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H.R. 2205, LEGISLATION TO ESTABLISH WITHIN THE SMITHSONIAN INSTITUTION A NATIONAL MUSEUM OF AFRICAN-AMERICAN HISTORY AND CULTURE

HEARING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, JULY 9, 2003

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H.R. 2205, LEGISLATION TO ESTABLISH WITHIN THE SMITHSONIAN INSTITUTION A NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

WEDNESDAY, JULY 9, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 2:40 p.m. in room 1310, Longworth House Office Building, Hon. Robert W. Ney (chairman of the committee) presiding.

Present: Representatives Ney, Ehlers, Mica, Linder, Doolittle, Larson, and Brady.

Staff present: Paul Vinovich, Staff Director; Jeff Janas, Clerk; Jennifer Hing, Assistant Clerk; Fred Hay, Counsel; George Shevlin, Minority Staff Director; Charles Howell, Minority Chief Counsel; Matt Pinkus, Minority Professional Staff; and Catherine Tran, Minority Staff Assistant.

The CHAIRMAN. The committee will come to order. Good afternoon. Today the Committee on House Administration is conducting its first hearing to begin the consideration of H.R. 2205, which establishes within the Smithsonian Institution the National Museum of African American History and Culture.

I would like to thank all of our participants in today's hearing for providing us with their valuable insight on this important piece of legislation not only to the Nation, but I think to the world as people visit Washington, D.C. I would also like to give special recognition to Representative John Lewis, who has worked tirelessly on the legislation since 1988, as I understand it.

Congressman Lewis is a remarkable individual with an incredible history himself. I know he will persevere and carry out all efforts.

This will be, I think, a legacy that will make everyone proud in this country. I believe it is fair to say that we have made substantial progress recently. We are closer now to this addition becoming reality than we have ever been in 15 years.

In 2001, President Bush signed Public Law 107–106, which created a Presidential Commission to research and evaluate issues related to the establishment of a proposed African American Museum and developed a plan for action to bring this issue to reality. This Presidential Commission should also be applauded for their diligent work and research on the proposed museum, and their hard

work should prove beneficial to bringing this long-awaited concept to fruition.

As is often the case around here, most, if not all, Members will agree on a common goal. In this case, the establishment of the museum envisioned by our sponsors is the common goal. There will be differences of opinion on the process and structure. This hearing should provide useful information that will guide us as we work through these differences to achieve that goal.

The primary purpose of today's hearing is to provide members with the information they will need to make sensible decisions on the site location of the museum, how fund-raising acquisitions will work and how the museum will be governed within the Smithsonian Institution. With this background, it is my hope that we can build a consensus to pass a strong piece of legislation that will have long-lasting benefits for generations to come.

I also want to acknowledge—I acknowledged Congressman Lewis, but also Congressman Jack Kingston, a great supporter of this measure and a person who sits on the committee that has the purse strings which are very important in this building; and, of course, our delegate, Congresswoman Eleanor Holmes Norton who has been a tremendous—not just on this issue but other issues. Supporter of the great Nation's Capital, which is our second home. Ohio is my first, a great State, and this is our home.

With that, I would defer to our ranking member, Mr. Larson.

Mr. LARSON. Thank you, Mr. Chairman. Let me echo your sentiments. Also in joining our distinguished panelists, Eleanor Holmes Norton, Jack Kingston and, of course, John Lewis.

Mr. Chairman, our hearing today is a demonstration of the power of an idea. This is an idea that is a long time coming. You certainly have to congratulate Mr. Lewis, as you have done, for his perseverance and his persistency in the manner in which he has approached this legislation, as you have noted, dating back to 1988.

This idea actually was first conceived during the administration of Woodrow Wilson and picked up a great deal of steam in 1929, but then because of the events of the Depression and the subsequent war, it was not until the vision of Mr. Lewis, who is a living legacy and a national treasure in his own right, that he was able to put forth this concept and bring it to fruition. I want to commend him and Mr. Kingston. I am proud to be a cosponsor of this bill.

As always with the first lady of Washington, D.C., Eleanor Holmes Norton, it is a pleasure to have her insight here. This is an important hearing for us to hear from the various panelists about the concerns that they have raised. But as the chairman points out, this is on a fast track. It is important that we move forward. We are pleased to see that the Senate has already taken action, and I am pleased to see that the committee has moved with all due speed to take up H.R. 2205 and bring it to the floor.

We anxiously await the comments from our panelists. Thank you so much.

The CHAIRMAN. Thank you. Are there any other members that would like to make a statement?

Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman. I am pleased to see that this legislation is being considered. This, of course, is the appropriate forum. I do have some concerns about the legislation and what I have reviewed. I have some concerns also about several of the sites that have been proposed for a potential structure.

First of all, I would be adamantly opposed to any site on The Mall. I think that this would set a precedent that would be unfair to all the other racial and ethnic group that make up the family of the American community.

I know of no other racial or ethnic group—now we have put the Native American museum on The Mall. And as we can see, we are starting to fill out The Mall. I think an additional structure on The Mall would be detrimental. I think we should really look at the policy that we have as to what additional structures go on The Mall.

The question is also of fairness to other ethnic and racial groups. I happen to be—my mother's side is Italian American. They have made incredible contributions to this country. My father's side was Slovak American, and they have done the same. But at some point we have to be fair to all racial and ethnic groups. If we put on The Mall a specific building dedicated to one group, I believe that is unfair.

I do believe that there is a tremendous rich cultural heritage, and contributions of African Americans should be recognized and done so appropriately by our leading institution, the Smithsonian. And I think that there are several locations where that could be done and I think it is the proper and appropriate role of the Smithsonian to recognize the accomplishments of both racial and ethnic groups. But I think we have to be very careful in, again, where we locate this facility and how we locate it.

Additionally, I would like to see and have recommended before an additional site, in addition to those on the map considered, and that is the Federal Trade Commission building, which is close to The Mall, which has outlived its usefulness as far as the Federal Trade Commission. It is one of the most historic and beautiful buildings and it is also close to where visitors congregate. I had recommended that that be looked at for additional space either by the National Gallery or the Smithsonian or the Archives. I would like to see that part of any proposal possible as a location to house such an exhibition.

So I think it is important that we do establish a sound policy, that we don't litter The Mall with additional buildings to each and every one of the great groups who again have made the country it is today; and then step back and say, What have we done and have we done this fairly with a fair policy?

With that, I raise my concerns and I look forward to hearing from the witnesses and more on the legislation.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. The gentleman from Georgia, Mr. Linder.

Mr. LINDER. Thank you, Mr. Chairman. I just would like to—I may not be able to be here long enough for the second panel. So I just want to recognize my friend of 25 years, Bob Wright, who did what I did, he started out dealing with patients and wound up

dealing with issues and has had a huge success. I am happy to have him here and happy to see him involved.

Welcome, Bob.

The CHAIRMAN. Would any other members like to make a comment?

If not, with that we will proceed on to the panel. I want to welcome our distinguished colleagues. We will start with Congressman Lewis.

STATEMENT OF HON. JOHN LEWIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. LEWIS. Thank you very much, Mr. Chairman. Thank you for those kind words.

First, Mr. Chairman and all the members of the committee, I want to commend you for holding this hearing on such an important piece of legislation. H.R. 2205, the National African American Museum History and Culture Act.

Thank you, Ranking Member Larson, for your commitment to making this bill a top priority.

I want to thank Representative Jack Kingston from my home State of Georgia for his support of this legislation in the House and also my friend and colleague for many, many years during the early days of the civil rights movement when we were only teenyboppers; Delegate Norton from the district for your help and support.

I want to thank Senator Brownback and Senator Dodd for passing the companion African American Museum legislation in the Senate.

As you know, there exists no national museum located in our Nation's Capital on the National Mall that is devoted to the documentation of African American history. That is why Representative Kingston and I have introduced H.R. 2205. This legislation authorizes the establishment of a National Museum of African American History and Culture within the Smithsonian Institution. H.R. 2205 also directs the Smithsonian Board of Regents to designate a museum site from four specified sites, the Capitol site, monument site, Arts and Industries Building and the Liberty Loan Building.

In the South, many, many years ago, I remember it very well when people of color could not enter through the front door of many homes and businesses. A national African American Museum should be in the front yard of the United States Capital. The National Mall and the space around it is the front door to America; it is a symbol of our democracy. I firmly believe that a national African American Museum should not be off the National Mall at some back door.

Let us be frank and candid about the real concerns of H.R. 2205. Let us meet these concerns head-on. I know that there are Members who have said that if the African American Museum were located on the Capitol site, it would create a security threat to the Capitol. Mr. Chairman, these security concerns unfairly imply that a national African American Museum would pose more of a threat than the United States Supreme Court, the Library of Congress, and the Capitol Visitors Center. Cars and trucks can get closer to the Capitol and congressional buildings by driving down Constitu-

tion and Independence than by parking at the proposed Capitol site. Frankly, I find it hard to believe that Congress cannot find a reasonable solution to these security concerns.

During every session of Congress for the past 15 years, I have introduced legislation to establish a national African American Museum. In December, 2001, a major victory was achieved with the passage of legislation appointing a bipartisan Presidential Commission to provide a legislative blueprint for the creation of a National Museum of African American History and Culture.

After a year-long study and more than 50 national and local town hall meetings, the Presidential Commission submitted its report to Congress and the President. This report served as a road map for H.R. 2205a and S. 1157. In the final report, the Commission concluded that there are many collections available to support a national African American Museum and that regional African American museums overwhelmingly support the establishment of a national museum.

The Commission also strongly recommended that the museum be a part of the Smithsonian Institution on the National Mall. In fact, the Commission stated that designating a site in a timely fashion, was key to fund-raising efforts for a national African American Museum.

It is my belief, Mr. Chairman and members of the committee, establishing a national African American Museum is our chance to take an important step to heal our Nation's racial wounds. There is still a lot of pain and hurt that lies deep within the American psyche. We cannot run from it. We cannot push it under a rug or in some dark corner. We must face it if America is to become a Nation that values liberty and justice for all Americans.

Just yesterday, President Bush visited Goree Island where ships took Africans to America for a life of slavery. I agree with what our President said, "that the very people traded into slavery helped to set America free," and that is exactly the type of legacy that a national African American Museum will honor.

In the past few years, we have witnessed the building of the Holocaust museum and the Native American museum. I support these museums. But it is my belief that no other group in America has suffered longer under such a vicious and evil system of oppression than African Americans, over 300 years of slavery, years of segregation and Jim Crow laws.

The time is long overdue to recognize the contributions African Americans have made to our country, including the building of the United States Capitol. The time is right. The time is now. We must let it be done on our watch and create a National Museum of African American History and Culture.

When we began this journey, I often said that we must pace ourselves for the long haul. Well, we have paced ourselves. We have been patient. The Commission has submitted a thorough and complete report. The Senate has acted and passed legislation establishing a national African American Museum. Now it is time for the House to do its job.

Mr. Chairman, and members of the committee, I ask for not only your commitment to move this bill in a timely manner, but also your assistance in finally bringing H.R. 2205 to the House floor be-

fore the August recess. I look forward to working with you in a bipartisan manner to make sure we pass H.R. 2205.

Thank you Mr. Chairman, Mr. Ranking Member and all members of this committee. Thank you.

The CHAIRMAN. I thank the very distinguished colleague for his testimony.

[The statement of Mr. Lewis follows:]

Statement of Congressman John Lewis
Testimony Before the Committee on House Administration
National African American Museum History and Culture Act
(H.R. 2205)
July 9, 2003

First, Mr. Chairman I want to commend you for holding this hearing on such an important piece of legislation, H.R. 2205, the National African American Museum History And Culture Act. Thank you, Rep. Larson for your commitment to making this bill a top priority.

I want to thank Rep. Kingston from my home state of Georgia for his support of this legislation in the House. I also want to thank Senator Brownback and Senator Dodd for passing the companion African American Museum legislation in the Senate.

As you may know, there exists no national museum located in Washington, D.C. on or near the National Mall that is devoted to the documentation of African American History.

I strongly believe that a National African American Museum should be a part of the Smithsonian on the National Mall. In the South I remembered when black people could not enter through the front door of many homes and businesses. I firmly believe that a National African American Museum should not be off the National Mall at some back door. The National Mall and the space around it, that's the front door to America.

Creating a National African American Museum in the front yard of the United States Capitol is a turning point that will properly honor the legacy of African Americans. A National Museum of African American History and Culture will preserve these important contributions and moments in history and will inspire future generations to dream, to write, to march and to teach.

During every session of Congress since 1988, I have introduced legislation to establish a National African American Museum. In December 2001, a major victory was achieved with the passage of legislation appointing a bipartisan Presidential Commission to provide a legislative blue print for the creation of a National Museum of African American History and Culture.

After a year-long study and more than fifty national and local town hall meetings, the Presidential Commission submitted its report to Congress and the President. This report served as a roadmap for H.R. 2205 and S. 1157.

In the final report, the Commission concluded that there are numerous collections available to support a National African American Museum -- and that regional African American museums overwhelmingly support the establishment of a national museum.

The Commission also strongly recommended that the Museum be a part of the Smithsonian Institution on the National Mall. In fact, the Commission stated that location was key to fundraising efforts for a National African American Museum.

Establishing a National African American Museum is our chance to take an important and productive step to heal our nation's racial wounds. This is our chance to create an America that values the dignity of every individual, an all-inclusive community that is at peace with itself, a Beloved Community. There is still a lot of pain and hurt that lies deep within the American psyche. We cannot run from it. We cannot push it under a rug or in a dark corner. We must face it if America is to become what I call a Beloved Community - a community at peace with itself. The time is right. The time is now. We must do the right thing and create a National Museum of African American History and Culture.

When we began this journey, I often said that we must pace ourselves for the long haul. Well, we have paced ourselves. We have been patient. The Commission has submitted a thorough and complete report. The Senate has acted and passed legislation establishing a National African American Museum. Now it is time for the House to do its job.

Mr. Chairman, I ask for not only your commitment to move this bill expeditiously, but also your assistance in finally bringing H.R. 2205 to the House floor before the August recess. I look forward to working with you in a bipartisan manner to make sure we pass H.R. 2205.

The CHAIRMAN. Congressman Kingston.

STATEMENT OF HON. JACK KINGSTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. KINGSTON. Thank you, Mr. Chairman, Mr. Larson and members of the committee. It is good to be with you today. I certainly appreciate your holding this hearing today.

I want to point out that while I am one of the authors of this, there are many, many cosponsors from both parties and of all races, so this does have wide support in the House. As my colleague Mr. Lewis has pointed out, it has already passed the Senate, so we really appreciate the leadership this committee has shown by moving it a step forward.

Mr. Lewis, I wanted to commend him on his work. He started this project several years ago and had as an original cosponsor then Mr. J.C. Watts. I have kind of taken Mr. Watts' slot in terms of my name, but I would never be able to take his slot in terms of my person; I am aware of that. But I am proud to be sitting up here with my friend John Lewis and also with Mrs. Holmes Norton. I appreciate everything that they have done.

The idea behind this, in my opinion, is that the history of African Americans is our history and it is our culture. They have been here since the beginning and have made this country what it is. We need to learn about that history—the good, the bad, the tragic, and inspiring. We need to learn it as we learn about ourselves. I think that the more we know about it, the brighter our future together will be.

I was somewhat, you may say, on the front line of integration to the degree that as a child I started at an all-white school system and then as I grew up, fifth grade on, it became integrated and more and more integrated to the extent that when I was a senior, there was no such thing as black schools or white schools as had there been when I was in first grade. But it stimulated a lot of interest to me into racial issues and racial, I guess, harmony—if not another word for it—because while I think Mr. Lewis and Ms. Holmes Norton were out there on the street making it happen, I was back in the classroom where it happened and got to know lots of black children as they got to know lots of white children. It was a very, very positive experience.

Yet as we got to know each other, it was clear that the history books left out the chapter of black history. When I got to 10th grade, we came up with February as Black History Month, but what about the other 11? I often have mixed emotions about Black History Month because it implies it is only worth a month's study. This is not the case at all.

The other thing about black history in America is, we tend to focus on the Civil War and the southern period. But, in fact, the African history began in colonial times. My cousin, for example, is a part owner of something called the Acacia Exhibit that is loaned to a museum, and it is on African American artifacts such as pottery, such as handwoven baskets and bits of fabric. It was truly of African design because these were people who, when they were in America, were still speaking in their African native tongue.

Most Americans don't ever think about that period of the 1770s and 1780s, and prior to then as well. A museum like this will highlight it.

When I was in school, because of the lack of historical references to black culture, I began reading lots of books on it, books by Richard Wright and Malcolm X, Eldridge Cleaver and Dick Gregory and W.E.B. DuBois. Yet one of the ones I like the most was one called "The Learning Tree" by Gordon Parks. What that book did was explore racial relations without malice and without politics.

As a school child, who again was in the classroom where the integration took place and therefore on the front line in some respects, I can say that the most racial reconciliation and progress I have ever seen is the kind that takes place without malice, where races can get to know each other and talk and talk openly. I think that is the type thing that Mr. Lewis and I envision in this museum—not a political platform, not a platform to point fingers, but a platform for understanding and therefore national racial reconciliation.

To place it at the Nation's Capital is certainly a very important thing to do, to do it now. I think it is past time to do it.

The discussion about the site, I think, is a worthy one. It is difficult any time we start talking about where on the Mall to put something, but I think that this committee, this Congress, has within its wisdom to come up with a satisfactory conclusion to that. I want to go, I guess, that far in terms of a reference to it.

