

NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION
PUBLIC MEETING

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Tuesday, February 26, 2008

Room 312
401 F Street, N.W.
Washington, D.C.
1:33 p.m.

PRESENT: PETER MAY for the Director, National
Park Service, (Chairman)
MARCEL ACOSTA for the Chairman, National Capital
Planning Commission
MICHAEL TURNBULL for the Architect of the Capitol
THOMAS LUEBKE for the Chairman, Commission of
Fine Arts
DAVID MALONEY for the Mayor of the District of
Columbia
MICHAEL MCGILL for the Commissioner of Building
Service, General Services Administration
RALPH NEWTON for the Secretary of Defense
MARTHA CATLIN for the Executive Director of the
Advisory Council on Historic Preservation
(Observer)

ALSO PRESENT: GLENN DeMARR, National Park Service
NANCY YOUNG, National Park Service

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P R O C E E D I N G S

MR. MAY: Good afternoon. I want to welcome you to the February 26th meeting of the National Capital Memorial Advisory Commission. This is my first time chairing the Commission. I have served with several other members of this Commission on other commissions in different capacities and that gives me some comfort serving once again with them and that, hopefully, if I make any mistakes along the way, people will politely correct me or kick me under the table or whatever is appropriate to steer the course straight.

I would also want to welcome Martha Catlin who, in addition to the Commission members who joins in a observing and consulting role for the Advisory Council on Historic Preservation and I would note at the moment that Mike Conley, representing the American Battle Monuments Commission has been called to budget hearings on the Hill and we do not expect him to appear today.

At the moment, Michael McGill, representing the GSA is also not present although I think we do expect him to attend.

H.R. 3707

Now, let's see. We would like to move on to the first order of business which is legislation currently under consideration by the 100th Congress, H.R. 3707, a bill to establish a memorial to all victims of terrorism. This bill was introduced by Representative Tim Bishop of New York. His testimony has been provided to the members of the Commission.

I think we expected him here today. I didn't see him in the audience.

AUDIENCE: He will be here.

MR. MAY: He will be here; okay. So we will recognize him when he arrives and offer him the opportunity to speak immediately.

So let's proceed. We will begin with witnesses who are in support. First, we have Suse Lowenstein, sculptor of "Dark Elegy."

I think I should say more about what the Victims of Terrorism Memorial is, but I think we will leave that up to Ms. Lowenstein. So, our first witness.

MS. LOWENSTEIN: Mr. Chairman and members of the Commission, my name is Suse Lowenstein, mother of Alexander

Lowenstein who was murdered on December 21st 1988 when a terrorist bomb placed on Pan Am 103 exploded over Lockerbie, Scotland.

Alexander was 21 years old. Gentlemen, I am a sculptor and a mother whose son was murdered by terrorists.

Never did I think that I would sit here--in this case, stand here--and testify on behalf of the most important work of my life and, although this process is very difficult for me, the commitment that I feel for the innocent victims of terrorism and for this memorial created in their honor is so great that I will do all that I can to see that it will find an appropriate home here in Washington, D.C., a site to which all people from all walks of life can come to and reflect on all that was lost and, sadly, on all that still will be lost.

Dark Elegy is a memorial created with the deepest sense of what is right and with the greatest power of love and dedication that a sculptor feels when depicting the heart-wrenching effect of terrorism and the loss of a beloved child to this evil blind hatred.

This memorial was created out of the need to show all the sorrow and all the love that a mother, a father, a

sister, a brother, a husband or a wife feels with a loved one is murdered by the irrational and unacceptable hatred by people who simply hate Americans.

Dark Elegy is not political. It has no borders and needs no language and it is understood by all who see it. The picture that terrorism leaves behind, no matter where it strikes, is always the same. It is sad, which Dark Elegy depicts.

When terrorism strikes, it is selective and has only one goal, to kill as many of us as possible. However, it does not select by age, skin color, gender or financial status but leaves those left behind equally strict to the core as is literally depicted in this memorial. Over the past 15 years, people have come from all over America as well as from many other countries to see this memorial and I can tell you that no one has left feeling unaffected by what they saw.

