

December 12, 1978

The Honorable S. Dillon Ripley
Secretary of the Smithsonian
Washington, D.C. 20560

Dear Mr. Secretary:

Thank you very much for your letter of December 4th to the Vice President. I will certainly bring it to his attention.

He is very much looking forward to the Regents Dinner at his home on January 21st. It is not altogether clear yet whether he will be able to attend the Regents meeting on January 22.

With best wishes,

Sincerely,

Michael S. Berman
Counsel to the Vice
President



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

Kiss
Do Schur
letter from

December 4, 1978

Honorable Walter F. Mondale
The Vice President of the United States
Regent of the Smithsonian Institution
Washington, D.C. 20501

Dear Fritz:

This is to remind you that the next meeting of the Board of Regents will take place on Monday, January 22, 1979, at 8:30 a.m. in the Regents' Room of the Smithsonian Institution Building. Our staffs have been in touch regarding the Regents' dinner which you plan to give on Sunday evening, January 21.

You will note from various events which have taken place recently that we currently have no Regents from the House of Representatives. As you know, Mr. Mahon retired from the Congress, Mr. Cederberg was unsuccessful in his campaign for reelection, and Mr. Ryan was killed in Guyana.

I have spoken to the Speaker of the House to express the interest of the Board of Regents and myself concerning the early appointment of the House members in order to continue to maintain our close relationships with the Congress. Any suggestions you may have along this line will be appreciated.

You will be receiving an agenda and back up material well in advance of the meeting, and I look forward to seeing you then.

With kindest regards and best wishes for the Holidays, I am,

Sincerely yours,

S. Dillon Ripley
Secretary

Enclosure
Reply card

Dorothy Rosenberg is sending list of 40 to be invited to Regents Dinner. Ripley wants to include staff - fill in as the original invites regret. I told her we'd discuss it after Xmas.



OFFICE OF THE VICE PRESIDENT
WASHINGTON

September 27, 1978

MEMO TO THE VICE PRESIDENT

FROM: MIKE BERMAN *mb*

RE: Smithsonian Board of Regents

*Mike
I believe the
meetings should
be open
PR*

Recently I sent you a memorandum relative to the issue of open meetings of the Board -- this matter came up for a rather vigorous discussion at the Board meeting based on a recommendation by the executive committee that the current policy be continued. Current policy is that all meetings will be closed, that copies of minutes will be sent to selected members of Congress, and that the press would be briefed after each meeting.

This position is strongly supported by the Chief Justice, who, acting as Chancellor, has made it quite clear that he would no longer participate as a Board member if the meetings were open. He was not at this meeting, but his position was annunciated for him, and it is quite well known to Board members.

Senator Jackson and Congressman Ryan, both Congressional Regents, voiced objections to the policy, and were recommending a policy which would have both closed and open sessions, followed by executive sessions for matters which required private discussion, such as personnel matters, handling of law suits, negotiations for acquisitions, etc. Other Congressional members were for closed meetings, and the private sector members tended to be for closed meetings. Because the acting chairman, Jim Webb, wanted unanimous agreement on the motion, the matter was put off until the January meeting, with the recommendation that a small committee of Regents be designated by the Chancellor to come up with alternatives that might be more generally palatable.



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

Madame Minister Hertha Firnberg
Federal Ministry for Science and Research
Minoritenplatz
1010 Vienna
AUSTRIA

My dear Madame Firnberg:

I am writing to tell you how delighted I am that the exhibition Vienna Moderne is coming to the United States this fall. As a Regent of the Smithsonian Institution, I am particularly pleased that the exhibition will open at our Cooper-Hewitt Museum in New York prior to traveling to Houston, Chicago and Portland. There is currently a great deal of interest in Austrian design and I am sure the exhibition will be well received in this country.

Your assistance in making this exciting exhibition possible is deeply appreciated.

Very truly yours,


Vice President



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

August 15, 1978

Honorable Walter F. Mondale
The Vice President of the United States
Washington, D.C. 20501

Dear Fritz:

As you may have heard, the Cooper-Hewitt Museum in New York, which is the pre-eminent National Museum of Design, administered by the Smithsonian Institution, is planning another one of its remarkable exhibitions to be held in the autumn of 1978. This exhibition highlights the subject of decorative art as developed so well in Vienna in the period of Art Deco and the earlier parts of the 20th Century.