I look forward to working with members of your committee and Members of the House. Again, thank you for having the hearing.

The CHAIRMAN. I thank the gentleman for his testimony.

[The statement of Mr. Kingston follows:]

Congressman Jack Kingston
Testimony before the Committee on House Administration
H.R. 2205
July 9, 2003

Thank you Mr. Chairman. I would like to thank you and the committee for your time today. I appreciate your interest in this bill and in helping our effort to make this museum a reality.

I would especially like to thank my colleague from Georgia, Mr. Lewis, for his tireless efforts over the years to ensure that a National Museum of African American History and Culture will be added soon to our Smithsonian Institution. This project would not be as close as we are today without him, and I am proud to be a part of it. Mr. Lewis, thank you for your steadfast commitment and leadership on this issue and for allowing me to work with you on it.

Mr. Chairman, the time has come for a dedicated, national museum to celebrate African American culture, experience, and history. The history and culture of African Americans is <u>our</u> history and culture. When we learn that history – the good and the bad, the tragic and the inspiring – we learn about ourselves. By understanding our common past we can begin to envision a brighter future. Bringing this museum into our national memory at the Smithsonian Institution is the right thing to do. And bringing this museum to a prominent and fitting home in our nation's capital is also the right thing to do.

There are many issues surrounding this museum which I believe have been addressed by this bill. We have tried to closely follow the model recently adopted for the Native American Museum currently under construction. Issues regarding museum governance and cost sharing, for example, follow this model. I look forward to working with you all to make sure this bill will accomplish our goals in a timely manner.

The one point that has been made many times is that a specific site for this museum should be decided. As you know, the Commission recommended five sites within the District of Columbia, four of which are included as options in H.R. 2205. Each of these sites has significant benefits as well as drawbacks. I strongly believe that is critical to the timely success of this project that a final, achievable and suitable site is agreed upon as soon as possible. I would only offer my cautions to the committee that without a firm decision on a site, the project will surely falter.

Mr. Chairman, expanding our national treasure, the Smithsonian Institution, to include the National Museum of African American History and Culture is a tremendous opportunity to remember our past while looking forward our common future. We need to help pass this bill. I thank you again for your time and I look forward to working with you as we see this project through.

The CHAIRMAN. The gentlewoman from the District of Columbia, Congresswoman Eleanor Holmes Norton.

STATEMENT OF HON. ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. Thank you, Mr. Chairman.

Mr. Chairman, Mr. Larson, members of the committee, first let me say, Mr. Chairman, I appreciate your holding this hearing so promptly right after the Senate has passed its own bill, the bill before you.

In a completely unrelated matter, Chairman Ney, I thank you for the courtesy you have always afforded me as the representative of the people who live in the city. Much of what comes before you affects these 600,000 people, and I always want to be sensitive to that fact and keeping this city open, as you once again said as you opened this hearing.

Mr. Larson is a perfect Member to be a ranking member, and I appreciate all his courtesies as well.

Your moving so promptly on this bill reminds me of the fact that, in one form or another, it has been around this Congress for 100 years; so your movement on the bill now is especially appreciated. This bill is in virtually every sense uncontroversial.

The best way to understand that is that, in 1929, the Congress of the Untied States actually appropriated $50,000 for this museum. My friends, that was in a day when lynching was still going on in this country. That was in a day when the schools of the Nation's Capital were still segregated. Still, that Congress at a time when segregation was the law of the land was willing to say there ought to be an African American Museum. So I have no doubt that the notion of an African American Museum today in a far more enlightened America is not controversial at all in terms of where some controversy may lie.

My own interest in this bill has several sources. When I came to Congress, I found that our good friend from the movement has come a session before and already had come forward to sponsor this bill. I have sponsored the bill ever since I came in 1991.

I have been a member of subcommittee that also has jurisdiction over the bill, a subcommittee of the Transportation Committee. Indeed, as a member of that subcommittee, we have voted and actually gotten this bill out of the Congress. Out of the 103rd Congress we passed the museum bill. It was stopped by a Senator, who shall go unnamed in the Senate, and never got out of the Senate.

I am a fourth generation Washingtonian, so I can say to you that for four generations my own people who came here before the Civil War, at least those who came here after they called for this museum, have been waiting for this museum. The people I represent, the 600,000 people I represent, have watched this debate for generations; they have been waiting for this museum.

If I may say so, millions of Americans shave heard about this museum and have regarded it as a promise unkept. I appreciate that this committee has moved forward to keep its promise. This is not the furthest any Congress has come, before us, in getting toward a bill.

Let me just say, I recognize Mr. Mica's comments, I recognize the comments of many of my colleagues about the site, and I can understand those comments. They need to be aired so that they can be reconciled. I appreciate that. I appreciate the way that they are brought forward so they can be discussed.

At another level, I regret one thing about this bill. It is no secret to anybody, since I involve myself in every monument that comes here—the people I represent consider themselves the guardians of the monuments of this city—that it is unwise to have discussion of sites in bills, not our business, we don't know what we're doing. We have been able to keep that out of the bills almost always.

The reasons that we simply don't involve ourselves in a discussion of sites normally is that we are talking about an overdeveloped Nation's Capital. That is why we have a very extensive administrative process. If you want to build anything in this town, we take you through a lot of hoops and we have got to, because it is a compact city, it can never grow larger, it is the Nation's Capital.

So none of us, no Member of Congress, no organization on the globe can talk about the design, the height limit, the massing, the aesthetics, the traffic patterns, the street access; all of that has to do with where things should be placed or whether they should be placed at all. So we normally stay out of that, and we should stay out of that. That has been my position; it will always be my position. This committee and the Congress itself has not violated this position.

I made it clear to the people on the Commission, you are going to make a completely noncontroversial piece of legislation controversial by talking about sites.

With that said, I want to talk about the only site that I think Congress has any business talking about at all, because it is the only site controlled by the Congress and that is the site at First and Third Streets.

I recognize that even that site needs a lot of discussion before that is done. But the other sites in our tradition we simply don't speak about at all, because we have all kinds of mud on our face when the NCPC comes back and tells us or the Fine Arts Commission comes back and tells us that you can't do this, that or the other. So I ask that that process be respected.

And if we in fact go with the Capitol site, we are going to have to go through a process as well. The reason that I think it is not yet appropriate for that site to be in that is that only we can speak to that site. It would require a congressional bill itself. Now I think that site is appropriate for the museum. It is one of the few vacant sites for which a building was specifically planned and does not exist. If you look at the 1901 McMillan plan, there is a building there. That building is meant to be the counterpart of the Botanic Gardens; it is meant to be a twin of the Botanic Gardens. So the Botanic Gardens is kind of off center. Everything else in the Capitol is quite symmetrical, the House and the Senate, and the Botanic Gardens doesn't have its mate yet. So it makes sense in terms of one of the most respected plans of Washington.

It is interesting that when the Botanic Gardens was put there, it was called a "living museum." so the African American Museum would face another museum as far as I'm concerned there.

I must say, the one thing that would make me impatient—if you don't want to build on the Capitol site, then you don't want to build on the Capitol site, but the one thing that would make me impatient would be if we let security concerns decide that we are not going to build on lands we own where building was always contemplated. I hope that this Congress will never be reduced to that kind of timidity and will not offer that concession to terrorists. I have no doubt that the Capitol Police can protect any museum the way they protect the Botanic Gardens.

Finally, let me say that there is a unique symbolic importance to that site. The Civil War veterans called for a monument at that site. They had been dishonored 50 years before that then when, despite having served, many of them as slaves in the Union Army, they were kept from marching with the Union Army down Pennsylvania Avenue, commemorating the victory of the Union Army; and they said, Goodness, we've got to have a monument maybe to remind people of what African Americans have meant to this country.

Congressman Davis and I cosponsored a task force that actually passed the House that said that there ought to be an appropriate commemoration for the fact that the Capitol itself was built with slave labor and the labor of free blacks and, of course, others as well. I can think of no more appropriate way to honor the fact that the very Capitol where we do our business was built with slave labor than to have a site close by that is the site of the museum.

Having said all that, Mr. Chairman, may I say that differences may arise concerning the site. That is a matter for another day. I just ask that we pass this bill and deal with the site matters later.

The CHAIRMAN. I want to thank the gentlelady for her testimony.

[The statement of Ms. Norton follows:]

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA

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CIVIL SERVICE AND AGENCY ORGANIZATION

Congress of the United States
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Washington, D.C. 20515

July 9, 2003

STATEMENT OF CONGRESSWOMAN ELEANOR HOLMES NORTON ON H.R. 2205, A BILL TO ESTABLISH THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

I appreciate your willingness, Mr. Chairman, to promptly hold this hearing on H.R. 2205 to establish the National Museum of African American History and Culture. The attention of this Committee is especially appreciated, considering that in one form or another this subject has been before Congress for nearly 100 years. Civil War veterans first raised the idea of a memorial as they sought recognition for their service to their country in all its wars and for their ancestors because the country's large population of slaves, free blacks and their descendants were instrumental in building our nation. Colonel Charles Young, the highest ranking African American officer and the third black graduate of West Point asked Congress in 1919 for "a memorial to the Negro dead and that that memorial be the thing for which these Negroes gave their lives-liberty, justice, equal opportunities and educational facilities, the suppression of lynching by making it a federal crime [and] the abolition of jimcrow [sic] cars." No one can doubt that the case for the museum has long ago been made. It was accepted and recognized by Congress as a worthy project, including a $50,000 appropriation even in 1929, at a time when racial segregation was the law of the land.

My interest in this bill has several sources. I have been a cosponsor of the museum bill since my first term in Congress in 1991. I have been a member of the Transportation Subcommittee that often considered the museum bill during the several years when the museum was repeatedly debated and voted. The House passed the museum bill during the 103rd Congress, only to have Senator Jesse Helms stop it in the Senate. I represent the District of Columbia whose residents consider themselves the guardians of our memorials, a city with a majority African-American population that has watched and waited from the front row for the promised museum. I am a fourth generation Washingtonian with a personal stake I trace to my great grandfather, Richard Holmes, who walked away from slavery in Virginia long before the Civil War to start a new life and a family in the District, where my family has long awaited the museum. Finally, I am an African-American who joins millions of blacks and people of every color and background who have asked for the promise of an African American museum to be kept.

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Today's hearing is not the furthest the Congress has ever come in bringing an African American museum to Washington, but we are particularly hopeful now. However, I regret that the bill that is otherwise non-controversial has been made more so by the listing of sites to be considered. My position and the position of the Congress on naming sites in bills is well known. Congress has long respected the administrative process that holds the indispensable expertise no Member of Congress or organization has in fitting monuments, memorials, and museums into the compact and overdeveloped space known as the nation's capital. The broadest range of issues always must be considered- design, height, massing, aesthetics, traffic patterns and street access among others. I am assuming that the language of H.R. 2205 incorporates the usual role for the National Capital Planning Commission, The Fine Arts Commission and other expert agencies because they alone have the required background to accomplish the mission of the bill.

Only one of the recommended sites, the site bounded by Constitution Avenue, Pennsylvania Avenue, and 1st and 3rd Streets, Northwest would require Congressional mention at this stage because technically it is on ground controlled by the Congress. I want to endorse this site for a number of reasons. It is one of the few vacant sites for which a building was planned under the 1901 McMillan Plan but never erected. In 1929, Congress approved a plan by the Commission of Fine Arts that called for implementing the McMillan Plan by placing a building at this site to balance the Botanic Gardens. The Botanic Gardens describes itself as "a living plant museum," so the African American museum would compliment a museum already on Capitol Grounds. Security concerns will be raised, but I cannot believe that we are prepared to concede to terrorists our right to build on federal land for which a structure has always been planned. I refuse to concede and I believe that Congress has not been reduced to such timidity. There is no question in my mind that the Capitol Police are as capable of protecting the museum as they are of protecting its twin, the Botanical Gardens.

Perhaps most important, there is unique symbolic importance to this site. The African-American Civil War veterans who inspired the museum gathered near this site in 1915 as they prepared for the reenactment of the 50th Anniversary "Grand Review" parade of Civil War veterans. Fifty years earlier in 1865 the U.S. Colored troops had been excluded from the parade of Union soldiers, and the continued discrimination they faced from the Grand Army of The Republic in 1915 led to their call for a memorial.

Moreover, this site is appropriate precisely because it is close to the Capitol building that was constructed by slave labor and free blacks, among others. I was a co-sponsor of H. Con. Res. 368 passed by the House in 2000 during the 106th Congress but never passed by the Senate. H. Con. Res. 368 provided for a task force to recommend "appropriate recognition for these slave laborers which could be displayed in a prominent location in the U.S. Capitol. I believe that the appropriate way to recognize the use of slave labor in the construction of our Capitol is to build a museum on the 3rd Street site near the Capitol.

I urge the Committee to enact H.R. 2205. Differences that may arise concerning the site is a matter for another day. Let us finally pass this bill free of controversy and bring closure to a century of struggle so that we may herald a new day and a new museum.

The CHAIRMAN. Just a comment on that. I just have a couple of questions, and I will yield to the rest of the members; but I don't think that at the end of the day—and that is why we are having this hearing—that there is something in there that is going to be so polarized. The Senate takes its action, and this gives us a deliberation on the ability to look at the legislation, to talk about it.

I can't imagine at the end of the day that there is something that polarizes so much the two Chambers that we don't pass it. I can't imagine that happening. That is why—the purpose of this hearing is to task those questions.

I appreciate all three of your testimonies. One thing I did want to ask, whether it is of the sponsor or the cosponsor, the Presidential Commission did evaluate five sites for the museum since we are talking about sites. I just wondered what the rationale is for the removal of the fifth site, because the legislation, as written, has the fifth site removed. I just wondered the rationale for not putting in there all five sites that the Presidential Commission had evaluated.

Mr. LEWIS. Mr. Chairman, the only thing that I know, to be very candid and very frank with you, I think it was leading members of the Senate that were sponsors of the legislation had some concern that the Overlook site was too far from The Mall. Members of the other body, some felt very strongly that this museum should be as close to The Mall as possible.

The CHAIRMAN. Do any of the other members have any comments?

The only reason I mention that, I can't sit here and tell you that I have a site that is a superior site in my mind or the worst site in my mind. But as you look at the sites up here on the screen, and that is why I wanted to ask the question, it seems that the Commission recommended five. Then if we had the five, some people would say, one other site is too close, it should have come out.

I wondered if that came from the Senate, because five were recommended and five were up for grabs, and I don't know which site would be picked or not. I just wanted to kind of clarify where that came from. That helps me with that.

The other question I would like to address of all three of our colleagues, in the Commission site, the recommendation seems to emphasize, obviously, historical and symbolic considerations. Do you think any of the economic development or space problems or economic development problems should be also considered in this, or should we look at it just from a historical perspective of sites?

Ms. NORTON. Mr. Chairman, if I can clarify that, I think each of these sites has enormous economic development potential for the District of Columbia. I have not looked at each of them in a disparate fashion in that way. I think each of them does have that potential.

The CHAIRMAN. The one waterfront site had economic development perspective from the city; Washington, D.C., was looking at that site, where it is being pointed to now, had an economic development interest there. The city was trying to revitalize. That is why I wondered if anything was taken into consideration by the Commission when they looked at that, if that was part of their rationale of putting it in.

I wondered if you had any comments, what you thought about the economic development side of considerations.

Ms. NORTON. The Overlook site is considered a prime site. it has enormous potential looking down on The Mall on the one hand and looking toward the river on the other. I am not sure why—this notion about—while I am very sympathetic to The Mall for a museum and particularly given a museum for African Americans, the history of it and its 100-year promise to put it there, I am not one of the devotees of putting everything on The Mall.

I think our generation will go down in infamy for having tried to use up The Mall, meant for perpetuity, for our own egos. So you will not find me easily saying something should go on The Mall. As it is, The Mall is overcrowded and overdeveloped.

I can understand that this has been an outstanding matter for The Mall for so long, that we have allowed every other kind of museum to get there and so it would come very hard on African Americans to say you're too late because we made you too late, so you can't go to The Mall. My own sense is that you get rid of part of that by putting it on the Capitol, the site near the Capitol because that is not technically The Mall.

The CHAIRMAN. Thank you. I have one other question and we will move on to other members.

The cost for the museum has been estimated at $360 million. I just wondered if you were comfortable with that figure. Some of the museums, the Native American Indian museum had a two-thirds/one-third split. I think this is 50/50 private sector. Each has been a bit different. The Holocaust was paid for totally by private funds, but that is not under the Smithsonian. So each have been different figures.

I think this was estimated at $360 million. I just wondered if everybody is comfortable with trying to achieve that goal. I mention that in lieu of the Visitors Center, which I support fully, which I will take a 10-second privilege to just say that 9/11 changed what we did there; 9/11 caused security changes, whether a 143-day delay or whatever. So I am comfortable with it.

I don't want people passing out as they come to visit this Nation's Capitol, or 3,000 people trying to share two rest rooms in the Capitol. So I am very comfortable with what we are doing. I want to make that clear right out front with the Visitors Center.

And I am comfortable with spending the money personally on this project, too. I just wanted to see if we are comfortable that that figure will do it.

Mr. KINGSTON. Let me say this: As you know, the bill does not specifically have any design money in there that would be able to qualify us to answer the question, but what I would like to see, as someone involved with the Capitol Visitors Center, is the mistakes that we have made on that, that they are not repeated.