Some people have sat for hours reflecting on their loss. I have seen men and women standing at Dark Elegy bitterly weeping for what we have so senselessly lost. So many people have expressed their gratitude for the existence of this portrayal, they feel that it not only represents

them but truly honors their loved ones.

People realize that they could easily, suddenly, become members of this group of those directly affected by terrorism. This ugly cancer we all live with and quietly think of when and where it will strike again and takes its next victims creating more broken hearts and more broken families.

The American people have been noble in recognizing many worthy causes, leaders, wars and tragedies, many of which, deservedly so, are remembered in monuments and memorial. I strongly feel that the victims of terrorism deserve no less and feel that Dark Elegy should be that remembrance.

We must not forget that the only reason that these victims of terrorism were murdered is because they were Americans. Gentlemen, I feel that our victims of terrorism deserve no less and I feel that Dark Elegy has the power to do just that.

Thank you.

MR. MAY: And thank you. We will continue down the witness less. Before we do, though, I would like to recognize Michael McGill representing the General Services

Administration who is now present.

We will continue with Peter Lowenstein.

MR. LOWENSTEIN: Mr. Chairman, ladies and gentlemen. In the past 20 years, thousands of Americans have been brutally murdered by terrorists. My name is Peter Lowenstein and, tragically, my 21-year-old son Alexander was one of those killed.

Terrorism has become a cancer that each of us has learned to live with. If there is any doubt that terrorism has affected us all, just think of the last time that you took a commercial flight. The entire concept of the TSA is predicated on the legacy of terrorism.

The time has come when a memorial to all those victims who lost their lives to terrorism should be dedicated in our Nation's Capital. Dark Elegy should be that memorial. The sculptor, my wife, is, for many reasons, a unique person, in this instance especially so, since, aside from creating this powerful monument, she is a participant, not a stranger looking in from the outside.

This collection of 76 larger-than-life sculptures has traveled throughout the northeast over the years. It has been on display at Syracuse University, at Fordham

University, at all three campuses of Rutgers University, to name but a few places that Dark Elegy has visited.

Every single person that has seen this memorial, and there have been thousands, have been moved to tears and, in many ways, a changed person. We ask you, the guiding forces in the United States Department of the Interior, as we have asked the U.S. House of Representatives and the U.S. Senate, to allow this to happen.

We realize that government agencies are frequently harnessed to precedents and Dark Elegy seems not to fall in to any of other previous requests for placement of memorials. Unlike most, Dark Elegy is not a proposed work but one that already exists. Further, we are not asking for any funding to produce or maintain this memorial.

My wife and I received a large amount of money from those who murdered our son, the government of Libya. We would use those moneys to have Dark Elegy cast in perpetual bronze as well as the funds required to maintain the memorial. To us, there is no more appropriate way to use that money.

Dark Elegy, this magnificent memorial dedicated to all victims of terrorism deserves a place to be viewed by

all and the place for this would clearly be Washington, D.C.

Thank you.

MR. MAY: Thank you. Continuing with our witnesses, next on our list was Richard Marquise who, I understand, is not present. Not seeing anyone correcting me, I will assume that is still the case.

Moving on, our next witness is Dee Britton.

PROFESSOR BRITTON: Mr. Chairman, and members of the Commission, thank you for giving me the opportunity to speak to the unique commemorative opportunity that is presented to this Commission by H.R. 3707.

I have spent the past five years researching and lecturing about the commemorative of terrorist activity in the United States. During this time, I have presented papers about Dark Elegy at professional conferences in Italy, San Francisco, Boston and New York and have been asked to discuss Dark Elegy at the International Institutes of Sociology Forum in Barcelona, Spain, this coming September.

The sociological study of collective memory has had immense growth over the past 25 years and only reflects the exponential growth of global commemorations. The work

of this Commission is extraordinarily important in the determination of the memorial landscape of the United States.

I would like to specifically address several issues that I believe are important regarding the dedication of Dark Elegy as a memorial to those victims of terrorism. This work is remarkably powerful and has the potential to become an iconic American memorial.

There are several important circumstances about this bill that I would like to address. Although it is unusual to represent remaining family members instead of victims killed in commemorative projects, there are powerful examples of these types of memorials in public space.

