

House Facilities and Capitol Grounds

A. INTRODUCTORY

§ 1. In General; Care, Protection and Use

The manner in which a particular facility of the House may be used is frequently regulated by a federal statute, federal judicial decision, House rule, or precedent of the House. The discussion in this chapter emphasizes those facilities that are regulated by one or more of the above. While the creation of several special select committees to oversee the management of certain designated House facilities is described below,⁽¹⁾ standing committee jurisdiction over the various House facilities is discussed elsewhere.⁽²⁾

Numerous statutory enactments⁽³⁾ provide for the care, protection, and use of the Capitol building and grounds. The Architect of the Capitol⁽⁴⁾ supervises the care and superintendence of the Capitol Building,⁽⁵⁾ including

1. See § 1.1, *infra*.
2. See Ch. 17, *infra*.
3. See 40 USC §§ 161–217a.
4. For a description of the powers and duties of the Architect of the Capitol see 40 USC § 162 (1970).
5. 40 USC § 163 (1970).

care of the exterior,⁽⁶⁾ repairs,⁽⁷⁾ and in the House side of the Capitol the lighting, heating, and ventilating.⁽⁸⁾ He also carries into effect the provision prohibiting the use of the Capitol rooms for private studios or works of art, without permission from the Joint Committee on the Library.⁽⁹⁾

Privately-owned works of art may not be exhibited in Statuary Hall, the Rotunda, nor in the corridors of the Capitol. 40 USC § 189 (1970). National Statuary Hall, however, may be used for ceremonies when special permission is given by the Speaker. See Ch. 36, *infra*.

The responsibility for policing the Capitol buildings and grounds is vested in the Capitol Police, under the direction of the Capitol Police Board.⁽¹⁰⁾ On several ex-

6. 40 USC § 163a (1970).
7. 40 USC § 166 (1970).
8. 40 USC § 167 (1970).
9. 40 USC § 190 (1970).
10. 40 USC § 212a (1970). The Capitol Police Board consists of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol. 40 USC § 212a (1970).

traordinary occasions, however, Federal troops have been called to protect the Capitol.⁽¹¹⁾

The protection of the Capitol building and grounds⁽¹²⁾ is regulated by statutory provisions⁽¹³⁾ that limit the conduct and activities which are permitted to occur there. Public use of the Capitol grounds is generally confined to paved areas,⁽¹⁴⁾ and the roads on the grounds may not be occupied in such manner as to obstruct or hinder their proper use.⁽¹⁵⁾ Sales and solicitations are forbidden, as are advertising displays.⁽¹⁶⁾ A provision also makes punishable climbing upon, removing or damaging any property or plant life on the Capitol grounds.⁽¹⁷⁾ The unauthorized presence upon the floor of either House, in the gallery of either House, or in any room within any of the Capitol buildings designated for the use of any Member, committee, subcommittee, or employee of either House of Congress is statutorily prohibited.⁽¹⁸⁾

11. See § 1.2, *infra*.

12. The area comprising the Capitol grounds is described at 40 USC § 193a (1970).

13. 40 USC §§ 193a–193m (1970).

14. 40 USC § 193b (1970).

15. 40 USC § 193c (1970).

16. 40 USC § 193d (1970).

17. 40 USC § 193e (1970).

18. 40 USC § 193f(b)(1)–(3) (1970).

Creation of Select Committees

§ 1.1 The House sometimes creates a special select committee to manage or oversee the operation of a designated House facility.

On Dec. 6, 1967,⁽¹⁹⁾ the House adopted a resolution creating a select committee to manage the House Beauty Shop. The resolution vested complete managerial authority in the three-member committee, which was to be appointed by the Speaker. The select committee was made permanent by Pub. L. No. 91–145 (83 Stat. 347).

The House has adopted similar resolutions on several other occasions. In the 90th Congress⁽²⁰⁾ the House adopted a resolution creating a select committee to regulate parking on the House side of the Capitol. In the 91st Congress⁽¹⁾ the House established a select committee to oversee the management of the House Restaurant.⁽²⁾

19. 113 CONG. REC. 35143, 90th Cong. 1st Sess.

20. 113 CONG. REC. 17791, 17792, 90th Cong. 1st Sess., June 28, 1967.

1. 115 CONG. REC. 19080, 19081, 91st Cong. 1st Sess., July 10, 1969.

2. The responsibility for the management of the House Restaurant is, by statute, vested in the Architect of the Capitol. 40 USC § 174k (1970).

Protection of Capitol by Federal Troops

§ 1.2 Federal troops have been called upon to guard the Capitol and its facilities on several extraordinary occasions.

On Apr. 5, 1968, in response to the widespread civil disorder that arose in the District of Columbia following the assassination of Dr. Martin Luther King in Memphis, Tennessee, the preceding day, President Lyndon B. Johnson issued an executive order⁽³⁾ authorizing the Secretary of Defense to mobilize National Guard Troops and to order regular armed forces into the District of Columbia to restore law and order, protect government property and prevent interference with governmental activities. The Capitol was one of the first areas secured when the troops arrived on Friday, Apr. 5. Troops remained on duty at the

The Committee on House Administration has jurisdiction of measures relating to the House Restaurant. Rule XI clause 9(1), *House Rules and Manual* §693 (1973). The Select Committee on the House Restaurant, which supervises the operation of the restaurant, now operates under the authority of the Committee on House Administration. *House Rules and Manual* §695 (1973).

3. Executive Order No. 11403, 33 Fed. Reg. (1968).

Capitol until Friday, Apr. 12, when they were withdrawn on order of the Secretary of Defense.

The deployment of troops was in accordance with the Emergency Plan for Protection of the Capitol, which had been previously approved by the Speaker of the House and the Vice President of the United States. Specific authority was neither requested by nor received from the Speaker or other Capitol officials prior to the assignment of troops to guard the Capitol.

On Feb. 25, 1943,⁽⁴⁾ Speaker Sam Rayburn, of Texas, from the floor of the House, defended his policy of having the Capitol protected by federal soldiers for a time during World War II:

Mr. Speaker, I am utterly amazed at my colleague from Minnesota, a man usually of splendid judgment and absolute fairness.

We have on this hill \$180,000,000 worth of property. . . .

. . . It happens to be the business of the Speaker of the House of Representatives to protect the property on this hill, and it cannot be protected by a few Metropolitan Police. . . . [S]ome day or some night somebody may come into this building and destroy a million dollars worth of property. As long as I have the responsibility, I am going to keep somebody here to protect these buildings.

4. 89 CONG. REC. 1324, 78th Cong. 1st Sess.