Apparently, we made a lot of mistakes when we did the renovation of the Botanical Gardens, yet did not make the changes. The Capitol Visitors Center seems to have lots of different bosses, lots of different people giving opinions and change orders and so forth.

It is my hope, in working with members of your committee, that we can come up with some processing changes inside the Capitol that we could avoid some of the pitfalls, so that if we go after a

project, and say the project is $350 million, then we know with certainty that is going to be what it costs, and if it doesn't cost that, then the contractor will pay the difference because it should be a bonded type job and there shouldn't be change orders and so forth. That is where we, as a Congress, have to act more like the private sector.

I know that—Mr. Mica and I have had lots of discussions about how we can improve the CVC. Mr. Chairman, even though you and I have spoken, nothing compared to your colleague over there on the right.

The CHAIRMAN. I am glad we have now publicly admitted that we have strapped the Architect of the Capitol with a bunch of change orders that forced him to have to deal with those costs. So we have got that settled. I think Mr. Mica will be happy with that.

Mr. KINGSTON. One of the bosses.

Mr. MICA. Will the gentleman yield?

The CHAIRMAN. One second, because I am afraid once I yield to you, I can't get you back.

On this topic, you do raise a good issue; and we should decide what would be in there, and that way the project manager of this will not have to run into what the Architect of the Capitol has had to run into, of orders and a lot of bosses.

And not that the changes were bad; some of the ones you can't control, but I just want to make sure that we are comfortable that money is going to have to be spent here. I am comfortable with it personally. That way we do a project, we get things in order, and we know we are going to have to spend some money, $300-and-some million.

I am not saying that that is not worth the value of what this is going to bring for hundreds of years to come in this country. I think your observations are good.

Mr. KINGSTON. Another footnote to that is, unlike the Capitol Visitors Center, there are lots of folks that want to donate to this. And so actually if you have to go back to the well, it will probably be a lot easier to get it from the private sector than it would be through Congress.

The CHAIRMAN. Mr. Mica.

Mr. MICA. Just to set the record straight, we were raising private funds, and I helped host the last private fund-raiser for the Capitol Visitors Center on the evening of September 10 and all fund-raising private was cut off after that because of the situation we faced nationally.

Also, just to clarify the record, it is estimated—Mr. Chairman, to you, a question—that this would be—about $360 million is the estimate?

The CHAIRMAN. Yes, by the time it would be completed, the estimate is $360 million.

Mr. MICA. The mere point I wanted to state for the record is, it is about 350,000 square feet, is what I am told. The price, about $360 million.

Just for the record, the Visitors Center is about 500,000 square feet, in the similar range of funds; just so that that is made part of the permanent record for all those legislators who want to see cost. And I have no problem, Mr. Lewis, Mr. Kingston, Ms. Norton,

with spending this money. I want it to be the best museum we have ever built when we complete it, but I just want people to understand that costs, particularly those that go up——

Mr. KINGSTON. If we can hold the CVC to the same price as the African American history museum, it would be a——

Mr. MICA. We will more than do that, Chairman Kingston.

Thank you, Mr. Chairman.

The CHAIRMAN. Reclaiming my time from this great duo here, you can see the continuation of what we are seeing on the national nightly news tomorrow night, a program that I am sure will be entertaining from all sides of the issue.

Mr. KINGSTON. I just want to know if we can crank up those private fund-raisers again.

The CHAIRMAN. I will point out on the Visitors Center, too, somebody had said, you would have the U.S. Chamber of Commerce, they kind of liked that wing. Also, remember, you will have the AFL-CIO. They didn't like that so much.

So I think the idea to fund taxpayers on the Visitors Center was good. I think the idea of public support on this as a match is good. It is appropriate.

Mr. Larson.

Mr. LARSON. Thank you very much, Mr. Chairman.

Getting back to the topic at hand, let me also add parenthetically and thank the sponsors in section 7(b) for including an opportunity to bring the Amistad and all the beneficial education and teaching opportunities that will provide.

I was honored to lead the Congressional Black Caucus to my home State of Connecticut for the christening, and the tolling of the bell 53 times for those slaves who lost their lives. And the great history that we share in this House of Representatives with former President John Quincy Adams, who was both President and served in this House, and tried this case before the Supreme Court, is just one small bit of rich history and again demonstrates not only the necessity, but the great educational value and tool that this will provide the Nation.

Mr. Lewis, in your comments—and Mr. Kingston and Ms. Holmes Norton could also comment on this—you raised the issue of security. That is an issue that some of the other panelists that will follow you are going to comment on. I wanted you to have an opportunity to more fully express your concerns with respect to that, why you think these issues can be overcome and how you see this moving forward.

All of our conversations, it seems lately, as it relates to the Capitol, deal with this very delicate balance of providing access and security at the same time.

Mr. LEWIS. You know, Mr. Chairman, I don't have to tell any of you, Mr. Chairman and ranking member, we live in a democratic society. Despite our concern about terrorism and violence and security, we don't want to create a police state. We don't want to lock down the Capitol.

I remember when I came to Washington the very first time, in May of 1961—when I was 21 years old during the freedom rides; and then I came back again 40 years ago, on August 28, 1963, for the March on Washington, I was 23 years old—we came up here

on that morning. We met with members on the House side, the leadership both Democratic and Republicans, and we went over on the Senate side and the place was wide open.

I have been back many times before becoming a Member of Congress.

I just happen to believe that you are not going to have people marching and protesting at the national African American museum. You have people rallying around the United States Supreme Court, people rallying around the Congress. And we provide security.

You see the young men and the young women working around the Capitol building, working around the Supreme Court and all the other Federal buildings. I think we have the ingenuity, we have the know-how to provide the security.

I don't think—I want our Nation to be secure and the Capitol to be secure, but having a building that will bring balance to the Botanical Gardens on the Senate side, the Capitol site, I think it can be protected and help secure the Capitol when visitors come to the museum.

It should be a concern but not an overriding concern.

Ms. NORTON. I would like to comment on that issue as well.

First of all, I would like to congratulate the Sergeant at Arms, the Senate and the House and the Capitol Police for how they have, I think, readjusted to the post-9/11 world. They were not that way to begin with. Chairman Ney will remember that the first instinct was an instinct more worthy of Saddam than of this Capitol, to lock the thing down.

The mention of the tours here is a by-product of that problem. You have got to have a staff with you. Now they want to bring it down to eight. Pretty soon it will be laughable to call it the People's House. And so what people have to do when, of course, you have an event like that is to think very seriously about their dual responsibilities, to somehow keep things as they were, but make them change so that you are secure.

Let me show you what a sham argument the notion of security for this site is because that is what I am going to call it. It is the kind you can't let the Police Board and the Capitol Police go back to where they were.

The site we are talking about, my friends, is a site that at the moment is so far from the Capitol that we let cars drive through there. You come down Independence Avenue, you want to get over to Constitution Avenue, turn left, go around one circle, then go around the other circle.

Why do the Capitol Police let that happen when the Botanic Gardens is right there, if you're afraid that somebody could have a bomb? You can park your car right there with the Botanic Gardens right there.

Why do they raise concerns now that we are talking about a building that would be opposite to the Botanic Gardens, where we already allow traffic to come even after 9/11, and we never stopped any traffic there after 9/11? There is no security argument.

You are going to hear arguments like the siting of the Capitol. You are going to have a building there, you won't be able to see it. That is no argument against a museum.

You have got to make security people be very specific about what they are afraid of and then say, okay, now what are you going to do about it? Not that we are afraid of you and therefore we give up.

So I am impatient with talk about security that is not oriented toward solving the problem, but toward closing it down. I am particularly impatient with this site which, unlike the site in front of the Capitol, which has long been closed, understand that the site in back of the Capitol has not been. The reason is that it is so far from the Capitol that nobody conceives of it as a security risk. It is near the Botanic Gardens where thousands and thousands of people go in, day and night. Yet it has not been deemed a security risk. Now all of a sudden if we build on that site, this part of the Capitol becomes a security site. Nonsense.

I don't think there are unsolvable security problems at this site.

Mr. KINGSTON. I wanted to add, Mr. Larson, that in my opinion this museum is about reconciliation. It is not going to be a political headquarters. It is not going to be a civil rights club. If you want to grind your political ax, take it down the street some.

Ms. NORTON. To the Capitol.

Mr. KINGSTON. Yeah, take it to the Capitol. Join the crowd. Pick your number. Bring your protesting sign and join the groups.

This is going to be for history and reconciliation. I think it is very important to emphasize that. The Holocaust museum is in a different situation than this, because there is more of a political equation. There is more of a known, defined, visible opposition group. That is not the case here. I think that this is to going to be any kind of magnet for hate groups or oddball citizens who want to blow somebody up. That is just not the case.

That is why this legislation asks the Smithsonian to run it, because we believe that they know how to put a museum of history together and to not stir things up, but to answer questions and bring up important histories that will bring us together.

Mr. LARSON. I thank the panelists for amplifying their concerns. With that, I will yield back.

The CHAIRMAN. I thank the gentleman.

Additional questions? Mr. Mica.

Mr. MICA. Thank you. Thank you, Mr. Chairman.

I tend to agree with the panelists, Ms. Norton and I think Mr. Lewis also; the security issue is a bogus issue. If we can't protect the security for this facility, no matter where it is built, there is something dramatically wrong.

And I am glad to hear Ms. Norton—I appreciate your comments, Ms. Norton. The point I raised about site and we don't want to get bogged down into that, is the question, the overall question of what The Mall is going to look like in 50 years or 100 years. This is a policy question, too.

Do we devote portions of The Mall, sections of The Mall and construct buildings all the way along The Mall in the future to recognize different ethnic and racial groups that have contributed or suffered or whatever in the history of the country? And I don't want to diminish in any way what African Americans have suffered or contributed to this great Nation.

Again, it is a policy-setting question of importance and, I think, significance to the Congress, because the Congress passes these bills and we site monuments and structures along the way. It is not really a question, but I think we view this in a similar fashion.

Ms. Norton, you had said the plan—and we do have some issues over the Capitol site—was orginially planned in balance with the Botanic Garden. But it is my understanding the Botanic Garden is a structure of some 47,000 square feet, and the proposed structure is 350,000. Would all of that be above ground or is part of the plan to balance it as far as size of the structure on both sides?

Ms. NORTON. I don't know the answer to that question, but I think the Commission, which is going to testify after us, may; or some of my colleagues may know whether any of it will be below ground.

Mr. MICA. Because you did speak to the question of a balance of structures. That, to me, would pose at least an aesthetic imbalance.

Ms. NORTON. I think some of the Botanic Gardens is itself below ground. So I am not sure that all of that would be space on the surface.

Mr. MICA. Again, Mr. Lewis, I thank you for your comments. I hope you see my point, though, about the long-term planning of The Mall and how important that is.

Again, in no way to diminish any of the contributions you have made; I take you as someone that I am very proud of. I don't think I have a student group, if you are in sight, that I don't point out the tremendous contributions that you have made not only to the African American community but to the United States and the Congress.

I hope the site policy question can be answered and then we can do that in fairness to everybody. I hope you appreciate that.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Additional questions? Mr. Brady.

Mr. BRADY. Thank you, Mr. Chairman.

Mr. Chairman, I am the only non-African American or non-minority Congressman in this United States Congress that represents a minority district, so I can associate myself with Mr. Kingston's remarks about how you grow up. I am still growing up and still living in the city of Philadelphia with a minority population.

I think that prejudice still exists. I think that passing this bill and putting this museum, building this museum, constructing this museum will speak volumes to that. It will let the rest of the country know and the rest of the world know how we feel.

I happen to also agree with the lady from the District of Columbia. This is our second town, but this is her town, her first town. She is the keeper—as she says, the people that she represents are the keeper of these museums. Who should know best where to put it? Who best should know that it should definitely get built? I would respect the knowledge that you have and the people that you represent, and telling me when I go back to Philadelphia as quick as I can, many times, that this is where it should be.

Mr. Lewis, I have the utmost respect for you of anyone in this Congress. You walked the walk and you have talked the talk and

you have been there. I want to say I probably respect you more than anyone in this Congress.

I am going to do what you want to do. I am going to pass a bill that you want to pass and I am going to be supportive of building it where you want to build it. You have that respect due you.

As far as security and terror, terror only exists when you are terrorized. That is what the word means. And security? We are not secure where we go, anyplace we go. If anybody wants to take a shot at us, they can certainly take a shot at us anywhere. You walk across that street in a dark suit and 90 percent of the time you are going to be all right if you want to do something. So I am not going to live my life in fear of terror nor is my family.

Security—I have empathy for the police officers. My father was a police officer. The Capitol Police and our Sergeant at Arms, I was a Sergeant at Arms at one time. I remember when we had a bomb scare or a scare right after 9/11 on our building; we were running out, they were running in. They try to do the best job to deter the terror—security. But I don't think either is an issue.

I think this needs to get built. I am proud to be a part of making it happen. Again, I would acquiesce to the knowledge of my dear colleagues on where it should get built.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman.

Are there any other members who have additional questions?

If not, I want to thank the distinguished panel and we will move on to Panel 2. Thank you.

Mr. MICA [presiding]. I would like to go ahead and ask the second panel to be seated. Let me introduce them as they take their seats.

I want to welcome our panelists to the table. First, Mr. Robert Wright, Chairman of the Presidential Commission of the National Museum of African American History and Culture; also Mr. Lawrence Small, Secretary of the Smithsonian Institution; and additionally, Mr. Charles Cassell, Vice President of the National Coalition to Save our Mall.

I want to thank all of our witnesses for being with us. Come right up. Grab a seat. Make yourself at home.

STATEMENTS OF DR. ROBERT L. WRIGHT, CHAIRMAN, PRESIDENTIAL COMMISSION, NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE, ACCOMPANIED BY CLAUDINE BROWN, VICE CHAIR, ROBERT L. WILKINS, MEMBER AND CHAIR OF SITE COMMITTEE, AND HOWARD DODSON, MEMBER; LAWRENCE M. SMALL, SECRETARY, THE SMITHSONIAN INSTITUTION; AND CHARLES I. CASSELL, VICE PRESIDENT, NATIONAL COALITION TO SAVE OUR MALL, ACCOMPANIED BY GEORGE H.F. OBERLANDER, TREASURER.

Mr. MICA. We do try to limit the testimony if we can.

If you have documentation or additional information you would like to be made part of the record, please request that through the Chair.

Let us begin with Mr. Wright. Mr. Wright, thank you again for coming.

Mr. Robert Wright is chairman of the Presidential Commission of the National Museum of African American History and Culture. Welcome, sir. You are recognized.

STATEMENT OF DR. ROBERT L. WRIGHT

Mr. WRIGHT. Thank you very much, Mr. Chairman. It is a great honor and a privilege to appear before you today as Chairman of the National Museum of African American History and Culture Plan for Action Presidential Commission. Our commission was composed of 18 distinguished individuals from across the country and four Members of Congress, two of which are no longer active.

I would also like to recognize for the record, Mr. Chairman and members of the committee, Ms. Claudine Brown, who is our Vice Chairwoman, Howard Dodson, and Robert Wilkins from the Commission.

The issue of establishing an African American Museum in Washington, D.C., is not a new idea. For nearly 100 years, going back to black veterans who helped save this country in the Civil War and the children of slaves who marched with them in Washington back in 1915 and the great grandchildren of slaves who launched a powerful campaign in the 1980s and 1990s, African Americans have pleaded for equal space and equal time on the National Mall. The work started by Union veterans and their supporters and descendants led to the 1929 legislation that authorized the construction of a national memorial building to serve as a museum and "a tribute to the Negro's contributions to the achievements of America." Congress failed to appropriate funds for the building and now, 75 years later, despite the pleas of succeeding generations, the museum has still not been built.

Our Commission's task under Public Law 107–106 was to create a fund-raising plan for supporting the creation and maintenance of the museum through contributions by American people and the African American community. In addition, we had to create a Report on Issues related to the planning. The issues addressed included the following:

The availability and cost of collections to be acquired and housed in the museum;

The impact of the museum on regional African American museums across the country;

Possible locations for the museum on or adjacent to the National Mall in Washington;

The cost of converting the Smithsonian's Art and Industries Building; and

The governance and organizational structure from which the museum should operate.

Our Commission was divided into subcommittees, each with a subcommittee chairperson to research the various topics that were specified in the legislation. Our approach was twofold:

One, to engage consultants who had expertise in serving specific areas; and

Two, to host town hall style meetings across the country in lieu of a national conference to hear from museum professionals, scholars and graduate organizations in various regions of the United States. These meetings were designed not only

to solicit input from the public, but also to publicize the movement to develop the museum.

Our Commission held town hall meetings in Chicago; New Orleans; New York; Topeka, Kansas; Detroit; Washington; and Atlanta, Georgia. Additional town hall meetings were planned in Los Angeles, Dallas and Oklahoma City, but were not held because of logistical and budgetary concerns.

As we conducted these town hall meetings, we received an overwhelming response with regard to stories about the African American experience that should be addressed by this museum. They included some of the following:

A true and uncompromising interpretation of slavery;

The conditions aboard slave ships during the Middle Passage.

Other topics such as:

The Tuskegee Airmen experience and their impact on the modern day civil rights movement and the integration of the military;

The historic participation of African Americans in America's wars;

African American resistance during the slavery and Jim Crow periods;

Buffalo Soldiers and their contributions to the development of the American West;

The development of black businesses during the Jim Crown era and their evolution to the present;

Evolution of the African American church and its contributions to the struggles for freedom; and

Many, many, many others.