For example, Kathe Kollwitz's sculpture of grieving family members are installed in Germany and Belgium and, in our own back yard, we have those members left behind represented by the Vietnam Women's Memorial and the Three Soldiers sculptures.

Speaking of Frederick Hart's sculpture, the Three Soldiers, is it also important that it holds another similarity to Dark Elegy. Although the placement of Three Soldiers preceded the Commemorative Works Act of 1986, it is

an iconic memorial that was selected and installed as a predetermined work of art.

The Commemorative Works Act of 1986 assumes a design process that excludes completed works of art. Therefore, an exemption to the Commemorative Works Act would be reasonable in the Commission's consideration of Dark Elegy as a memorial work.

The Victims of Communism Memorial is another precedent for granting Dark Elegy's exclusion of the Commemorative Works Act design process. The primary sculpture for the Victims of Communism Memorial is a replica of Goddess for Democracy. This sculpture that was created and erected by students in Tienamen Square in 1989 has been copied and installed in a number of public locations including Hong Kong, San Francisco, Arlington, Virginia and Toronto. This memorial uses a predetermined work that is neither original nor unique.

The Victims of Communism Memorial also holds other important precedents in the Commission's consideration of Dark Elegy's memorial status. This memorial did not adhere to the rules and regulations of the Commemorative Works Act and process. It represents a continuing population of

victims and its primary funding came from an individual.

The location of the memorial construction also is an important issue. I recognize that location is a specific thing that you are dealing with as far as commemorative sites, but I do believe it is important to note that the request has not been to limit this to an area or one location for the siting of Dark Elegy.

When the Commemorative Works Act of 1986 was written and amended, an ongoing wave toward terror was not a part of the national discourse or policy. During the dedication of the Victims of Communism Memorial, President George W. Bush stated, "Like the Communists, the terrorists and radicals who have attacked our nation are followers of a murderous ideology that despises freedom, crushes all descent and has expansionist ambitions."

Dark Elegy is an embodiment of the cost of that terrorism. Its 76 individual sculptures call out to each of us to deeply consider the cost of terrorism on society. It is an important commemoration that belongs in the official memorial landscape.

Thank you.

MR. MAY: Thank you. Moving on, Ron Marasco.

DR. MARASCO: Hello. I am Dr. Ron Marasco and I am a professor in the College of Communication and Fine Arts at Loyola Marymount University where I recently taught a class on the plays and literature having to do with the subject of grief. I am here today on behalf of my university and I have also brought with me a student from LMU.

I am here today to talk about a work of art that I respect so much and have come to--there is no other way to say it--love. But I am also here as a teacher.

I think it is appropriate for all teachers to talk about terrorism because terrorism begins with teaching. Its first flickers spark in the mind of a young person as he or she is inculcated into a way of thinking that eventually matriculates into the evil that has created American tragedies like Pan Am Flight 103 and September 11.

Terrorism is taught, taught to students and taught young. Nine of the September 11th terrorists were younger than the LMU student who is here with me today.

But I am not here in despair. I am here in hope because I believe that, just as teaching can start terrorism, teaching can stop it. And I know of no greater

way to teach about the meaning, the feeling and the human ramifications of terrorism than Dark Elegy, the 15-year-long masterwork of artist Suse Lowenstein.

Teachers can appear in different forms. They need not be only us nerdy denizens of faculty meetings, meetings that, by the way, can be so bureaucratic and boring they make Washington, D.C. seem like Las Vegas, but, yes; teachers can show up in odd places, in sculpture studios and here today, you all. You are teachers.

Those of you who are responsible for the monuments that grace this city of meaning are all teachers, I believe, because so many young American people get their first lessons on who we are as a people while standing in front of this city's works of American art and remembrance.

But terrorism, the victims of which we are hoping to memorialize with Dark Elegy, is a different kind of war than any of the others that have been commemorated by the efforts of this body. Terrorism is not like those other conflicts that were fought by American soldiers willing to put their lives on the line for their country nor is terrorism fought on battlefields so many of which have been commemorated with both works of art and works of poetry.

No; terrorism does not happen on the battlefield.

It happens in the eyes of everyday Americans looking up in fear. It is a very different kind of war and a different kind of war obliges us to create a different kind of monument, one that honors the ordinary American civilians that have become terrorism's casualties, regular folks; the stock trader at his desk, a lady selling sandwiches, the elderly couple flying to see their grandkids, a group of students from Syracuse University returning home to America four days before Christmas.