It would be an enormous pleasure to us if you, as a Regent of the Smithsonian, would care to direct a letter to Madame Minister Hertha Firnberg of the Ministry for Science and Research in Austria, suggesting that it would be a most appropriate matter for her to notice that this important exhibition of Austrian design is coming to this country and that we need any particular assistance that the Austrian Government can give. We feel that with a small boost from yourself there is a good chance that the Government will respond and pay for the transportation of the exhibition over here and back, while its transport within the country will be taken care of locally. This is an important exhibition which benefits far more than the Smithsonian, for as you will note it is planned that it will visit Houston, Chicago and Portland on its tour.

With warm good wishes and sincere hopes that you may be able to assist us in this regard, I am,

Very sincerely yours,

S. Dillon Ripley
Secretary

August 25, 1978

The Honorable Lindy Boggs
U.S. House of Representatives
Washington, D.C. 20515

Dear Lindy:

I just learned that you have decided to forego further participation as a Regent of the Smithsonian. While I have not had the time to be active, I know from others the contribution that you have made to the continuing success of the institution.

Please accept my congratulations and thanks for a job well done.

With best wishes,

Sincerely,



Walter F. Mondale

August 24, 1978


The Honorable S. Dillon Ripley
Secretary
The Smithsonian Institution
Washington, D.C. 20560

Dear Mr. Ripley:

Thank you very much for your letter to the Vice President of August 21st informing him that Congresswoman Boggs has decided to resign as a Regent of the Smithsonian. I will certainly pass this information to him as well as the information that relates to the Speaker's appointment of Congressman Ryan to fill the vacancy.

Thank you.

Sincerely,


Michael S. Berman
Counsel to the Vice
President



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

MSB
21 August 1978

Honorable Walter F. Mondale
The Vice President of the
United States
Washington, D.C. 20501

Dear Fritz:

Dear Mondale

Lindy Boggs telephoned me on Thursday afternoon, August 17, to explain that because of very heavy pressures and other commitments, she had decided to tender her resignation as a Regent of the Smithsonian Institution. Her letter to the Speaker of the House as it appeared in the Congressional Record on August 17, 1978, is enclosed.

As we all know, Lindy has made a very special contribution to the Institution and the nation. Her unfailing wisdom and integrity, her strong participation in the business of the Regents and her personal charm served the Institution well at an important time in its history. For my part, I can only hope that when her scheduled obligations are lightened somewhat, the Institution may benefit from her possible re-appointment by the Speaker.

The Speaker of the House has named Representative Leo J. Ryan of California to fill the vacancy on the Board. The announcement of the appointment as it appeared in the Congressional Record, plus a brief biography of Mr. Ryan is also enclosed. I hope that we will have an opportunity to welcome Mr. Ryan at the Chancellor's dinner.

With kind regards.

Sincerely yours,

S. Dillon Ripley
Secretary

Enclosures

RESIGNATION AS MEMBER OF
BOARD OF REGENTS TO SMITH-
SONIAN INSTITUTION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Board of Regents to the Smithsonian Institution:

HOUSE OF REPRESENTATIVES,

Washington, D.C.

DEAR MR. SPEAKER: As I have discussed with you, and should like to tender my resignation as a congressional regent of the Smithsonian Institution.

I am most grateful to you for allowing me the privilege of serving as a regent. I have thoroughly enjoyed the experience and hope that I have represented the House diligently and energetically.

Any criticism of the former relationship between the institution and the Congress has hopefully been removed by the newly activated close association among the regents, the staff and the appropriate congressional committees.

All of the regents are devoted citizens and highly interesting personalities. I especially enjoyed my work with Judge Higginbotham on the African Museum.

Thank you very much, Mr. Speaker, for this exciting experience.

Warmest best wishes.

Sincerely,

LINDY.

Also, Mr. Speaker, I should report to you on the splendid arrangements initiated by Dorothy Rosenberg of the Smithsonian and Jan Schoonmaker, my chief legislative assistant, for coordination and cooperation among staff members at the Smithsonian and those appointed by the House and Senate regents. Their work has been most valuable.

LINDY.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

August 17, 1978

APPOINTMENT AS MEMBER OF
BOARD OF REGENTS TO SMITH-
SONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to the provision of 20 U.S.C. 42, 43, and without objection, the Chair appoints as a member of the board of regents to the Smithsonian Institution the gentleman from California, Mr. RYAN, to fill the existing vacancy thereon.