In addition, we received comments regarding potential collections, impact on regional African American museums, possible locations, Smithsonian affiliation, governance structure and fund-raising. All of these issues were addressed and detailed in the final report that was submitted to the Congress on April 2, 2003. In this report, the Commission concluded the following:

Across the board, private collectors and public institutions are more than willing to share their material-culture resources and are willing to engage the proposed national museum in discussion as to how this might be achieved.

A resounding 87.5 percent of museums surveyed supported the establishment of a national museum in Washington, D.C. None of the respondents opposed the plan and only 12.5 percent expressed concern that the national museum would pose competition in terms of attendance, collections or funding.

The Commission concluded that a site on The Mall is necessary to implement the mission and the program of the museum. The Commission recommended the Capitol site as the preferred location and the monument site as a suitable alternative.

After evaluating all the options and weighing opinions of experts and grass-roots organizations, as reflected in town hall meetings, the Commission decided that the most efficient way for the museum to develop and maintain itself as a comprehensive depository of African American history and culture is under the umbrella of the Smithsonian Institution.

With regard to fund-raising, the common response from African American interviewees was that this museum is long overdue and that they would support wholeheartedly, including the provision of unprecedented contributions, volunteer time and even the donation of personal papers and collections. Many of the more affluent African Americans involved in this study indicated that they would be prepared to give "sacrificially" in order to see the dream of such a museum finally achieved.

Raising $180 million from the private sector for the new museum will be a difficult task and will require aggressive and creative approaches to the fund-raising process. In order to be successful, there are four limits that must be secured:

One, congressional authorization and initial appropriation to allow fund-raising and friend-raising to being concurrently with detailed planning;

Two, the identification of a site;

Three, an affiliation with the Smithsonian Institution; and

Four, a leading gift at the level of $30 to $50 million.

There is a unique interest, level of interest, and deep emotion among prospective donors and the possibility of this museum. There exist many committed and visionary donors across the country who are eager to give. Dan Amos, Chairman and CEO of AFLAC showed his commitment by pledging the first million dollars toward the establishment of the museum.

There are many others willing to participate, but in order to translate that interest into fund-raising solicitations, the Congress must take the first and essential step toward creating a public-private partnership of unprecedented proportions.

Fund-raising cannot begin until the Congress and the President act and approve the legislation. This Commission is prepared to support the Congress in its deliberation toward that end, and we urge your passage of the legislation that is before you at this time.

Our purpose could not be more timely. Issues of race and racism pervade our national life, and all of us must find ways to achieve racial reconciliation. This museum can serve our country as preeminent vehicle toward that end.

Just yesterday, President Bush visited Goree Island, the place from which so many of my ancestors began their journey to this country. We believe that the fund-raising effort for the new museum will afford every American with a way to help achieve racial reconciliation in our country.

In conclusion, I would like to thank Congressman John Lewis for his inspiring leadership, vision and tenacity, and also thank the numerous cosponsors of the legislation.

Thank you, Mr. Chairman.

Mr. MICA. Thank you, Mr. Wright.

[The statement of Mr. Wright follows:]

TESTIMONY OF
DR. ROBERT L. WRIGHT,
CHAIRMAN OF THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY
AND CULTURE PRESIDENTIAL PLAN OF ACTION COMMISSION

SUBMITTED TO THE HOUSE ADMINISTRATION COMMITTEE
REGARDING HEARING ON H.R. 2205

JULY 9, 2003

Mr. Chairman and Members of the Committee:

It is a great honor and a privilege to appear before you today as former Chairman of the National Museum of African American History and Culture Plan for Action Presidential Commission. Our Commission was composed of eighteen distinguished individuals from across the county, and four members of Congress, two of which are no longer active.

The issue of establishing an African American Museum in Washington, DC is not a new idea. For nearly one hundred years, going back to the Black veterans who helped save this country in the Civil War, and the children of the slaves who marched with them in Washington in 1915, and the great-grandchildren of slaves who launched a powerful campaign in the 1980s and 1990s, African Americans have pleaded for equal space and equal time on the National Mall. The work started by Union veterans and their supporters and descendants led to a 1929 legislation that authorized the construction of a National Memorial Building to

serve as a museum and "a tribute to the Negro 's contributions to the achievements of America." Congress failed to appropriate funds for the building and, nearly 75 years later, despite the pleas of succeeding generations, the Museum has not been built.

Our task under Public Law 107-106 was to create a Fundraising Plan for supporting the creation and maintenance of the Museum through contributions by the American people and by the African American community. In addition, we had to create a Report on Issues related to the planning. The issues addressed included the following:

- The availability and cost of collections to be acquired and housed in the Museum.
- The impact of the Museum on regional African American museums.
- Possible locations for the Museum on or adjacent to the National Mall in Washington, D.C.
- The cost of converting the Smithsonian Institution's Arts and Industries Building.
- And, the governance and organizational structure from which the Museum should operate.

The Commission was divided into sub-committees, each with a sub-committee Chairperson, to research the various topics that were specified in the legislation. Our approach was two-fold; 1.) to engage consultants who had expertise in certain specific areas; and 2.) to host Town Hall style meetings across the

country in lieu of a national conference to hear from museum professionals, scholars, and the grass roots organizations in various regions of the United States. These meetings were designed not only to solicit input from the public, but also to publicize the movement to develop the Museum.

The Commission held Town Hall meetings at the following locations:

o The DuSable Museum of African American History in Chicago, Illinois.

o Dillard University in New Orleans, Louisiana.

o The Schomburg Center for Research and Black Culture in New York City.

o Topeka High School in Topeka, Kansas.

o Charles H. Wright Museum in Detroit, Michigan.

o Department of the Interior in Washington, D.C.

o The Historic Ebenezer Baptist Church in Atlanta, Georgia.

Additional Town Hall meetings were planned in Los Angeles, Dallas, and Oklahoma City but were not held because of logistical and budgetary concerns.

As we conducted these Town Hall meetings, we received an overwhelming response with regard to stories about the African American experience that should be addressed by this museum. They included the following:

- A true uncompromising interpretation of slavery.
- The conditions aboard slave ships during the Middle Passage.

- The Tuskegee Airmen experience and their impact on the modern-day civil rights movement and the integration of the military.
- The heroic participation of African Americans in America's wars.
- African American resistance during the slavery and Jim Crow periods.
- Buffalo Soldiers and their contributions to the development of the American West.
- The development of Black businesses during the Jim Crow era and their evolution to the present.
- Evolution of the African American church and its contributions to the struggle for freedom.

In addition, we received comments regarding potential collections, impact on regional African American museums, possible locations, Smithsonian affiliation, governance structure, and fundraising. All of these issues were addressed in detail in the Final Report that was submitted to Congress on April 2, 2003. In this Report, we concluded the following:

Across the board, private collectors and public institutions are more than willing to share their material-culture resources and are willing to engage the proposed National Museum in discussion as to how this might be achieved.

A resounding 87.5% of museums surveyed supported the establishment of a national museum in Washington, D.C. None of the respondents opposed the

plan, and only 12.5% expressed concern that the National Museum would pose competition in terms of attendance, collections, or funding.

The Commission concluded that a site on the Mall is necessary to implement the mission and program of the Museum. The Commission recommends the Capitol site as the preferred location with the Monument site as a suitable alternative.

After evaluating all the options and weighing the opinions of experts and grass roots organizations, as reflected in the Town Hall meetings, the Commission decided that the most efficient way for the Museum to develop and maintain itself as a comprehensive depository of African American history and culture is under the umbrella of the Smithsonian Institution.

With regard to fundraising, the common response from African American interviewees was that this Museum is a long overdue project that they would support wholeheartedly, including the provision of unprecedented contributions, volunteer time, and even the donation of their personal papers and collections. Many of the more affluent African Americans involved in the study indicated that they would be prepared to give "sacrificially" in order to see the dream of such a museum finally achieved.

I urge the Congress to take the first and essential step toward creating a public-private partnership of unprecedented proportion. Once the Museum is authorized, the work of fundraising and friend-raising can begin.

We are convinced that this Museum can serve our country as a preeminent vehicle for racial reconciliation. The Commission is prepared to support the Congress in its deliberations toward that end, and we urge your passage of the legislation before you at this time.

In conclusion, I would like to thank John Lewis for his inspiring leadership, vision and tenacity, and also thank the numerous co-sponsors of the legislation.

Mr. MICA. Let me recognize now—and we will take questions when we have finished hearing from all of our panelists—Lawrence Small, Secretary of the Smithsonian Institution.

Welcome back, sir, and you are recognized.

STATEMENT OF LAWRENCE M. SMALL

Mr. SMALL. Thank you, Mr. Mica. I want to thank Chairman Ney and Mr. Larson for providing this opportunity to discuss the proposal to create within the Smithsonian Institution a National Museum of African American History and Culture.

From its creation in 1946, the Smithsonian has remained true to its mission, the increase and diffusion of knowledge. It has become not only the world's largest provider of museum experiences that are supported by authoritative scholarship and science and history and the arts, but also an international leader in scientific research and exploration. With its 16 museums and galleries, several research centers and the National Zoo, the Smithsonian offers the world a picture of America and America a picture of the world.

The proposed new museum under discussion would certainly add to that picture and offer a vital service to the public.

At their meeting in June of 2001, the Smithsonian's Board of Regents adopted the following motion:

"The Board of Regents endorses in principle the establishment of a National Museum of African American History and Culture by legislation that safeguards the Smithsonian's interests, including those relating to governance, funding and facilities."

First, with respect to governance, I am very pleased to see that the legislation now proposes a museum structure much like that of the other Smithsonian museums. We appreciate the work done so far to address the issues we have raised and believe that the majority of these have been addressed.

With respect to facilities, the legislation requires the Board of Regents to choose from among four sites. When this legislation passes, the Regents will review the findings of the Presidential Commission, and they may want to conduct their own independent review before making a decision.

The bill also calls for extensive consultation with representatives of the Presidential Commission and with various interested agencies. Ample time should be provided if these consultations are to be meaningful, and care should be taken to see that this aspect of the initiative is not rushed.

Lastly, the funding for construction and operation of the new museum must be addressed. Simply put, the Smithsonian cannot afford to take on this new responsibility unless we are given the funds needed to carry it out. Analysis of our financial picture in the Smithsonian since 1993 shows that in our five largest museums, the ones that receive the greatest number of visitors, federally funded staffing has declined 17 percent on average over the last 10 years. The National Academy of Public Administration concluded in 2001 that the Smithsonian faces a $1.5 billion backlog in our facilities maintenance program for existing facilities.

We are scheduled to open two major new facilities in the next year and a half—the new National Air and Space Museum's Steven F. Udvar-Hazy Center at Dulles Airport that will open this Decem-

ber; and then, in September of 2004, the National Museum of the American Indian on The Mall. We also hope to reopen the historic Patent Office Building, which is home to the Smithsonian American Art Museum and the National Portrait Gallery in July of 2006. Just these three facilities alone, which represent a combined investment of $750 million, will also need to be maintained, in addition to all of our other facilities.

The Presidential Commission estimated that it would cost $360 million to build a building similar in size to the National Museum of the American Indian. The Commission also estimated that it would cost $42 million each year to operate the museum once it is fully staffed. The Smithsonian cannot absorb amounts of this magnitude within its current budget.

Finally, it is important to keep in mind that the new museum is being considered before its collection is identified and acquired. First, in establishing a new museum, a mission must be defined, and then the collections must be assembled to fulfill that mission. The Smithsonian will certainly pay careful attention to the Presidential Commission's findings on this subject, and we will also have to review carefully what the creation of this new museum means for the Institution's existing collections and exhibits.

The Smithsonian would be honored to play a part in this project that will offer so much to visitors from across America and around the world. We are anxious to work with Congress to ensure the success of this endeavor.

Thank you.

Mr. MICA. Thank you, Mr. Small.

[The statement of Mr. Small follows:]

COMMITTEE ON HOUSE ADMINISTRATION
U.S. HOUSE OF REPRESENTATIVES

HEARING ON NATIONAL MUSEUM OF
AFRICAN AMERICAN HISTORY AND CULTURE

July 9, 2003

TESTIMONY OF LAWRENCE M. SMALL
SECRETARY
SMITHSONIAN INSTITUTION

Thank you, Chairman Ney and Mr. Larson, for providing this opportunity to discuss the proposal to create within the Smithsonian Institution a National Museum of African American History and Culture.

From its creation by an Act of Congress in 1846, the mission of the Smithsonian has been "the increase and diffusion of knowledge." In the early years, the Smithsonian was primarily devoted to scientific research. In the mid-19th century, the Smithsonian became the home of the National Collections, and opened a museum to exhibit those collections. That was the Smithsonian's first effort at public programming, and it has expanded to the Mall-wide presence we recognize today. While the Smithsonian continues to still conducts important scientific research, and in many areas is the recognized expert, most Americans now know us better as a collection of museums.

The Smithsonian museums present America a picture of the world, and the world a picture of America. In our museums and other facilities, we preserve and exhibit some of the great icons of the American culture Dream: the Star Spangled Banner, the desk on which Thomas Jefferson wrote the Declaration of Independence, the Spirit of St. Louis, and many more. If Congress decides to create a National Museum of African American History and Culture, it is understandable to that it ask the Smithsonian to house it.

At their meeting in June 2001, the Smithsonian's Board of Regents adopted the following motion:

> The Board of Regents endorses in principle the establishment of a National Museum of African American History and Culture by legislation which safeguards the Smithsonian's interests including those relating to governance, funding and facilities.

I'd like to address each of these three issues - - governance, facilities and funding. First, with respect to governance, I am very pleased to see that the legislation now proposes a museum structure much like that of other Smithsonian museums. The Smithsonian has 16 museums at present, and we have a thorough understanding of the optimum structure that will help a new museum operate in the world's largest most complex museum and research organization our complex institution. We appreciate the work done so far to address the issues we have raised in the past and believe that the large majority of these have been addressed.

Next, with respect to facilities, the legislation requires the Board of Regents to choose from among four sites. One of the proposed sites is controlled by the Park Service, one is controlled by the General Services Administration, one is controlled by the Congress, and the fourth is already a Smithsonian building. When this legislation passes, the Regents will thoroughly review the findings of the Presidential Commission and they may want to conduct their own independent review before making a decision. The bill calls for extensive consultation with representatives of the Presidential Commission and with federal planning and historic preservation agencies. These consultations I have no objection to these consultations, which will no doubt be very helpful, and but Members of Congress should provide for a reasonable amount of time for them to take place and understand that these consultations will extend the length of time necessary for the Regents to make their decision.

The last and perhaps the most difficult and important issue for the Smithsonian is the funding for construction and operation of the new museum. Members of Congress must understand that t The Smithsonian can not afford to take on this new responsibility unless it is we are given additional funds. Analysis of our budget since 1993 shows that in our five largest museums, the ones that receive the greatest number of visitors, federally funded staffing has declined 17% on average over the last ten years. The National Academy of Public Administration concluded in 2001 that we face a $1.5 billion backlog on our facilities maintenance program. And we are scheduled to open two major new facilities in the next year and a half: the National Air and Space Museum's Steven F. Udvar-Hazy Center at Dulles Airport this December, and the National Museum of the American Indian, on the Mall, in September 2004. We also hope to re-open the historic Patent Office Building, home to the Smithsonian American Art Museum and the National Portrait Gallery, in July 2006.

The Presidential Commission estimated that it would cost $360 million to build a new building similar in size to the National Museum of the American Indian. The Commission also estimated that it would cost $42 million each year to operate the museum once it is fully staffed. The Smithsonian cannot absorb amounts of this magnitude within its current budget without devastating reductions to other Smithsonian programs.

Additionally, in the past, the Smithsonian has created new museums in order to care for and exhibit existing collections. In this case, Congress is considering a new museum before the collection is identified and acquired. Careful thought must be given first to the mission of the museum and the strategy to achieve that mission. Ultimately, , and then to the collections which must be assembled to help fulfill that mission. The Presidential Commission compiled important information on this subject, and the Smithsonian will certainly pay careful attention to the Commission's findings. We will also have to review thoroughly carefully our existing museums and consider what the creation of the new museum means for the collections and exhibits that we already have.

This project has the potential to be a great addition to the Washington's array of cultural institutions experience, and the Smithsonian would be honored to play a part in it. This new museum will tell compelling stories that are part of the American experience, and for that reason

it would fit well into the Smithsonian family. We are anxious to work with Congress to ensure the success of this endeavor.

Mr. MICA. We will hear now from Mr. Charles Cassell, Vice President of the National Coalition to Save Our Mall.

Welcome, sir, and you are recognized.

STATEMENT OF CHARLES I. CASSELL

Mr. CASSELL. Good afternoon. Chairman Ney and members of the Committee on House Administration, the National Coalition to Save Our Mall is pleased to be invited to comment on H.R. 2205, which would authorize the establishment of the National Museum of African American History and Culture here in the Nation's Capital.

My name is Charles I. Cassell; I am Vice President of the Coalition. I have submitted my resume. The Coalition is a national not-for-profit education and research organization working to preserve the historic planned, open space area and symbolic meaning of The National Mall as our monument to American founding principles. Coalition board member George Oberlander accompanies me; President Judy Scott Feldman could not attend due to prior travel plans.

Last October, the Coalition published its "First Annual State of The Mall Report," which is an attached exhibit which you have, in which we stated:

> The National Mall—the unique National Park in the heart of our Nation's Capital—is under physical assault. The threats come from Congress, through well-intended interest groups and otherwise well-meaning citizens who wish to see more memorials or museums located on The Mall's dwindling historic planned public space. These assaults on The Mall's open space character threaten to change and undermine the historic symbolism that makes The Mall the premier democratic public space in the Nation and indeed in the world.