Any monument to the victims of terrorism must belong to these everyday citizens. Dark Elegy depicts 76 women and, in so doing, I believe it is iconic of civilians.

This is not to say that women aren't soldiers. Of course, we know they are. And this is not to say that men do not grieve terrorism. Of course, we know they do.

It is merely that the everyday women of Dark Elegy express their grief so chillingly, so touchingly, and in the kind of bone-deep cry from the heart that is needed to pierce the dark of terrorism. The women of this work are the literal embodiment of grief.

But Dark Elegy is not just a story of grief. It

is also a story of love because, where there is no love, there can be no grief. We grieve someone in direct proportion to how much we love them and a similar proportionality is at work on the other side, that darker side, the side from where terrorism derives its strength.

Where this is no hate, there will be no terrorism.

So, when we as a people, declare a war on terrorism, we are declaring a war on hate and it is a fight that the women of Dark Elegy were up for. 76 American women returned to that awful moment when they lost someone they love and revisited the physical dynamics of that moment and agreed, because of love, to share that sacred gesture with their fellow countrymen.

They are heros, American heros, who fought with love as the other side fought and still fights with hate. Heros. Whenever people hear of what these women did to help Suse create this statue of art, everyone shakes their head in wonderment, the way we always do when we hear of the brave things done by heros.

Why would they do it? Why would they go back there? I think they went back because it was the place they last had the person they loved before they lost them. We

say to people who lost something, "Where did you last have it?"

76 American women went back to the place where they last had and then lost their husband, son, granddaughter, sister, father. Suse still had her son on the morning of December 21st, 1988. And she still had him later that day when she was working in her studio, ironically on a sculpture of him.

And she still had her son when the phone rang. And she even still had her son when a friend of his on the other end told Suse she had heard about some plane crash and wondered if Alexander had gotten home yet.

And Suse still had her son as she turned on the radio to hear them say just these few words; "Flight 103." And then he was gone. In an instant, she lost her boy. It is an instant that she and 76 American heroes put into a work of art that will, for generations to come, teach, teach the world that who we are as a people and what we are as a country is the very opposite of terrorism.

Thank you.

MR. MAY: Thank you. Our next witness is Brian Shuff.

MR. SHUFF: Hi. I am student of Loyola Marymount University. I was in Dr. Marasco's class and heard when Suse and Peter came and spoke.

The thing I remember most about Mrs. Lowenstein presentation at Loyola Marymount was the final picture of her son, Alexander, that she showed. He was standing on the edge of a cliff, arms thrown up, hair flying about, and his mouth was wide open screaming into the sky, heavens he would eventually fall from.

But the thing that still strikes me about that picture was his abandon, the sense of daring, his fearlessness in the face of weather and cliffs and that that vigor, that life, that freedom and lack of self-awareness could be snuffed so quickly, blown out like a match over Lockerbie.

But the vitality extinguished in that boy, Suse and Peter's son, is a strength and a verve and an enthusiasm being undone all the time in young people. Things have become a bit serious and we are right on the frontlines, both metaphorically and literally.

Mine is the first generation for which terrorism has been a constant reality all our lives. I was three

years old when Pan Am Flight 103 went down and I am now a year older than Alexander was when he took his seat on board. I was ten during the Oklahoma City bombing and I was 17 on September 11th.

Yet the larger struggle of people my age is more day-to-day. It comes in the form of being too busy and being too distracted and parents that love and protect us so much that we lose sight of a world outside of ourselves. We are so focused on the million things right in front of us and what we, personally, have to do for ourselves that, considering other people, gets lost. It gets hard to empathize. It gets hard to think about someone else.

I was talking with my dad recently about the subject of empathy in regard to this talk I knew I would be giving. He is a psychologist and the Associate Superintendent of Mesa Public Schools in Arizona, a trained grief counselor and, I might add, a bit admirer of Dark Elegy.

He said he didn't think you could just leave it to chance that young people will become empathetic. It has to be taught, the way a parent would teach any moral imperative. But it not going to be easy to teach my

generation. I know how we are. A lot of us are stuck in what you could call a prison of self. I call it a prison because we don't necessarily want to stay locked up in our self-concern. We are actually glad when something comes along with the power to bust us out.