There was no objection.



Rep. Leo J. Ryan (D) Elected 1972; b. May 5, 1925, Lincoln, Neb.; home, South San Francisco; Creighton U., B.S. 1949, M.S. 1951.

Career High school principal, superintendent, and teacher; So. San Fran. City Cncl, 1956-62, Mayor, 1962; Cal. Assembly, 1962-72.

Offices 137 CHOB, 202-225-3531. Also 181 2d Ave., Suite 400, San Mateo 94401, 415-348-1973.

Committees *Government Operations* (10th). Subcommittees: Environment, Energy and Natural Resources (Chairman); Government Information and Individual Rights.

International Relations (13th). Subcommittees: International Operations; International Organizations.

Post Office and Civil Service (17th). Subcommittees: Census and Population; Postal Operations and Services.

ELEVENTH DISTRICT.—SAN MATEO COUNTY: The cities of Belmont, Brisbane, Burlingame, Colma, Daly City, El Granada, Foster City, Half Moon Bay, Hillsborough, Millbrae, Montara, Moss Beach, Pacifica, San Bruno, San Carlos, San Mateo, and South San Francisco; and most of Redwood City, except the Emerald Lake area which is in the Twelfth District. Population (1970), 464,287.

LEO J. RYAN, Democrat, of Belmont; born in Lincoln, Nebr., May 5, 1925; M.S., Creighton University, 1951; enlisted in U.S. Navy, 1943, served in submarine service; teacher; school administrator; appointed to South San Francisco Recreation Commission; elected city councilman and served as mayor; authored book entitled "Understanding California Government and Politics" also edited the book "The USA: From Where We Stand"; elected to California State Assembly, 1962; elected to the 93d Congress, November 7, 1972; reelected to each succeeding Congress.





OFFICE OF THE VICE PRESIDENT
WASHINGTON

September 6, 1978

MEMORANDUM FOR: THE VICE PRESIDENT

FROM: MIKE BERMAN *Mik*

RE: Open Meetings of the Board of Regents of the Smithsonian

For a number of years there have been requests by the media, principally the Washington Star and Washington Post, but others as well, that meetings of the Board of Regents be open to the public. Current Board policy is to have closed meetings followed by briefings for the press. The House Appropriations Committee and the Senate Appropriations subcommittee have both recommended that the Board hold public meetings. As of the last meeting of the Board copies of the agenda and the minutes are being made available to the relevant congressional committees.

There is no legal requirement that the Board hold public meetings. But for the past year the Board has had its meeting access policy under review and there is a great deal of pressure from the press for a decision. It is likely that the Board will take action at its next meeting on September 25th.

The Executive Committee of the Board (in the current instance Chief Justice Burger and Jim Webb) has recommended to the Board that it continue its policy of closed meetings. I do not believe that this decision will be well received either by the media or the Congress.

The principal argument against open meetings, as contained in the recommendation of the Executive Committee, is that because of the heavy responsibilities they carry and because a majority of the Regents live outside of Washington, the Board members don't have time for conversations with the staff or each other before the meetings. Thus, they depend on written materials and must use the meetings for frank exchanges required for sound decision making.

While that description of the involvement of the average Regent is accurate, it strikes me as a little weak to argue that the meetings should be closed because the Regents are too busy to do their jobs properly.

Having attended a number of Regents meetings as well as one executive committee meeting plus a number of meetings with other Regent's staff members, I am hard pressed to understand what they are trying to protect. There are agenda items which should be handled in executive session such as personnel matters, discussion of lawsuits, certain acquisitions, etc., but much of the discussion could be handled in public. Of the sixteen item agenda adopted for the September 25th meeting, there may be three items which should be considered in executive session.

Much of the argument strikes me as being very similar to that which went on when the decision was made to open up certain congressional committee sessions. Most of the time anyone attending these meetings would be bored to tears. Frankly, I sometimes wonder if part of the reason for opposing open meetings is the fact that there would not be sufficient room to hold open meetings in the current baronial conference room in which the meetings are held.

Since you will undoubtedly not attend the meeting, you may wonder why you should have any interest in this issue. I think there are several reasons.

1. You are a Regent by law and that carries with it some responsibility to pay attention to the Institution. The proposed policy is questionable and is certainly not consistent with current attitudes about the public right to know.