H.R. 2205, by designating only four potential sites for the museum, three of them directly on The Mall, could lead to the further degradation of The Mall's symbolic open space.

Please understand the Coalition enthusiastically supports the idea of the museum. We believe it is a worthy enterprise which is long overdue. We are grateful to Mr. Robert Wilkins, the chairman of the museum's site selection committee, who graciously spent time explaining to the Coalition and to the Committee of 100 on the Federal City his research, study and choice of preferred site locations.

Let me say here that I am a second-generation native of Washington, D.C., and I am old enough that I remember segregation in Washington, D.C. We lived in our own communities. Our professionals practiced only in the communities except in unusual circumstances. Having grown up in that environment, even as I served in World War II and returned to the Nation, I experienced the same kind of segregation and deprivation on the basis of my race. So I am fully sympathetic with the idea of memorializing the struggles that African Americans have gone through, lo, these many generations.

We are opposed, however, to any new museum construction on the public open spaces of The National Mall, and that includes the grounds of the Capitol and the Washington Monument site. Of the three potential sites on The Mall, only the Arts and Industries site, which would use an existing building, is consistent with the Commemorative Works Act which I think we have to remember was enacted by Congress to protect the L'Enfant and McMillan plans and

The Mall's open public space. We would endorse the use of the Arts and Industries structure—Building since the building is already there.

The Capitol site, the site listed in section 8(b)(1) of the bill, is not consistent with the McMillan plan, contrary to what the 2002 preferred site analysis structure study indicates. In the McMillan concept, any building at that site would form part of the Federal enclave and would relate directly to the Capitol building and its legislative functions. A museum and the public and tourist activities associated with it was not envisioned for that site.

The more recent current Capitol master plan for the future growth and development of the Capitol grounds shows no building on that site and indicates, at most, a landscape element.

The Coalition believes that the four potential sites are too few or limited as guidance to the Smithsonian site designation. In addition, there are other additional suitable possibilities.

We urge the committee to insert language to allow for consideration of additional sites that either have been eliminated prematurely by the museum's selection committee or that were not considered by the site selection consultants, including but not limited to the Banneker/10th Street Overlook site and a new site identified in Exhibit 2, that you have before you, across Constitution Avenue from the Lincoln Memorial adjacent to The Mall. Accordingly, section 8(a)(1)(B) should include a paragraph providing further suitable locations to be examined and evaluated in relation to those already identified.

In addition, we are very concerned that section 8(A)(1)(d) restricts consultations to the Chair of the Commission of Fine Arts and the National Capital Planning Commission and not the entire commissions themselves. That would deny the public any role since there would be no public hearings or meetings to express their point of view on location or design.

This is unacceptable in the Coalition's view. A national museum is just that, national. The public must be given an opportunity for involvement. Therefore, we urge the committee to designate in the bill the crucial role of the reviewing agencies as established by the Commemorative Works Act and the other laws enacted by Congress for the review and approval of Federal public building projects in the Nation's Capital. This designation should also include the public, as is customary in the review and approval process, as the Secretary has indicated. Section 8(A)(1)(d)(3) should also include reference to the Commemorative Works Act as I have indicated.

In conclusion, we urge the committee to:

One, allow for the possibility of additional alternative sites; and

Two, to reaffirm the role of the review agencies and the public in site and design review.

That concludes our formal statement, Mr. Chairman. We are prepared to respond to any questions you may have.

[The statement of Mr. Cassell follows:]

Statement On
House Bill 2205
Before the Committee on House Administration
1310 Longworth House Office Building, Washington, D.C.
By The
National Coalition to Save Our Mall
July 9, 2003

Chairman Ney and members of the Committee on House Administration, the National Coalition to Save Our Mall is pleased to be invited to comment on HR 2205, which would authorize the establishment of the National Museum of African American History and Culture here in the nation's capital.

My name is Charles I. Cassell, vice president of the Coalition. *(Resume submitted)* The Coalition is a national not-for-profit education and research organization working to preserve the historic planned open space area and symbolic meaning of the National Mall, as our monument to American founding principles. Coalition board member George Oberlander accompanies me. President Judy Scott Feldman could not attend due to prior travel plans.

Last October the Coalition published its "First Annual State of the Mall Report" **(attached Exhibit 1)** in which we stated:

> "The National Mall--the unique National Park in the heart of our nation`s capital- is under physical assault. The threats come from Congress, through well-intended interest groups and otherwise well-meaning citizens who wish to see more memorials or museums located on the Mall`s dwindling historic planned public open space. ...**These assaults on the Mall`s open space character threaten to change and undermine the historic symbolism that makes the Mall the premier democratic public space in the nation, and indeed the world." (Emphasis added)**

Bill HR 2205, by designating only four potential sites for the Museum, three of them on the Mall, could lead to the further degradation of the Mall's symbolic open space. The Coalition enthusiastically supports the idea of the Museum. We believe it is a worthy enterprise long overdue. We are grateful to Mr. Robert Wilkins, the chairman of the Museum`s site selection committee, who graciously spent time explaining to the Coalition and to the Committee of 100 on the Federal City his research, study and choice of preferred site locations.

We are opposed, however, to any new museum construction on the public open spaces of the National Mall. That includes the grounds of the Capitol and the Washington Monument site. Of the three potential sites on the Mall, only the Arts and Industries site – which would use an existing building -- is consistent with the Commemorative Works Act which was enacted by Congress to protect the historic L'Enfant and McMillan Plans and the Mall's open public space. (We would endorse the use of the Arts and Industries structure for the Museum).

The Capitol site, the site listed in Section 8 (B)(i) of the Bill, is not consistent with the McMillan Plan, contrary to what the 2002 Preferred Site Analysis study indicates. In the McMillan concept, any building at that site would form part of the federal enclave and would relate directly to the Capitol building and legislative functions. A museum – and the public and tourist activities associated with it -- was not envisioned on that site. The more recent current Capitol Master Plan (for the future growth and development of the Capitol Grounds) shows no building on that site, and indicates at most a landscape element.

The Coalition believes that the four potential sites are too few or limited as guidance to the Smithsonian site designation. In addition, there are other additional suitable possibilities. **We urge the Committee to insert language to allow for consideration of additional sites that either have been eliminated prematurely by the Museum selection Committee, or that were not considered by the site selection consultants, including but not limited to the Banneker/10th Street Overlook site and a new site, identified in Exhibit 2, across Constitution Avenue from the Lincoln Memorial adjacent to the Mall.**

Accordingly, Section 8(a)(1)(B) should include a new paragraph (v) providing further suitable locations to be examined and evaluated in relation to those already identified.

In addition, we are very concerned that Section 8(a)(1)(D) restricts consultations to the Chair of the Commission of Fine Arts and the National Capital Planning Commission, and not the entire commission. That would deny the public any role, since there would be no public hearings or meetings to express their point of view on location or design. This is unacceptable in the Coalition's view. A National Museum is that – National. The public must be given an opportunity for involvement. **Therefore, we urge the Committee to designate (in the Bill) the crucial role of the reviewing agencies, as established by the Commemorative Works Act and the other laws enacted by Congress for the review and approval of Federal public building projects in the National Capital. This designation should also include the public as is customary in the review and approval process.**

Section 8 (a)((1)(D)(3) should also include reference to the Commemorative Works Act.

In conclusion, we urge the Committee to

1. **allow for the possibility of additional alternative sites,**
2. **reaffirm the role of the review agencies and the public in site and design review.**

That concludes our formal statement, Mr. Chairman, and we would be happy to respond to any questions the Committee might have.

The CHAIRMAN. I want to thank the panel for your testimony.

Dr. Wright, I want to ask just a few questions. How many visitors a day will you envision that would come through the museum? I know it is a guesstimate.

Mr. WRIGHT. With your permission, Mr. Chairman, I would also like to defer that question to our vice chairperson, Ms. Claudine Brown. Ms. Brown.

The CHAIRMAN. For the record, if you would like to state your name and title.

Ms. BROWN. My name is Claudine Brown. I was the vice chairperson for the President's Commission for the National Museum of African American Culture and History.

Our projection is approximately 2 million visitors per year.

The CHAIRMAN. You might want to remain for a second. How is parking contemplated, if it would be the Capitol site?

Ms. BROWN. Actually parking is not a part of our plan. And we are hopeful that people will use the same means and modes of transportation that they use to get to other Mall museums.

So we suggest that a number of people will probably use public transportation, and they will park as they may in the general vicinity of the Mall.

The CHAIRMAN. And then in the evaluation of the five sites that were recommended by the Commission, how does the Capitol site compare to the other sites with regard to proximity to a Metrorail station.

Ms. BROWN. Well, we know that the site that is closest to a Metrorail station is the Arts and Industries Building, because there is a station just a stone's throw from there.

But we think that—I think that there is a station, but it is probably like about 4 blocks away from the Capitol site.

The CHAIRMAN. One other question I have on the Capitol site, because security questions have been raised. I think some of the Members made good points, including Mr. Brady, on overall security of the Capitol. We try to do the best that we can do with it.

But the Capitol site recommended by the Commission is within the security perimeter that surrounds the Capitol. At times access inside this perimeter to the perimeter can be severely restricted. For example, when the President visits, not to pick on the President and Vice President, but at certain times, or if there is a speech up on certain parts of the back front of the Capitol.

And I just wondered, knowing that certain times there is restrictions or some security threats where we have an overall restriction of the Capitol proper, the Campus, was the Commission aware of this or did they consider it when the site was chosen, about the fact that there could be severe or total cutoff of access to the museum?

Ms. BROWN. I think that the Commisison considered a number of factors. One was that this site is as close to the Capitol as the Botanic Garden site. It is certainly not as close in proximity as the Visitors Center. We recognize that in the Nation's Capitol there are always possibilities of security, especially if the President is speaking, and that is kind of one of the realities that you live with. And we felt that it could be a reality in almost any of the sites that we looked at.

The CHAIRMAN. Two other brief questions. Secretary Small indicated the collection that will be housed in the museum has yet to be identified and acquired. That is naturally understandable.

Given that, how did the Commission arrive at its determination on the size of the museum? In other words, how do you know about the space you will need if we don't know the size of the collection yet?

Ms. BROWN. Well, in most museums the collection is not housed in the actual museum proper. But what we did look at is the program of the museum. We looked at the fact that we wanted a large permanent exhibition. We also knew that we wanted spaces for public programming and also that we would be working in conjunction with other museums around the country, and we wanted spaces for traveling exhibitions.

We wanted some resource center space. So the program really determined how the space would be used. Not unlike the United States Holocaust Museum, we see a major part of this museum telling a narrative story. And in their process, they actually determined the story that they wanted to tell, and then collections were actually acquired after the fact.

The CHAIRMAN. The other question would be how much of the proposed collections will you be gathering from other museums? Will they be permanent, or some of them temporary? Will that impact some of the museums? Are they willing to do that? Has there been any conversations with any existing museums or facilities that could help to enhance this museum?

Ms. BROWN. One of our charges under the legislation was that we communicate specifically with other African American museums just to make sure that we would have a meaningful relationship with then. And in doing so, I would say more than 90 percent of those institutions were willing to lend objects and actually wanted to see a cultural exchange take place.

What we are also hoping is that we can have the same kind of reciprocal relationship with other Smithsonian museums, not unlike some of the Smithsonian affiliates.

The bigger issue, though, is that we would like to acquire collections with an informed plan and not begin to just get collections because people have them. We want to know what the narrative is and really have curators on board, and then let them make those decisions.

The CHAIRMAN. I want to thank you for your time.

Secretary Small, your testimony indicated that most of the concerns that were expressed about the proposed structure of this museum have been addressed in the legislation. Can you describe the standard structure of the Smithsonian museums and describe how this proposal would compare to that, and also how does it differ, if it does, and do you have any remaining concerns about the structure envisioned by the bill?

Mr. SMALL. Thank you. As I indicated, as the legislation now stands, it is quite similar to the existing structure that we have. The museum would have an advisory board to help with outreach and fund-raising. The director of the museum would report in the way that we have currently in place in the Smithsonian. The budg-

et for construction and operation of the museum would be part of the overall Smithsonian budget.

So I think it very much fits within the current approach that we would use from a governance standpoint for the museum.

The CHAIRMAN. I think it was one of our Members on the majority side that had raised an issue of future museums, which I think we do have to consider future museums, because we have the Native American Museum, and our committee has the responsibility to consider future as well as current proposals for museums.

Have we received any contacts from other groups, such as Hispanic Americans or Asian Americans who have expressed similar interest of similar museums within the Smithsonian and, if we have, what are we talking about with feasibility and being able to do it? And would we have considerations of other sites within the proximity of the Mall? Do you have any ideas on that?

Mr. SMALL. We at the Smithsonian haven't received any formal proposals in that regard. On the other hand, we have been involved in any number of public gatherings where members, for example, of the Hispanic Caucus have talked about a Latino museum. So, yes, we have heard mention of such things. But as I say, there is no formal process that I am aware of that is in place.

The CHAIRMAN. Thank you. My last question is for Mr. Cassell, Vice President of the Coalition to Save The Mall. Your testimony references the Commemorative Works Act and their relationship to the L'Enfant and McMillan Plans for preserving The Mall.

Can you elaborate a little bit on the Commemorative Works Act and your belief that future construction violates basically the intent of Congress?

Mr. CASSELL. Let me ask Mr. Oberlander, our expert, to respond to that.

The CHAIRMAN. Can you identify yourself please for the record? Thank you.

Mr. OBERLANDER. I am George Oberlander. I am the treasurer of the National Coalition to Save Our Mall. I am also a retired urban planner, having worked with the National Capital Planning Commission for 31 years as the Associate Executive Director for District Affairs. I am very familiar with the Commemorative Works Act and the planning activities in the Nation's Capital since 1965, when I came to Washington.

I have also worked with the former Architect of the Capitol on the Master Plan for the grounds of the Capitol. So I am familiar with the planning jurisdiction of the grounds of the Capitol that are under the Architect of the Capitol jurisdiction and the Planning Commission's jurisdiction.

The Commemorative Works Act was a way of trying to resolve the basic problems of preserving the historic character of the Nation's Capital Mall area. Normally people call the Mall the area from the Capitol Building all the way to the Lincoln Memorial. However, technically the Mall starts at the foot of the Capitol grounds and ends at 15th Street. Then you have the Washington Monument Grounds, which are not technically the Mall, and then you have West Potomac Park, which is the area west of the Washington Monument Grounds, which most people call the Mall, but is

technically West Potomac Park, according to the National Park Service Maps.

The Commemorative Works Act was trying to resolve the problem, in the 1980s when this act was enacted, of the numerous memorial proposals. At that time the Vietnam Memorial was proposed, and it was placed on the National Mall. And then the Korean Memorial was proposed in an opposite location on the south side of the Mall.

The Congress decided that it was necessary to establish criteria for where memorials might be placed in the future. It designated two different areas, Area 1, which is the central part of the Mall, the green panels between the trees and the areas to Pennsylvania and Maryland avenues, and Area 2, which is the broader area encompassing most of what you see on the graphics that are before you.

The Act was intended to preserve the historic nature of the L'Enfant Plan of 1791 and the McMillan Plan of 1901, which actually placed museum buildings along the Mall whereas the L'Enfant Plan did not. The L'Enfant Plan places Foreign Missions, foreign government facilities, chanceries or embassies along the Mall, which never materialized.

The CHAIRMAN. Can I ask you something on that aspect? The previous panel, I don't know if you were here, panel 1, one of the Members testifying had stated that this was consistent with the McMillan Plan. Are you saying it is not?

Mr. OBERLANDER. Well, we are saying in our testimony that we don't believe it is. The interpretation of what is officially the McMillan Plan is really in the jurisdiction of the Commission of Fine Arts. That Commission should be asked to make the official determination. However, looking at the McMillan drawings, it did not have a museum building located on the preferred site. It may have had a similar type of Government (legislative) type of building that was shown on the south side of the Mall, but it did not indicate a museum function not a building that would be three or four or five stories in height.

Mr. CHAIRMAN. Putting the debate aside whether it does support or goes against the McMillan Plan for a second, the Commission had looked at five sites, and the bill has four now as it is in the Senate.

Any thoughts about whether there should be the five that the Commission originally had talked about? And, again, I don't know what site would be picked. I have no idea. Any thoughts about that? The Commission had five evaluated. Now there is four in the bill as it arrives?

Mr. OBERLANDER. Well, the testimony that Mr. Cassell gave while you were out of the room indicated that we would prefer all five be included in the bill, and in addition the—one is the Banneker site, which is not in the bill at the moment, which is at the southern end of the 10th Street overlook, near the channel and the Potomac River, which would be a possibility of mooring a slave ship in conjunction with the museum's function as part of exhibiting that history.

The other site that the testimony addresses is the last page of this document, a new site that has come about as a result of a

study that the Federal Highway Administration and the Kennedy Center is undertaking. If you can find that graphic in our testimony, it shows a site which would be opened up as a result of eliminating the on-ramp which now goes onto Memorial Bridge, from Constitution Avenue eliminating that on-ramp and creating a sizable open area which has no buildings on it now. We believe this might be a good location, and should be examined by the Smithsonian and the sponsors of the museum as another possibility.

This is not technically on the Mall. But it is within a stone's throw of the Lincoln Memorial.