The reason I mention this is because I believe Dark Elegy is one of those things that can crack people, especially young people. After talking with Suse and Peter, the overwhelming sentiment among my peers was, "At last. At last, I care about someone else," as if some primal thirst were finally being quenched.

The things that can do this tend to be rare which, like all rare things, makes them incredibly valuable. Dark Elegy works because it is raw, it is exposed, it doesn't compromise the blunt emotional truths of the world and young people will always follow what we know to be emotionally true.

America is, at this moment, coming to see that the younger generation is very hard to reach unless it is done with feeling, not a forced feeling and not some saccharine version of feeling but that which is genuine and has a discernable authenticity, the kind of feeling Mrs.

Lowenstein's hands put into every bit of Dark Elegy.

And how could it not be? It comes from a woman and from women who know as much about terrorism as anyone in this room and far more than most.

Monuments and memorials take on and live lives of their own. What they mean, the connections we have with them, go well beyond what they actually physically are. When I think of the Lincoln Memorial, it is not a big white statue of Lincoln. I think of the March on Washington. It is Martin Luther King, Jr., saying, "I have a dream," and, "Let freedom ring," on the steps.

The Vietnam Memorial isn't just a list of names on a wall. It is the thousands of letters left there every year or the kid who makes a rubbing on Veterans Day. And the Statue of Liberty isn't just a woman standing on an island. It is the first thing so many people saw standing on the decks of so many boats coming here because they wanted a better life. And she is who we all saw so many times that morning standing in the harbor facing seaward while Lower Manhattan burned.

Monuments and memorials are important to young people, especially in the face of tragedy. Every time a

student dies at a school, makeshift memorials go up within hours, little improvised churches made of pictures and candles and odd trinkets. They provide a place to go for those who have lost and, if nothing else, they are a place to keep company, to find a comfort so absent in our empty, messy apartments.

Dark Elegy, as a memorial to all victims of terrorism, can provide this comfort on a much larger scale, a place to come and hear a collective cry against some of the nastier things. In the world in a country with no national religion, monuments are one of the things that help connect all of us on a spiritual level, remind us that there are forces at work in this world much greater than ourselves.

Dark Elegy is a very sad piece of sculpture, to see 76 times what Mrs. Lowenstein called "bottomless sadness," but it would be wrong to say that Dark Elegy is just that, is just despair, because it is not. It is incredibly hopeful. It says loudly to a harsh world that people can still feel, still remember and still, even in nightmares, find truth and make beauty.

When I think of that picture of Alexander and of

all the people who have died because of hate, I don't think of something bad that has happened. I think of so many good things that aren't going to happen.

MR. MAY: Thank you very much, Mr. Shuff. Let me just say, I really appreciate the fact that you have traveled this distance to make these statements to us, yours and your professor's, and I would compliment you on your eloquence. Thank you.

Next witness, Aphrodite Tsairis.

MS. TSAIRIS: Mr. Chairman, members of the Committee, ladies and gentlemen, I am Aphrodite Tsairis, mother of Alexia, age 20, who perished aboard Pam Am Flight 103 nineteen years ago last December.

I appear before you in support of H.R. 3707, a bill to authorize the establishment of a memorial to all victims of terrorism.

I have known Suse Lowenstein from nineteen years during which time we have clung to each other yearning for our lost children who suffered the same tragic fate. She is not only a gifted sculptor but a treasured friend whose commitment to honoring the victims of terrorism is unparalleled.

Dark Elegy, with its 76 plaintiff figures, was born from the creative energy pouring from her heart after the loss of her precious Alexander. Yet what most affected her creative process was the stark reality that the toll of terrorism victims was enormous and rising exponentially.

Suse felt it her obligation to preserve for generations to come the historical memory of these heinous crimes against innocent people. Thus, Dark Elegy was born.

Dark Elegy has been on exhibition, as you have heard, at various times and at important venues over the last 19 years and, each time, those who view it and physically pass through it are deeply struck by its emotional aura that transcends a terrorism event and underscores the raw pain and devastation that is the ravage of political terrorism.

