up and operation of Will-Call ticket facility
  - Press relations