Mr. CHAIRMAN. Thank you very much. The gentleman from Connecticut.

Mr. LARSON. Thank you very much, Mr. Chairman. Did you want to say something, Mr. Cassell?

Mr. CASSELL. I wanted to say something about security. May I? As an architect, I want to point to the fact that the government now is building security installations around the Monument, the Capitol, a variety—the Lincoln Memorial and so forth. These buildings are already in place.

And it is assumed that the security that is provided around these existing buildings should be effective. For a new building, if it is possible to protect existing buildings, and for a new building, a part of the design requirements are that it must be so designed that it can be protected, that it can be secure. And then we have an opportunity to evaluate what the architect comes up with.

But I don't think that we can—since we are not looking at an existing building now, we can determine whether it is secure or not. I think Mrs. Norton has made the point very well about the fact that at this particular point, you know, there is no presumed security issue regarding the Capitol site, which we would not support simply because it is on the Mall.

The CHAIRMAN. Thank you.

Mr. LARSON. Thank you, sir. That was enlightening. Mr. Wright, do you want to respond?

Mr. WRIGHT. Is it possible we can respond to the gentleman's comment on the McMillan Plan?

Mr. LARSON. Happy to yield.

Mr. WRIGHT. Thank you. I would like Robert Wilkins, who headed our site subcommittee to respond to that, please. Robert.

The CHAIRMAN. Please state your name and title for the record.

Mr. WILKINS. Thank you, Mr. Chairman. My name is Robert Wilkins. I was a member of the Presidential Commission and had the honor of chairing the site committee of that Commission.

I prepared a written testimony which I submitted to your staff before the hearing and which you should have before you, and attached to that testimony are some slides to illustrate some of the points in the testimony and the rationale for the Commission's decision.

The CHAIRMAN. Without objection that will be entered into the record.

[The information follows:]

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TESTIMONY OF ROBERT L. WILKINS, ESQ.
CHAIRMAN, SITE AND BUILDING COMMITTEE
NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE
PLAN FOR ACTION PRESIDENTIAL COMMISSION

ON

H.R. 2205

A BILL TO AUTHORIZE THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

July 9, 2003

BEFORE

THE COMMITTEE ON HOUSE ADMINISTRATION

THE HONORABLE ROBERT W. NEY, CHAIRMAN
THE HONORABLE JOHN B. LARSON, RANKING MEMBER
1310 LONGWORTH BUILDING
WASHINGTON, DC 20515

VENABLE
ATTORNEYS AT LAW

Chairman Ney and Ranking Member Larson, thank you for holding a hearing today on H.R. 2205 and for your support of the establishment of the National Museum of African American History and Culture.

H.R. 2205, and its companion bill in the Senate, S. 1157, are based in large part on the April 2003 Report to the President and Congress of the National Museum of African American History and Culture Plan for Action Presidential Commission. Congress created the Presidential Commission in December 2001 and directed that it develop a "Plan for Action" including, among other things, a recommended site for the Museum "on or adjacent to the National Mall." I had the honor of serving on the Presidential Commission and chairing the Site and Building Committee.

Using the two most influential references for Mall planning, the L'Enfant Plan of 1791 and the McMillan Commission Plan of 1901, as well as numerous other sources, the Presidential Commission initially identified eleven sites on or near the Mall as potentially available and suitable for this national museum, and we visited each one. However, after conducting numerous town hall meetings, focus groups, and interviews with potential donors, as well as meetings with the various planning and administrative agencies involved, the bipartisan Presidential Commission unanimously found that "the only place to build [this] Museum is the National Mall." In our Report, we explained that "[a]ny other site, according to the overwhelming evidence gathered by the Commission, would smack of the subjugation and segregation of the past and be perceived as second-class and would reduce fund raising efforts and visitation rates."

For several reasons, the Presidential Commission unanimously recommended Square 575, at the eastern edge of the National Mall between 1st and 3rd Streets and Constitution and Pennsylvania Avenues, N.W., as the site for this Museum. First and foremost, the historic plans of the National Mall have consistently called for placing a monumental building such as this Museum at this site, which is now vacant. The 1791 L'Enfant Plan designated the site as appropriate for construction, and the 1901 McMillan Plan, still considered the authoritative blueprint for the Mall, specified that a monumental building should be constructed on the site. On March 4, 1929, Congress approved a plan by the Commission of Fine Arts that called for implementing the McMillan Plan by constructing a monumental building on Square 575, as a counterpart to the Botanic Gardens Conservatory proposed for the sister site on the south side of the Mall. The Botanic Gardens Conservatory was completed in 1933, but Square 575 has never been developed since Congress acquired the land from private owners in the 1930s. In a 1977 report to Congress, the Architect of the Capitol cited this planning history when concluding, "the urban design quality of the Mall would be enhanced by a building on Square 575 to balance the U.S. Botanic Garden on the south."[1] Thus, building this Museum at this site would complete these historic plans and balance this section of the National Mall.

In addition, the Presidential Commission found an equally compelling reason for placing the Museum at the recommended site – it has a direct connection to the inspiration for the creation of the Museum. As you know, the movement to build this

[1] Apparently because there was no need for a Congressional building at the site, the

Museum began in 1915 with members of the "Colored Troops" who gathered in the nation's capital for the National Encampment of the Grand Army of the Republic. These aged Black veterans had come to join their White counterparts in a celebration of the 50th anniversary of the end of the Civil War by reenacting the victory parade down Pennsylvania Avenue from the Capitol past the White House that took place in 1865. Those Black veterans and their supporters decided during that gathering to push for the creation of a permanent memorial to African American contributions and achievement in the nation's capital, which culminated in legislation passed by Congress in 1929 authorizing the construction of a "National Memorial Building" to "Negro Achievement." Because Congress failed to fund the authorization and the onset of the Depression inhibited private fundraising, the National Memorial Building was never constructed. The 1915 G.A.R. Encampment took place at 1st Street and Constitution Avenue, N.W., and the 1915 parade began at the Peace Monument at 1st Street and Pennsylvania Avenue, N.W. – thus Square 575 is literally at the heart of the location where the Black Civil War veterans who inspired this movement had gathered in 1915. Ironically, the National Memorial Building was authorized on March 4, 1929; the same day that Congress authorized the plan that called for implementing the McMillan Plan by constructing a building on Square 575.

For your review, I have attached a slide presentation summarizing the Commission's findings. I would be happy to answer any further questions you may have about the site recommendation and evaluation of the Presidential Commission.

Architect of the Capitol reported to Congress in 1980 that the site should remain vacant.

Mr. WILKINS. With respect to the McMillan Plan, the McMillan Plan of 1901 specified very clearly that it would be appropriate to place a monumental building on this site. I have read the text of the McMillan Plan, and I am not familiar with what has been referred to the proposed use of this being for a Federal Congressional enclave.

But be that as it may, I think the issue here is, is a building appropriate on the site? Whether it is a Congressional office building or this museum, the issue is, is a building appropriate for this site? And I think this answer per the McMillan Plan is clearly yes. If you look at every depiction of the McMillan Plan, you see that.

Furthermore, there was a reference to the Commission of Fine Arts as the appropriate interpreter of the McMillan Plan. In 1927, the Commission of Fine Arts hired an architect by the name of John Parsons to do a study of that area, and Mr. Parsons' study recommended that a building be placed on that very site, and he also recommended that the Botanic Gardens be moved from the center of the Mall, which is where it was located at that time to its present location.

So the designer of the Botanic Gardens building intended and drew a plan that said that there should be a sister building on this site that we are talking about. That was endorsed by the Commission of Fine Arts. And Congress, in an act that was passed on March the 4th of 1929, approved that plan.

So Congress has already approved a plan by the Commission of Fine Arts that called for a building to be constructed on this site. So I think that should put to rest any issue of whether this is in line with the vision of the McMillan Plan. And all of that is explained further in my testimony. I would be happy to speak with you further about that.

The CHAIRMAN. Thank you. Mr. Larson.

Mr. LARSON. Thank you very much. And I thank all of the panelists for their very insightful comments and would join in commending the Commission for an outstanding report, would recognize, as I believe others have, that while it may differ in some respects from Mr. Lewis' and Mr. Kingston's bill, the impact and the intent are definitely collectively the same. And again I wanted to commend you for that.

I have questions for the panelists. I would like to start with Mr. Wright. And this is coupling on the backs of an earlier conversation that was raised by Mr. Kingston and Mr. Mica. The Commission's final report was predicated on a 75/25 public-private funding ratio, 75 percent appropriated funds and 25 percent private contributions. The fund-raising report provided a positive analysis about the prospects of success for raising the 25 percent. However, the Lewis-Kingston bill contains a 50/50 public-private breakdown of funds. Do you think the larger amount is achievable?

Mr. WRIGHT. Well, as I state in my testimony, $180 million certainly presents a challenge. But also I feel that the potential, as I stated, for raising money for this particular purpose certainly is there.

I think the first step obviously has to be when Congress, in your wisdom, should you enact the legislation, identifying a site, I think then the ability to raise money is greatly enhanced.

There are many corporations, private citizens through our surveys and through the fund-raising surveys who have indicated a willingness to contribute. And I guess the bottom line answer to your question is, although $180 million in the legislation is a challenge, I certainly think it is achievable.

Mr. LARSON. The Commission report recommended separate access by the new museum's council to major donors. But under the Smithsonian practice, the regents decide how to allocate fund-raising priorities and donor access, and this bill does not change that. Can the museum fund-raise successfully within this structure?

Ms. BROWN. My own history is that I have worked for the Smithsonian for 5 years as the Deputy Assistant Secretary for Museums, and I recognize all of the burdens that Secretary Small has mentioned and his responsibility to the entire institution.

But I am also aware that when a new museum is raising moneys, that they are in the position to bring aboard individuals or a capital campaign group that will help them in that fund-raising initiative. The fund-raising group that we used as our consultants for this work included Alice green Burnette, who was head of institutional advancement at the Smithsonian and worked on the Museum of the American Indian, and Dick Taft, who worked both on the Museum of the American Indian and the Holocaust Museum.

And we believe that with that team in place, a team that is knowledgeable about Smithsonian practices and a team that also has had experience raising money for two national museums, that we would be able to reach our goals and be true to the guidelines and parameters of the Smithsonian.

Mr. LARSON. I guess I should ask Secretary Small if he believes that the new council that will be established and their access to donors and the regents and the current Smithsonian policy would be compatible in this process? Again, everybody wants to make sure that we have the optimal opportunity to achieve and reach the anticipated $360 million goal.

Mr. SMALL. I don't think there is any incompatibility with the processes of the Smithsonian. I think the biggest issue involving fund-raising is that there be absolutely no question about the Federal Government's commitment to its part of the project, both from the standpoint of the capital funds to build the museum and the commitment to provide operating funds later on.

That is really very important. If you do not have the commitments of the government to do its share of the project in whatever form the legislation calls for, right up front, the ability to get private sector donors to come in, if there is any doubt about what the government is going to do, becomes very limited.

Another thing that would be very helpful in this legislation is to make it like the legislation that was passed for the National Museum of the American Indian, which permits the use of Federal funds within the National Museum of the American Indian to do fund-raising, because without having the ability to start this and have money so that you can actually raise funds from the private sector, you have to ask private sector donors to give money to form a fund-raising department. There are very few private sector donors who want to do that. So that would be one change in the legislation that I think is very, very important.

Mr. LARSON. Well, to follow up on that. I thank Mr. Wright for your comments. To follow up on that, Secretary Small, there has been a long-standing controversy surrounding the Smithsonian's policy over how far to go in allowing the use of corporate names or private donors' names in buildings, exhibits and other aspects of the Smithsonian activity.

What is the current Smithsonian policy on this, and would the new museum be treated in the same way as others in this regard?

Mr. SMALL. The Smithsonian's policies have been in place for quite a long time now, policies passed by our Board of Regents, in which they have a tremendous involvement, not only from a policy standpoint, but also from an operational standpoint, and there are very, very clear guildelines as to how you recognize donors.

Of course, in many ways donor recognition goes right back to the beginning of the Smithsonian, since it is in fact named for its first donor, James Smithson, as are museums such as the Hirshhorn Museum or the Sackler Gallery. So I think there is a long history of donor recognition, not only in the Smithsonian, but throughout the United States in hospitals, universities, libraries and such. And I think the policies have served the Smithsonian well.

I believe this museum would be treated in precisely the same way that we treat our other museums, including the more recent national museum, the National Museum of the American Indian, which adheres to the exact same policies.

Mr. LARSON. Thank you. Mr. Cassell, obviously in your testimony you would have preferred to see sites included that aren't in the final recommendation, and is it my understanding there were two additional sites, the Banneker site and the——

Mr. CASSELL. Your Exhibit 2 will show a second site which is near the Kennedy Center.

Mr. LARSON. Right.

Mr. CASSELL. Off the Mall and near the Rock Creek Park driveway. And if you have a look at that, you can see that it is—there are about six acres there. It would be a very prominent site. It would overlook the Mall. It would attract much attention simply because it is near the Kennedy Center and presumably it would be eloquent architecture.

Mr. LARSON. Is that the Banneker site?

Mr. CASSELL. No, no, no. That is—in fact, we just found that site. Do we have a name for the site?

Mr. OBERLANDER. No, no yet.

Mr. CASSELL. The Banneker site is if you are driving along Independence Avenue, you turn right and left and go down 10th Street. At the end of 10th Street is an overlook that looks over Maine Ave. and Water Street and into the river, and that is called the Benjamin Banneker site. It is isolated, but yet a structure on that site would be very, very prominent.

In fact, I think that it would draw attention from the Mall to people who are interested not only in the meaning of the memorial building, but its impressiveness. If buildings are to be built on the Mall then they are going to have to conform to the existing Federal Architecture. I mean, you can't have something that is very, very different adjacent to the United States Capitol.

But at the overlook site, you can do something like the—well, I don't know what to point to, but you know that the Kennedy Center is not similar to any other buildings in this city. So that if there were to be something built on either of those sites, the one that is near the Kennedy Center, we just discovered that, and the 10th Street overlook, then those buildings would be or could be very attractive. And in your requirements for that, you could build in the requirements for such security as we thought were necessary.

Mr. LARSON. And in the view of the Commission, was the site near the Kennedy Center viable?

Ms. BROWN. That site was never under consideration.

Mr. OBERLANDER. May I add, the reason it wasn't under consideration probably is it has a bridge access ramp on it right now from Constitution Avenue to the Roosevelt Bridge. That ramp is proposed by the Federal Highway Administration, in the redoing of all of the highway network in front of the Kennedy Center, to be eliminated. Thereby that site would become, when the construction takes place, would become available.

Mr. WRIGHT. Congressman, our task, as specified in the legislation, was to identify a site on or near. I think that is basically what the legislation said. And we tried to sort of stay within these guidelines, stay within that framework. That is probably why we didn't look beyond the statement on or near.

Mr. LARSON. Well, just if I might follow up, Mr. Chairman. Just in—can I take it that all of the panelists are in agreement with regard that security issues can be addressed, whether in the establishment of a new building, and making sure that the architecture reflects that so you are building in that security or safeguarding?

My question would be to Mr. Small again. Given the site on the Capitol and the overlap that perhaps would exist between the Capitol Police and Smithsonian, how do you envision that being worked out?

Mr. SMALL. Congressman Larson, I think you touched on a very important issue for the Smithsonian. Right now, of the four sites that are in the legislation, one of the sites is already within the Smithsonian, the Arts and Industries Building. Two other sites are set in the legislation so that if the Board of Regents were to choose either the monument site, which is west of the American History Museum, right near the Washington Monument, or if it were to choose the Liberty Loan site, those two, because they are under the jurisdiction of the General Services Administration and the National Park Service, the administrative jurisdiction over those would automatically switch to the Smithsonian.

The legislation doesn't mention that in regard to the Capitol site. So as these discussions wind their way through Congress on which site and what should be included in this, what is very important for us is that it be very clear that when the site is chosen that we get the administrative jurisdiction for it right away so we don't have all sorts of conflicting debates because that will dampen the ability to raise money from the private sector in a huge way.

If people think there is a hassle as to which building it is going to be, which site it is going to be, who is going to have jurisdiction over it, it will create enormous confusion and make the museum very difficult to get off the ground.

Mr. LARSON. I thank the panelists for their comments.

Mr. CHAIRMAN. Thank you. Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Mr. Cassell, you mentioned in your testimony that the procedure that is outlined, I believe, in the proposed legislation violates some of the existing laws and/or procedures for approval of a site on the Mall. Is that correct?

Mr. CASSELL. Yes. The Commemorative Works Act, which Mr. Oberlander has referred to—would you want to speak to that?

Mr. OBERLANDER. Well, there are, besides the Commemorative Works Act.

Mr. MICA. We also have the Commission on Fine Arts and the National Capital Planning Commission. And would this legislation supersede all of those processes?

Mr. OBERLANDER. Well, the legislation mentions only consultation with the chairman of each of those two commissions.

Mr. MICA. So that wouldn't go through the normal approval process for siting?

Mr. OBERLANDER. That is correct, Senator—sir.

Mr. MICA. I love that. Go ahead.

Mr. OBERLANDER. But the National Capital Planning Act of 1952——

Mr. MICA. So what it is doing is having Congress mandate another structure or monument?

Mr. OBERLANDER. Right. In our opinion that would be the case, yes.

Mr. MICA. And your group definitely testified that we should concur with the different processes to see that it does fit, conform, and is sited according to the laws and other requirements and procedures that we require for building?