Dark Elegy speaks to all people of all nations. There is no more perfect time than now to assure that this important work finds a lasting and prominent site where it will be a beacon for all peace-loving peoples.

The United States tenaciously works to create and promote peaceful coexistence among all nations and peoples of the earth. Giving Dark Elegy a permanent home in our Nation's Capital will be a testament to the ongoing struggle

and firm resolve to eradicate terrorism as an acceptable behavior among civilized nations.

Commemorative large bronze sculptures were a significant contribution of the ancient Greeks. They were traditionally commissioned in remembrance of an historical event. They were remnants of those great works that have survived the ages, are the bulwark of our collective, human historical memory.

Without them, the pages of history would be vacant. Who can turn away from the Iwo Jima Memorial so prominently displayed nearby just across the river. Since 1954, it stands as a symbol of fortitude, grit and determination to preserve the survival of our nation during World War II.

As a young girl, I was privileged to know Felix DeWeldon, the sculpture of the flag-raising in Iwo Jima. To commemorate the Truman Doctrine, my late father, John G. Feevis[?], was instrumental in commissioning him to design the statue of President Harry S. Truman which still stands in the Truman Plaza in Athens, Greece.

Mr. DeWeldon devoted his life's work to the honor of heroes and memory of events dear to humanity. And, in his

own words, he said of the Iwo Jima Memorial that, "This sculpture stands as the American symbol of unity of action, the will to sacrifice and America's relentless determination to defend freedom."

Now, similarly, it is time to commemorate the modern-day assault on our liberties. Just as Iwo Jima is a symbolic sculpture that encompasses the entire spirit of a nation, so, too, will Dark Elegy stand as a symbol against the lawlessness of terrorism.

The Iwo Jima Memorial used a single event to highlight the greater truths by which we all live. So, too, Dark Elegy will stand as a vivid reminder of the evil forces of terrorism. It would be a travesty to allow vacant pages in our history by not commemorating the events that took the lives of so many unsuspecting and innocent people at the hands of hateful murders who used terrorism as a political tool.

Dark Elegy needs a public home to guarantee this historical memory.

Thank you.

MR. MAY: Thank you. Now I see that Congressman Bishop has arrived. As I said in the beginning, the bill,

H.R. 3707, was introduced by Representative Tim Bishop of New York and I would like recognize him now and see if he has words for us. We have testimony, actually written testimony, that we have already received, all the Commissioners.

REP. BISHOP: I thank you for this opportunity to testify. As you indicate, you have already received my written testimony but I am the sponsor of H.R. 3707 which is a legislation that would authorize Dark Elegy as a commemorative work and making it eligible to be located in Washington, D.C. either on land owned by the National Park Service or on land owned by the Government Service Agency.

As you have doubtless heard right now, Dark Elegy is currently located in Montauk, New York, which is in my home district of Eastern Long Island and it has been exhibited around the Northeast for the past 16 years.

It was created by the artist Suse Lowenstein who tragically lost her son in the bombing of Pan Am Flight 103 over Lockerbie, Scotland in 1988. It is ironic that Dark Elegy was dedicated on September 11th, 1991, exactly one decade before terrorist attacks against the United States on September 11th, 2001 and, thus, Dark Elegy spans a growing

number of terrorist attacks around the world.

In fact, Dark Elegy was created to remind the world of the devastation that terrorism leaves in its wake and it will serve as a lasting testament to the victims of terrorism worldwide in the unending struggle to eradicate this menace from the globe.

It is my hope that, in finding a permanent home for Dark Elegy, it can be visited by as many people from as many nations as possible. It has already been visited by families impacted by terrorism including families of the victims of the September 11th attacks and families of murdered children whose loss, while not terrorism-related, was equally painful.

It is through their voices that the Lowensteins continue to hear the expressed belief that Dark Elegy should be placed somewhere prominent where people from all over the world could visit and experience it for themselves.

It is important to note that establishing this memorial would not cost the taxpayers any addition funds. Once a permanent location is found, the artist and her family will donate the memorial to the public. Also, the artist and her family will personally finance the casting of

each figure in bronze assuring the longevity of the sculptures that make up the memorial.