2. If this decision is made against openness, as it undoubtedly will be made, there could be some flap and you could get press inquiries about your position. I have little doubt that the Star and Post will do something with this. We obviously could put out a statement that you hadn't been able to attend the meeting and hadn't considered the issue. That is rather lame but any flap media wise probably won't go beyond the Washington papers and the New York Times, unless other journalists get interested.

3. I might get asked about your position on the issue but can easily finesse it.

4. I would guess that some members of Congress are going to be upset with the decision but their number is probably limited.

Page Three

You have several options:

- _____ Do absolutely nothing and finesse any inquiries after the decision is made.
- _____ Write to Chancellor (Burger) suggesting your concern about this issue and proposing access with limitations.
- _____ Let me check with some of the other staff people including that of the Chief Justice (with whom I get along pretty well) and see if anyone else is uncomfortable with this issue and then decide on a letter.

September 27, 1978

MEMO TO THE VICE PRESIDENT

FROM: MIKE BERMAN

RE: Smithsonian Board of Regents

Recently I sent you a memorandum relative to the issue of open meetings of the Board -- this matter came up for a rather vigorous discussion at the Board meeting based on a recommendation by the executive committee that the current policy be continued. Current policy is that all meetings will be closed, that copies of minutes will be sent to selected members of Congress, and that the press would be briefed after each meeting.

This position is strongly supported by the Chief Justice, who, acting as Chancellor, has made it quite clear that he would no longer participate as a Board member if the meetings were open. He was not at this meeting, but his position was announced for him, and it is quite well known to Board members.

Senator Jackson and Congressman Ryan, both Congressional Regents, voiced objections to the policy, and were recommending a policy which would have both closed and open sessions, followed by executive sessions for matters which required private discussion, such as personnel matters, handling of law suits, negotiations for acquisitions, etc. Other Congressional members were for closed meetings, and the private sector members tended to be for closed meetings. Because the acting chairman, Jim Webb, wanted unanimous agreement on the motion, the matter was put off until the January meeting, with the recommendation that a small committee of Regents be designated by the Chancellor to come up with alternatives that might be more generally palatable.

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SMITHSONIAN INSTITUTION
Washington, D.C. 20560
U.S.A.

March 3, 1978

MEMORANDUM

TO: Members of the Board of Regents,
Smithsonian Institution

FROM: S. Dillon Ripley, Secretary *S. Dillon Ripley*

The following is transmitted to you for your
information:

S 2766 CONGRESSIONAL RECORD—SENATE March 2, 1978

APPOINTMENTS BY THE VICE
PRESIDENT

The Chair, on behalf of the Vice President, pursuant to title XX, United States Code, sections 42 and 43, appoints the Senator from North Carolina (Mr. Robert B. Morgan) to the Board of Regents of the Smithsonian Institution, in lieu of the Senator from Rhode Island (Mr. Pell), resigned.



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

February 17, 1978

Honorable Walter F. Mondale
President of the Senate
United States Senate
Washington, D.C. 20510

Dear Mr. President:

As you know, the composition of the Board of Regents of the Smithsonian Institution is designated in Title 20 of the United States Code, Sections 42 and 43, an excerpt of which is enclosed.

On February 9, 1978, Senator Claiborne Pell reluctantly submitted his resignation from the Board because of his election to the Chairmanship of the Senate Committee on Rules and Administration.

It is respectfully requested that a new Senatorial Regent be appointed in order to maintain the complement of Senatorial Regents on the Board.

Sincerely yours,

S. Dillon Ripley
Secretary

Enclosure

R.S. § 5579 was amended by Act Feb. 27, 1877, by changing the words "Patent Office" to the word "Patents" and was further amended by Act Mar. 12, by altering the section so as to read as set forth here; omitting therefrom the Commissioner of Patents and the Governor of the District of Columbia, the latter office having been abolished; and omitting also the provision for honorary members.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 42. Regents.

The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State. (R.S. § 5580; Mar. 12, 1894, ch. 36, 28 Stat. 41; Dec. 15, 1970, Pub. L. 91-551, § 1(a), 84 Stat. 1439.)

DERIVATION

Acts Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103; Jan. 10, 1865, ch. 11, 13 Stat. 420; Mar. 20, 1871, ch. 1, 17 Stat. 1.

CODIFICATION

Act Mar. 12, 1894, struck out after "the Chief Justice of the United States," the words "The Governor of the District of Columbia," the latter office having been abolished by Act June 20, 1874, ch. 337, § 1, 18 Stat. 116.