Mr. CASSELL. I think we are required to do that, are we not?

Mr. MICA. Well, you haven't been around here long enough. We pass the laws and we can do anything we want.

Mr. CASSELL. Oh, yes. There was the World War II Memorial. That is right.

Mr. MICA. Exactly. And now did the Native American Indian project go through all of these hoops? It did?

Mr. OBERLANDER. Yes, sir, it did.

Mr. MICA. That gives me great fright too, because I am not sure about that one.

Mr. OBERLANDER. That was the only formally designated site on the National Mall that asked for another museum building to compliment the building of the addition to the National Gallery on the north side.

Mr. MICA. It went through all of the processes?

Mr. SMALL. I believe it did so voluntarily, though, Congressman. I don't know that it is required for those buildings.

Mr. MICA. Okay.

Mr. WRIGHT. Mr. Mica, can we respond to that?

Mr. MICA. Go right ahead. Yes.

Mr. WILKINS. Thank you, Mr. Mica. I wanted to again, as chair of the site committee for the Commission we studied these issues very carefully, the legal issues involved, and as a lawyer, I am very sensitive to those issues. But we should be clear about a couple of

things, because I think that there is some clarification needed here. The Commemorative Works Act does not apply to museums, it applies to monuments and memorials, and so there is nothing about this legislation that would violate the Commemorative Works Act, because the Commemorative Works Act doesn't apply to museums.

Mr. MICA. What about the National Capital Planning Commission procedures?

Mr. WILKINS. There is no set procedures or laws that I am aware of that govern the siting of museums. Congress has done it any number of ways over the years. For the Hirshhorn Museum, for the Air and Space Museum, for the Museum of the American Indian, Congress designated the specific site where those museums would be located.

There was no procedure where you went through the National Capitol Planning Commission, the Commission of Fine Arts or anyone else. For the Holocaust Museum, Congress specified that the site would be designated by the Secretary of the Interior in consultation with the National Capitol Planning Commission.

Mr. MICA. I think that is one of the points that I tried to raise here today, is what is our policy and procedure, and this does set a precedent. Now, the Native American is an exception. Of course the Native Americans were here before African Americans or all of the rest of us who came, and maybe that is a legitimate exception, but we are carving out for one particular group. Everything else that I know of relates to all Americans. The Smithsonian activities along the Mall are all Americans. I don't consider the Holocaust on the Mall itself. It is close by.

But that is, again, and I think that is a Federal policy question and procedures that we need to adopt, because if we do this for this particular museum and it ends up on the Mall, we have set a precedent for the future, whether it is a monument or a building.

Mr. WILKINS. I guess my point is that precedent exists, because Congress designated again for the Air and Space Museum——

Mr. MICA. That was for every—it doesn't pick out any one group, not American natural history—all of the activities along the Mall relate to all Americans. The only exception to that is Native Americans, and they certainly have a unique place as far as being the possessors of this land before any of us got here.

And again I want to set out in fairness that we treat everyone equal in this process. But the ultimate goal should be that at the end of what we establish as policy, that we don't end up with a Mall that is a helter-skelter of buildings and monuments and whatever you have, that Congress by committee creates a disaster for generations. We have gotten this far, 200 years, we have done some damage. I am hoping that we can do good in the future in an orderly fashion. And again, no offense to anybody.

Finally, Mr. Small, you said you have more than a billion dollar backlog and all of that. Congress can still authorize these projects. The Native American Indian Museum has operational costs which are estimated at what annually?

Mr. SMALL. When it is up and running, in the $30 million plus range per year.

Mr. MICA. Okay, And probably this museum, which is based on similar square foot exhibition space and activity space would be somewhat similar?

Mr. SMALL. On the assumption that the plans and the collections and all of the other needs came out to be similar, yes.

Mr. MICA. So Congress will have to appropriate not only capital money, but also operational money. And for the record, you would estimate it would be in the what range?

Mr. SMALL. $35 to $40 million range. And the answer is unquestionably yes.

Mr. MICA. Just for the record. Thank you.

Mr. CASSELL. May I say something?

Mr. MICA. If you wanted to respond to something.

Mr. CASSELL. Yes, regarding fairness. You mentioned that there are many ethnic groups in this country, and if they all wanted representation on a particular location, we would have a helter-skelter. There is something very special about Native Americans and something very special about African Americans.

I think Congressman Lewis mentioned the fact of healing. That healing means that something has happened that we would like to compensate for, and that only applies to the Native Americans and to African Americans. It was a long time before this came about. As has been mentioned, 100 years ago is the first time this was mentioned.

It wasn't something special for a special ethnic group, it was to recognize the existence, the participation in developing this Nation, the struggles that they have gone through.

Mr. MICA. I appreciate that. I don't want to interrupt you, and I agree with all of that. I would even agree that taking that existing structure that is there and renovating it that is on the Mall, I have no problem with that. I have cited that one of the finest buildings I have seen, which I got a study done a couple of years ago, the FTC building, which is waiting for an occupant, is one of the most prominent locations.

But we are talking about constructing another building and setting Federal policy for the future. And in fairness for all Americans, and maybe we want to divide it up now, and, you know, I want my Italian American part on—I don't deserve as much as the African Americans, and then the Slovak, we could do a little sliver along the site. And I have got—my wife has some Irish and English. And certainly all of the other groups that would want representation, Japanese Americans, et cetera. But again, you see where we are setting policy and precedent. And I just want it done right and fairly. And certainly the African Americans should have as prominent a location as anyone who is recognized and we create this structure for and structures for others.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. I want to thank all of the witnesses for your testimony. And with that we will move on to the third and last panel. I want to welcome our third and final panel to the table.

Joining us is Jeff Trandahl, Clerk of the House of Representatives, Alan Hantman, Architect of the Capitol, Robert Howe, Assistant Chief of the United States Capitol Police. In addition Robert Greeley, Director of the Security and Services Bureau of the United

States Capitol Police is also here today and is able to answer questions.

I want to thank all of the individuals that have come here today. And again we are starting with the Clerk of the House, Mr. Trandahl.

STATEMENTS OF JEFF TRANDAHL, CLERK, HOUSE OF REPRESENTATIVES; ALAN HANTMAN, ARCHITECT OF THE CAPITOL; ROBERT HOWE, ASSISTANT CHIEF, U.S. CAPITOL POLICE; ACCOMPANIED BY ROBERT GREELEY, DIRECTOR, SECURITY SERVICES BUREAU, U.S. CAPITOL POLICE

STATEMENT OF JEFF TRANDAHL

Mr. TRANDAHL. Mr. Chairman, Mr. Larson and members of the committee, I appreciate having the opportunity to appear today to provide observations relative to H.R. 2005, a bill to establish within the Smithsonian Institution, the National Museum of African American History and Culture.

I have been asked to comment on the precedents for using Capitol properties for such endeavors per my position on the House Commission on Fine Arts.

As the committee is aware, four sites and also the Arts and Industries Building in the Smithsonian Institution have been evaluated for construction of a 350,000 gross square foot facility. The report outlined a strong preference that a new museum be located on the National Mall. Two particular sites were identified—the Capitol site and the Monument site.

For reference, the new facility, as planned, would be approximately the size of the American Indian Museum that is currently under construction on Independence Avenue Southwest.

The Capitol site is located along the north side of the reflecting pool. The Monument site is located on the National Mall near the American History Museum and the Washington Monument.

Regarding the Capitol site location: in reviewing the history of the construction of buildings and monuments on the Capitol grounds, I have not been able to identify a comparable situation when Congress has been asked to either transfer or hold properties that would allow for the construction of a non-congressional building or buildings.

However, examples of smaller land transfers between the Architect of the Capitol and Federal agencies have occurred to allow for the construction of monuments and for other purposes. These examples are smaller in scope and are not in areas of high prominence like the Capitol site identified in this report. A current example of such an exchange of property occurred between the Architect of the Capitol and the National Park Service under Public Law 104–333 to allow for the construction of the Japanese American Patriotism Memorial on new Jersey Avenue Northwest.

Clearly, actions to release this parcel, due to its size and prominence, or to allow for the construction of any non-Congressional building on Congressional grounds would be precedent setting. If allowed, it could open Congress to other similar requests and other parts of the Capitol grounds could become vulnerable.

Thus, it is my belief that the ability of Congress to determine or to meet its future needs on the existing Capitol grounds could be threatened and/or limited. In addition, it is important to note that this parcel has already been designated under Public Law 107–68 as a site for the Congressional Award Youth Park.

The Commission's report has evaluated this concern and has recommended ways to meet both objectives. Further study would be advisable prior to reaching that conclusion. Clearly the construction of any building brings controversy and criticism. I am confident that, under the stewardship of this committee and the sponsors of the legislation this museum will finally become a reality.

The question of the day remains to be where to locate it. I am not here to advocate for any location, but I have to ask the Members to pause, prior to allowing any non-Congressional building to be constructed on existing Capitol grounds.

Significant changes have occurred throughout the Capitol complex these last several years, and I believe any loss of area or loss of control of area could be detrimental to those efforts.

I appreciate you allowing me the opportunity to appear.

[The statement of Mr. Trandahl follows:]

The Honorable Jeff Trandahl, Clerk of the House
Testimony before the Committee on House Administration

July 9, 2003

Mr. Chairman, Mr. Larson and other Members of the Committee:

I appreciate having the opportunity to appear today to provide observations relative to H.R. 2205, a bill to establish within the Smithsonian Institution the National Museum of African American History and Culture.

I have been asked to comment on the precedents of using Capitol properties for such endeavors per my position on the House Commission on Fine Arts. I am here to assist the Honorable Wilson Livingood, Sergeant At Arms, and the Honorable Alan Hantman, Architect of the Capitol – both who have more direct day-to-day responsibility for maintaining and securing Capitol Complex properties.

Background

As the Committee is aware (and as finely detailed in the April 2, 2003, Report to the President and to the Congress, entitled **The Time Has Come** by the Presidential Commission on the National Museum of African American History and Culture), four sites and also the Arts and Industries Building of the Smithsonian Institution were evaluated for the construction of a 350,000 gross square foot facility. The report later outlined the strong preference that the new

museum be located on the National Mall and two particular sites were identified (the Capitol site and the Monument site).

For reference, the new facility as planned would be approximately the size of the American Indian Museum, currently under construction on Independence Avenue, SW. The Capitol site is located along the north side the reflecting pool. The Monument site is located on the National Mall near the American History Museum and the Washington Monument.

As outlined in the report, neither site on the Mall has been designated as a museum site in the Memorial and Museums Master Plan (MMMP) or other current planning documents for the Monumental Core of Washington, DC. Legislation would clearly be required if either location were selected as part of this legislation.

The CAPITOL SITE Location

In reviewing the history of construction of buildings and monuments on the Capitol grounds, I have not been able to identify a comparable situation when the Congress has been asked to either transfer or hold properties that would allow for the construction of a non-congressional building(s). However, examples of smaller land transfers between the Architect of the Capitol and federal agencies have occurred to allow for the construction of monuments and for other purposes. These examples are smaller in scope and are not areas of high prominence like the Capitol Site identified in this report. A current example of such an exchange of property occurred between the Architect of the Capitol and the National Park Service (under PL 104-333)

to allow for the construction of the Japanese American Patriotism Memorial on New Jersey Ave, NW.

Clearly, actions to release this parcel (due to size and prominent location) or to allow for the construction of any non-congressional building on congressional grounds would be precedent setting. If allowed, it would open the Congress to other similar requests and other parts of the Capitol grounds would become vulnerable. Thus, it is my belief that the ability of Congress to determine or meet its future needs on the existing Capitol grounds could be threatened and/or limited.

In addition, it is important to note that this parcel has already been designated (PL 107-68) as the site for the Congressional Award Youth Park. The Commission's report has evaluated this concern and has recommended ways to meet both objectives. Further study would be advisable prior to reaching this conclusion.

Conclusion

Clearly the construction of any building brings controversy and criticism. I am confident that under the stewardship of this Committee and the sponsors of this legislation, this museum will finally become a reality – but the question of the day remains where to locate it.

I am not here to advocate for any location, but I have to ask the Members to pause prior to allowing any non-congressional building construction on existing Capitol grounds. Significant

changes have occurred throughout the Capitol Complex these last several years and I believe any loss of area or control of area would be detrimental to our efforts.

I appreciate you allowing me the opportunity to appear.

The CHAIRMAN. Thank you. And now we will move on to the Architect of the Capitol.

STATEMENT OF ALAN HANTMAN

Mr. HANTMAN. Thank you. Good afternoon, Mr. Chairman, Ranking Member Larson, committee members. As Architect of the Capitol, I am often called upon to provide technical assistance and recommendations with regard to proposed projects in and around the Capitol complex.

In order to have meaning, such recommendations need to be based on a foundation of information that has been developed and evaluated in the context of the current and projected needs of the Congress.

In this context, issues associated with potential development and changes throughout the Capitol complex, such as the requested use of Square 575 for the National Museum of African American History and Culture, continue to be raised with no clear guidelines to inform the Congress' decision-making process by reflecting the comprehensive and integrated evaluation of all issues.

Therefore, there is an urgent need to address relevant issues with respect to the entire Capitol complex. Congress recognized this in fiscal year 2002. And in response to its request for a long-term plan, my office is currently proceeding with the development of a new Capitol complex master plan.

Following is a brief discussion of this process and the issues that need to be addressed for all parts of the Capitol grounds. As the first step in the process, the National Academy of Sciences was retained to conduct a workshop in September of 2002 by constituting a panel of experts in planning, engineering, architecture, landscape architecture, transportation, historic preservation and related disciplines.

Based on the NAS report, funding in the amount of $4.2 million has been requested in the 2004 budget. Our budget language regarding this states: This project provides funding to plan and execute a Capitol complex master plan. The existing master plan is 22 years old and does not address facility requirements brought about by the Congressional Accountability Act, nor does it relate to the present security environment. There is insufficient global input to fully address all necessary decision factors. Therefore, a new master plan for the Capitol complex needs to be developed.

Now, the nature of this master plan process, which would include the entire Capitol complex as well as Square 575, will look at the following as defined by the Academy of Sciences: The process should be inclusive and participatory in that stakeholders must have input to facility requirements. The historic context must be respected and enhanced. The recommendations should be vetted with an expert advisory panel before a recommended plan is finalized.

The plan should be comprehensive and state of the art, utilizing advanced technologies and data bases to support decision-making. This includes safety and fire compliance, planning for physical security needs, the preservation of historic facilities, and planning for complex-wide utilities distribution systems.

The plan should be based on a consensus driven vision for the entire complex, the District, and the region, especially focusing on urban design, including integration with surrounding areas and District plans; land use, including development concepts, landscape and open spaces, and circulation and transportation systems integrated with local and regional systems.

In anticipation of receiving the master plan funding in 2004, work continues on developing the scope of work, with a request for proposals expected to be issued in October of this year upon receipt of funding.

Going forward, when any potential use or physical development is considered anywhere within the Capitol complex, it is expected that the master plan will facilitate an objective evaluation of possible sites, including Square 575, and how they could be used and appropriately developed.

Square 575 specifically is a unique site that cannot be considered in isolation. It is a transition site between Capitol Hill and the Nation's Mall and needs to be studied in that context.

We stand ready to serve the needs of the Congress in whatever capacity it believes appropriate and answer any questions you might have.

Thank you, Mr. Chairman.

[The statement of Mr. Hantman follows:]

Testimony of Alan Hantman, FAIA
Architect of the Capitol
Committee on House Administration Hearing
July 9, 2003

Mr. Chairman, as Architect of the Capitol, I am often called upon to provide technical assistance and recommendations with regard to proposed projects in and around the Capitol complex. In order to have meaning, such recommendations need to be based on a foundation of information that has been developed and evaluated in the context of the current and projected needs of the Congress.

In this context, issues associated with potential development and changes throughout the Capitol Complex, such as the requested use of Square 575 continue to be raised with no clear guidelines to inform the Congress's decision-making process by reflecting a comprehensive and integrated evaluation of all issues. Therefore, there is an urgent need to address relevant issues with respect to the entire Capitol complex. Congress recognized this in FY2002 and in response to its request for a long-term plan, my office is currently proceeding with the development of a new Capitol Complex Master Plan.

The following is a brief discussion of this process and the issues that need to be addressed for all parts of Capitol grounds.

As the first step in this process the National Academy of Sciences (NAS) was retained to conduct a workshop in September 2002 by constituting a panel of experts in planning, engineering, architecture, landscape architecture, transportation, historic preservation, and related disciplines. Based on the NAS report, funding in the amount of $4.2 million has been requested in the FY 2004 Budget. Our budget language regarding this states:

> *This project provides funding to plan and execute a Capitol Complex Master Plan. The existing master plan is 22 years old and does not address facility requirements brought about by the Congressional Accountability Act, nor does it relate to the present security environment. . . . there is insufficient global input to fully address all necessary decision factors. Therefore, a new master plan for the Capitol complex needs to be developed.*

The nature of this Master Plan process, which will include the entire Capitol Complex as well as Square 575, will look at the following:

- The process should be inclusive and participatory in that (a) stakeholders must have input to facility requirements, (b) the historic context must be respected and enhanced, and (c) the recommendations should be vetted with an Expert Advisory Panel before a recommended plan is finalized.

- The plan should be comprehensive and 'state-of-the-art' utilizing advanced technologies and databases to support decision-making. This includes (a) safety and code compliance, (b) planning for physical security needs, (c) the preservation of historic facilities, and (d) planning for complex-wide utilities distribution systems.

- The plan should be based on a consensus-driven vision for the entire complex, the District and the Region, especially focusing on (a) urban design, including integration with surrounding areas and District plans, (b) land use, including development concepts, landscape and open spaces, and (c) circulation and transportation systems integrated with local and regional systems.

In anticipation of receiving the Master Plan funding in FY 2004, work continues on developing the Scope of Work, with a Request for Proposals expected to be issued in October of this year upon receipt of funding.

Going forward, when any potential use or physical development is considered anywhere within the Capitol Complex, it is expected that the Master Plan will facilitate an objective evaluation of possible sites, including Square 575, and how they could be used and appropriately developed. Square 575, specifically, is a unique site that cannot be considered in isolation. It is a transition site between Capitol Hill and the nation's mall, and needs to be studied in that context. We stand ready to serve the needs of the Congress in whatever capacity it believes appropriate.

The CHAIRMAN. Thank you. And Assistant Chief Howe.

STATEMENT OF ROBERT HOWE

Mr. HOWE. Thank you, Mr. Chairman. If it serves your needs, I will abbreviate my opening remarks and submit the balance of my statement for the record.

I thank you for the opportunity to appear to testify before the committee on the potential impact of the museum on the U.S. Capitol Police.

The proposed museum will be a multi-story 350,000 square foot structure, and will be of similar stature as the National Museum of the American Indian currently under construction. The museum will have operations that will require logistical support for a protected staff of 300 persons, large collection areas, dining and a museum store, and I believe testimony today was approximately 2 million visitors a year.

While there are a number of security-related issues attendant to this project, they should not be viewed as an impediment to any decision regarding the proposed site.

As addressed in my written testimony, the proposed museum, like any large facility, will have an impact on the operations of the Capitol Police. Given appropriate resources, we can properly protect both the Capitol and the new museum, while minimizing any impact.

Mr. Chairman, I will submit the balance of my written testimony for the record. I thank you for your time, and we will be happy to answer any questions you may have.

[The statement of Mr. Howe follows:]

Testimony of
Robert R. Howe
Assistant Chief, United States Capitol Police
before the
Committee on House Administration
United States House of Representatives

July 9, 2003

Thank you Mr. Chairman for this opportunity to testify before this Committee on the potential impact on the U.S. Capitol Police. The proposed museum will be a multi-story, 350,000 square foot structure and will be of similar stature as the National Museum of the American Indian currently under construction. The museum will have operations that will require logistical support for a projected staff of 300 persons, large collection areas, dining, and a museum store.

I would like to state that the U.S. Capitol Police given the proper resources can support any new facility. Although a museum is proposed, the construction of any large facility will have an impact on police operations. The museum will add additional visitors and deliveries to the Capitol Complex. By comparison, the Air and Space Museum averages 9 million visitors a year. The National Museum of the American Indian is projected to have 2 million visitors a year. The visitor count for this museum should fall somewhere in between. It is not clear whether the Capitol Police will have responsibility for the internal security of the museum. If so, we would need additional resources to properly screen visitors and secure the facility.

As I mentioned the museum, will have internal services that will require increase truck deliveries into to Capitol Complex No-Truck Zone. This will require the Capitol Police to increase our capabilities to handle the increase in deliveries. There will be a commensurate increase in bus traffic, this in conjunction with the new Capitol Visitor Center, will add more congestion to the surrounding streets. We have all seen severe bus congestion without these two facilities. In addition, there will be an increase of pedestrian traffic coming from Union Station and other public transportation stations. We will need to increase our pedestrian and vehicular traffic control with both static and mobile patrols to help keep the traffic flowing.

The other Smithsonian Museums have street vendors selling their wares on the streets surrounding the museums. Our current regulations do not permit vendors anywhere on Capitol grounds. There may be a desire to permit the same at the new museum. Whether street vendors are permitted or not, there will be a requirement to increase patrols around the facility for enforcement purposes.

Parking will be a major issue. The new museum will not have any public parking facilities. In conversations with security officials at other Washington Museums, they have constant problems with street parking, double parking, and illegal parking in permitted parking areas. They stated that the Capitol Police will need to increase our attention towards parking enforcement and possibly increase our towing capabilities.

While I pointed out that the proposed location will have some impact on the Capitol Complex, the far greater impact may be felt by the museum in relationship to their location to the Capitol. As this Committee is aware, the U.S. Capitol is one of the highest rated terrorist targets in the United States. As such we have taken and will continue to take substantial actions to mitigate the threat at our facilities. While the specifics of the threat and the details of the employed countermeasures are not a proper topic for discussion in this public forum, these actions have had a major impact on our operational budget, manpower, and facilities. I will make some general comments to provide a overview of our concerns.

The museum will place the first non-congressional public facility within the normal security perimeter we establish during periods of heightened alert and for special events. During these times pedestrian and vehicular access is strictly controlled. The Botanic Gardens by comparison has been required to close during certain events. These events will also have an impact on the operation of the museum. It is not known whether the museum would be required to adhere to the security restrictions, or be able to cease operations during these times.

As the Committee is aware, there is considerable attention given by the Capitol Police to mitigate the potential impact of from a wide variety of attacks. It is a matter of public record that the construction budget of the Capitol Visitors Center was increased by 36 million dollars for additional security enhancements after the attacks of September 11. I raise this issue to point out that we have taken appropriate measures at all facilities throughout the Capitol Complex. The close proximity of the facility to the Capitol may require some security modifications to be made to the construction of the museum. There may also be an operational impact to operate and monitor additional security systems. At a minimum, our security personnel should be consulted throughout the planning and construction process.

I would like to close by again stating that the museum like any large facility will have an impact on the operations of the Capitol Police. Given appropriate resources, we can properly protect both the Capitol and the new museum, while minimizing the impact.

I thank you for your time and will be happy to answer question you may have.

The CHAIRMAN. Thank you. As I understand, Mr. Greeley is available for questions.

Mr. HOWE. Yes, sir.

The CHAIRMAN. I will be brief, because I think we are going to have a series of votes.

For the Clerk of the House, you mentioned the proposed Capitol site has already been designated as a Congressional Award Youth Park. What type of park would that be, and where are we at in terms of establishing or making that happen?

Mr. TRANDAHL. In the 107th Congress, Congress acted to create an award park on that parcel. It is currently still in the design phase at the Architect of the Capitol's level. The exact design and scope of the project is really yet to be determined. However, it did identify the purpose of the memorial and the location of the memorial.

The CHAIRMAN. Thank you. And for our Assistant Chief, do you have any idea how many additional resources you would need to secure the complex if the museum was built on the Capitol site? And would you envision policing the interior of the museum, or exterior, or both? And if it were just exterior, would you have concerns about that?

Mr. HOWE. Mr. Chairman, it is a bit too early for us to tell precise numbers as to what it would take to police the site. I think our vision would be that the Smithsonian police would provide the security for the interior of the building. We would patrol the exterior of the building. I don't have any concerns about that. We have a number of other similar operations going on throughout the grounds, the Supreme Court, the Library of Congress, the Thurgood Marshall Building, Union Station, where we work with public and private entities, and work very well and provide very good security in all of these contexts.

The CHAIRMAN. This question would be, I would think, for the Architect or for the Capitol Police. Understanding there will be a need for parking or bus drop-off for tourists and there will be a need for delivery trucks to make stops at the museum, how will that work with the typical screening process if we apply what we do screening-wise on Capitol grounds to that building?

Mr. HOWE. What we have discussed preliminarily is adding this building to our delivery screening process and process their deliveries through our screening center before they arrive on site.

Parking and traffic around the structure are going to be major concerns. The Senate has Pennsylvania Avenue pretty well parked full, and they will have to make arrangements on that street. Constitution Avenue, as you know, has no parking. So that is one of the issues that will have to be addressed. But it is addressable.

The CHAIRMAN. Would you need additional personnel to do it?

Mr. HOWE. There would be a requirement for added patrols around the building to handle the parking and traffic issues, things of that nature.

The CHAIRMAN. And if a Capitol complex wide evacuation was ordered, would we be able to accommodate and secure the visitors and the staff of the museum?

Mr. HOWE. We would have to incorporate them into our overall plan.

The CHAIRMAN. Last series of questions I have would be for our Architect of the Capitol. From the perspective of your office, what are the top issues that we are looking at with the creation of a museum on the Capitol grounds? Of course it would make it convenient; you could go from the Visitors Center over to the other one. I want to commend you publicly for your diligence on that.

Mr. HANTMAN. Thank you, Mr. Chairman. In my testimony I basically indicated that we really need to be able to give the Congress a matrix for them to be able to make informed decisions from, and I think Congressman Mica was going in that direction. How does Congress make decisions based on properties along the Mall, other museums.

I think we need that same type of flexibility to have a real basis of information that the Congress can look at, evaluate, and we can make recommendations based on that so that informed decisions can be made by the Congress.

There was a master plan done back in 1981. That master plan talked about the uses of land in the Capitol complex. And for Site 575, it showed that it was in the landscaping area, to be an open formal landscape plan. I think the gentleman from the Society to Save the mall also talked about the National Capital Planning Commission legacy Plan of 2000, which did not show any activity on that location.

And of course there is another plan; the National Capital Planning Commission has the Memorials and Museums Master Plan in December of 2001, which has not been formally adopted by the Congress, but it does show that there is a reserve for not using museums or memorials within that reserve, and they do say that on the grounds of the Capitol the Commemorative Zone Map recognizes the Capitol grounds are inappropriate locations for the construction of monuments or memorials.

What we need to do, I think, is really talk to all of the agencies in our surrounding community. We need to talk to the National Capital Planning Commission, we need to talk to the Park Service. We need to talk with the Fine Arts Commission, with the D.C. Government, and talk about transportation issues, other areas and elements that impact all of Capitol Hill, including Site 575.

So it really comes down to a master plan, examining all of the issues, bringing on some of the experts that would look at the future growth of the Capitol, analyze the current needs and how it would impact that.

The CHAIRMAN. I am going to make this brief, and I will put the rest in the record of questions I have, because I think there will be a vote. What about our infrastructure? You know, very briefly, would our current infrastructure have to be enhanced, the running of power, as we are dealing with the Visitors Center, chilled water, et cetera? Would that come from the Capitol complex or would that be separate?

Mr. HANTMAN. Mr. Chairman, I don't know the loads and the requirements of a facility of 350,000 square feet. I would have to check also in terms of where our utility lines currently run relative to that specific site. But as you know, we are modernizing our chilled water area. We are upgrading a lot of our utility tunnels.

And also I understand that the Smithsonian is taking a look at upgrading their utilities as well and looking at a centralized plant to serve all of their museums. We would have to get together and take a look at what was the most appropriate way to serve a structure like this.

The CHAIRMAN. So is our current infrastructure as it sits, if we had to supply it, is it adequate?

Mr. HANTMAN. I wouldn't think so, Mr. Chairman.

The CHAIRMAN. Mr. Larson.

Mr. LARSON. Well, thank you very much. Thank you all very much for your testimony. Along those lines, first from the standpoint, obviously the legislation is silent on the selection of a site. Now, we have heard testimony today, I guess it would—I would have preferred to have seen all sites included. But there is nothing within this legislation or nothing that I have heard before the committee today that should prevent this legislation from moving forward in terms of site selection.

It is, however, my understanding that if any other site other than the Capitol site is chosen, the Smithsonian moves specifically in that area. Am I correct in assuming that if the Capitol site were chosen, that it would require additional legislation to address the concerns that the Architect and the Clerk raised?

Mr. HANTMAN. My understanding, sir, is that the property would most likely be transferred to the Smithsonian, and that would take certain legislation to accomplish that.

Mr. LARSON. Well, with respect to a number of the issues that you raised, specifically about the matrix for the Capitol, would that also require legislation there?

Mr. HANTMAN. I am not sure about your question, Mr. Larson.

Mr. LARSON. You had indicated that, you know, dating back to 1981, that there was a proposal for the Capitol grounds. The Clerk enumerated about the youth playground, et cetera.

It was my concern as to whether or not, you know, that violates a specific—that would require a statutory change. That is my question.

Mr. HANTMAN. Well, the master plan for the U.S. Capitol was never formally accepted by the Congress. If we are going through a master planning process now, Mr. Larson, I would assume that we would go through a process that would be vetted well and that the Congress would accept it as guidelines for them. But in terms of legislation, I think clearly there would have to be legislation relative to the use of that site.

Mr. TRANDAHL. The only example that I can give you where we did a similar release or transfer of land, is that Japanese Patriotism Memorial that was built on New Jersey Avenue. It took a specific act of Congress in order to allow for that land transfer to happen. You are basically faced with two scenarios if you choose the Capitol site. You are either going to retain control of the property as part of the Capitol grounds and build a noncongressional structure on it or you are faced with releasing the grounds out of the Capitol grounds site and then a noncongressional building would be——

Mr. LARSON. And that would require additional legislation?

Mr. TRANDAHL. Either way you are going to need legislation in order to address the issue. Then there are secondary questions regarding how you administer in either of those situations, which are achievable; they are just commissioned.

Mr. LARSON. I was glad to hear you say that. If that were the course that goes down and if in the ultimate process, though, these are achievable ends, if that site were selected, depending upon what scenario you would choose, either keeping it within the context of the Congress or ceding that spot over to the Smithsonian?

Mr. TRANDAHL. Yes, you could do it either way. However, I have to say, you have limited assets up here at the Capitol. The points I was making are, one, you have already designated that a memorial would be build there and, two, you have something that can only be given away, in essence, once. I think the Capitol and the Congress need to be careful and weigh very heavily a decision to enter into any release of land around the building. That is my only point to make.

Mr. LARSON. But if the release was such and let's say for instance that the decision was made to keep it within the Capitol, under the control of the Capitol, then all security issues with respect to the Capitol police would dissipate in terms of having to deal with the Smithsonian and you might be able to accommodate these concerns.

Mr. HOWE. I think not necessarily, Mr. Larson. Look at the current configuration of the Smithsonian on the Mall and the Smithsonian provides the security for the interior buildings. The Park Police actually police the exterior of the buildings on the Mall and deal with the traffic problems and things of that nature around the buildings. I would think it would be very similar here under either scenario that you come up with, whether you transfer the land to the Smithsonian or whether it is retained as Capitol grounds.

Mr. LARSON. I thank you for your testimony. Do you have any other questions. Mr. Chairman?

Mr. CHAIRMAN. One thing I would like to ascertain as quick as we can is a little bit more detail estimate from the Capitol police, and you don't have to call the number, on a few things, because I want to make sure. I am not saying this should be the site. I want to make sure if it is we know fully what we are getting into. How many anticipated officers we would need if there is an evacuation of the complex, how do we do it, because they are on Capitol property if it remains within the Capitol, we basically lease it or, you know for free or however that would work. As a result of that and if somebody come to the Capitol or there is additional security concerns or somebody comes and does some type of threat to the Capitol, do we then put every single person through a screener there in the proximity of that? Do buses come in? I think we just need to know what we are getting into dollarwise because I wouldn't want to get into it and now somebody comes back within X amount of years here and says oh, by the way, we now need an additional amount of people or security devices or we should have put proper security in in the first place because it is on the grounds of the Capitol which is a more imminent threat. I think if we can work with you soon just to get some ideas so we know what we are into. The final two questions I would have very quickly is one for

the architect, would you anticipate there would be substantial modifications to the Capitol grounds in order to facilitate the ability of buses and cars to be able to drop off visitors at the proposed museum?

Mr. HANTMAN. I think, Mr. Chairman, what we really need to do is in light of the Capitol Visitors Center as well as any potential museums adjacent to the site is take a look at the traffic flow throughout the area. We have met with the D.C. government, the Department of Transportation, with the tour guide folks, and they are all interested in trying to come up with a universal solution that solves problems for everybody. That needs to be worked out in great detail but clearly if we are talking about another 2 million people coming on an annual basis to be added to several million people at the Capitol already, that becomes an issue that needs to be discussed with all interested parties.

The CHAIRMAN. My last question, I think, Mr. Mica asked this of the previous panel. One, if the African American Museum would be 350,000 square feet in size, Botanical Gardens 47,000 square feet, any ideas of the perspective of the balance of the two on property across from each other or any proposed layout issues that are there?

Mr. HANTMAN. There were only two small sketches basically in the proposed, the report that I have seen thus far and it basically tries to put all of this space on the eastern side of the site because there is a tunnel going under the site. Potentially there could be gardens on top of the tunnel portion. But this site also has a high water table, so there is an issue of how much you can really put below ground and how much would be then above ground. The Botanical Gardens basically just has mechanical space at the new addition to the rear on Independence Avenue that is below ground. All the rest of it sits on the top.

The CHAIRMAN. I think also there are some other security issues in relationship to the Botanical Gardens. The private venue will share with the sponsors of this bill and the Capitol Hill police that we also need to look at understanding some sensitive security issues down the road. We will work with you quickly, I should add, to do that.

If there are no further questions, I want to thank our ranking member and the members of both sides of the aisle that were here today. I also want to thank Congressman Larson and his staff as well as again the other members' staff. I ask unanimous consent that members and witnesses have 7 legislative days to submit material into the record and for those statements and materials to be entered in the appropriate place in the record. Without objection, the material will be so entered. I also ask unanimous consent that staff be authorized to make technical and conforming changes on all matters considered by the committee at today's hearing. Without objection, so ordered.

Having completed our business, that will concluded the hearing. We are adjourned. Thank you.

[Whereupon, at 5:05 p.m., the committee was adjourned.]

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