AMENDMENTS

1970—Pub. L. 91-551 authorized three additional persons on the Board of Regents.

CROSS REFERENCES

National Zoological Park, administration by Regents of Smithsonian Institution, see section 81 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 43. Same; appointment; terms of office; vacancies.

The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress. The Members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner to serve until the fourth Wednesday in December in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress. (R.S. § 5581; Dec. 15, 1970, Pub. L. 91-551, § 1 (b), (c), 84 Stat. 1440.)

DERIVATION

Act Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103.

AMENDMENTS

1970—Pub. L. 91-551 authorized the appointment of three additional members of the Board by joint resolution of the Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 44. Same; organization.

The Board of Regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board; and, on application of any three of the regents to the secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, eight shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited by the executive committee, and recorded by the secretary of the board; but his service as Regent shall be gratuitous. (R.S. § 5582; Dec. 15, 1970, Pub. L. 91-551, § 1(d), 84 Stat. 1440.)

DERIVATION

Act Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103.

AMENDMENTS

1970—Pub. L. 91-551 increased the number of members required to constitute a quorum from five to eight.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 57, 67 of this title.

§ 45. Special meetings of members.

The members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the President, and in his absence the Vice President, shall preside. (R. S. § 5585.)

DERIVATION

Act Aug. 10, 1846, ch. 178, § 8, 9 Stat. 103.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 57, 67 of this title.

§ 46. Duties of secretary.

The secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution until no longer needed in conducting current business; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants. (R. S. § 5583; Oct. 23, 1951, ch. 562, § 2 (4), 65 Stat. 639.)

DERIVATION

Act Aug. 10, 1846, ch. 178, § 7, 9 Stat. 105.

AMENDMENTS

1951—Act Oct. 23, 1951, inserted "until no longer needed in conducting current business".



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

February 27, 1978

Mr. Peter N. Kyros
Deputy Counsel
Office of the Vice President
280 Old Executive Office Building
17th Street and Pennsylvania Avenue,
Northwest
Washington, D.C. 20501

Peter
Dear Mr. Kyros:

Your interest in coming to the meeting of the Executive Committee of the Board of Regents on Saturday, February 18, was sincerely appreciated.

I believe that plans to assure closer communication with the office of the Vice President will be of great value to the Smithsonian.

With kindest regards,

Sincerely yours,

S. Dillon Ripley
Secretary



SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

February 24, 1978

Mr. Michael S. Berman
Counsel and Deputy Chief of Staff
Office of the Vice President
280 Old Executive Office Building
17th Street and Pennsylvania Avenue,
Northwest
Washington, D.C. 20501

Dear Mr. Berman:

I want to thank you for giving so generously of your time last Saturday to attend the meeting of the Executive Committee of the Board of Regents. Your personal interest, I am sure, will be of great importance to the Vice President in gaining more knowledge about our organization.

We are currently devising a liaison system which will keep you apprised of Smithsonian activities, and my office will be in touch with you soon.

Let me again convey to you my appreciation for your interest.

Sincerely yours,

S. Dillon Ripley
Secretary



OFFICE OF THE VICE PRESIDENT
WASHINGTON

February 21, 1978

MEMORANDUM FOR THE VICE PRESIDENT

FROM: Mike Berman
Peter N. Kyros, Jr. P.
RE: Smithsonian

Keep me advised

On Saturday, we attended the Smithsonian Board of Regents meeting to discuss the House Appropriations Committee's Report.

Essentially, the House Report echoes the criticisms made last fall in the GAO report commissioned by the authorizing committees, although this new report does focus more intensely on the relationship between the Secretary and the Board of Regents, suggesting that the Regents need to exercise more supervision over the daily activities of the Institution.

We do not believe that, at this point, any special activity on your part is warranted. The House Report does not contain any material which will reflect negatively on you. However, we do believe that you should attend at least one Regents meeting a year; since it is likely that the Regents will meet more frequently in the future, this goal should not be difficult to accommodate.

Sid Yates is holding a hearing on the report this week, and Dillon Ripley is under instructions from the Board of Regents to be "compliant" with the Congress. For the most part, the abuses revealed in the House Report are on their way to being corrected, and the Board of Regents appears to have become much more sensitive to the need to be responsive to Congress.

Peter will attend the House hearings this week and keep you posted on the results.



MINNESOTA HISTORICAL SOCIETY

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