It is their strong belief that this is an appropriate use of the money paid to them by the Libyan government following the Pan Am tragedy in 1988.

Dark Elegy is a unique memorial appropriate for this new and difficult era in American history. It is clear that when the Commemorative Works Act was written, it did not foresee that a completed work of art by those impacted from an historical event would be presented as a memorial in the Nation's Capital. Therefore, the exemptions required to authorize Dark Elegy as a memorial to all victims of terrorism are both reasonable and necessary.

I would like to address some of the reservations raised earlier about compliance with the CWA. Care has been taken, both by Congress and agencies, to limit growth on the Mall and carefully plan for the future. The Dark Elegy-authorizing legislation in no way impedes on the preservation goals of the Mall. Dark Elegy could fit the definition required to place a commemorative work in Area 1 as the subject of a commemorative work is of pre-eminent historical and lasting significance to United States or in

Area 2 as a subject of lasting historical significance to the American people.

In the case of previous memorials, there have been a number of exceptions to various requirements of the CWA. For example, the Victims of Communism Memorial dedicated in Washington by President Bush in the summer of 2007 did not follow many of the CWA requirements associated with Congressional approval of the commemorative work.

Specifically the authorization was passed as an amendment to a large foreign-affairs bill in 1993. The authorization language was never referred to the House or Senate Committees of jurisdiction and the Department of the Interior was not offered an opportunity to comment.

My bill requires that Suse and Peter Lowenstein are the sponsors of this memorial. The Lowensteins, as individual citizens, do not meet the current criteria for a sponsor under the CWA. However, there is no need to set up a non-profit around Dark Elegy since fundraising will not be a part of this effort as the Lowensteins, as I indicated a moment ago, will use the money received from the Libyan government for the cost of construction and perpetual maintenance associated with permanently placing a memorial.

As a point of reference, the Victims of Communism Memorial did not incorporate a non-profit as its sponsor.

Regarding concerns that Dark Elegy is a memorial only to Pan Am 108 victims, I would like to note that, as early as September 11th, 1991, Suse Lowenstein stated at the dedication ceremony that, and I am quoting now, "Dark Elegy is dedicated with deep love to all victims of terrorism."

An exemption must, of necessity, be given to the 25-year waiting period after the death of last surviving member. If this were to be applied to all victims of terrorism, there would never be a recognition in the form of a memorial. Also, under the CWA, the World War II Memorial was approved despite the fact that the 25-year waiting period was not applicable.

The CWA only addresses the concept and design of commemorative works if they are unrealized works of art. There do not appear to be any guidelines given for completed works of art such as Dark Elegy. Therefore, Dark Elegy, in my view, should be exempt from the design process since it is already completed work of art.

In summary, I ask that the Commission grant Dark Elegy fair and serious consideration so that it may secure a

permanent location for this worthy and poignant memorial to all victims of terrorism.

And I thank you for the opportunity to testify.

MR. MAY: Thank you, Congressman Bishop.

Ordinarily, we would hold questions until the end of testimony. In this circumstance, since I know that Congressman Bishop likely has business to attend to, I would ask whether any members of the Commission have questions. Seeing no indications that there are questions, thank you very much

REP. BISHOP: Thank you all very much.

MR. MAY: Moving back to our list of witnesses, next will be Kara Weipz.

MS. WEIPZ: Good afternoon, Mr. Chairman , members of the Commission. My name is Kara Weipz. My brother, Richard Manetti, was murdered on December 21st, 1988 when a terrorist bomb exploded aboard Pan Am Flight 103.

As a 15-year-old high-school student, I can remember the first time I heard the word "terrorism." It was a week after my brother was murdered and, at the time, it was a foreign word to me. In the 19 years since, it has become a part of our everyday language in this country and

the world. Today, I feel it is difficult to find one person who directly, or indirectly, has not been affected by terrorism.

From my dental hygienist's stepfather's cousin who was killed on Pan Am 108 to my sorority sister's husband who was lost on September 11th, I meet people in all aspects of my life who have been touched by terrorism.

In 1989, when other victims of terrorism came to support Pan Am 103 families, most of them were relatives of military personnel. Pan Am 103 was different at that time in that we were the largest attack on American citizens. Pan Am 103, it was an exclusive club that we hoped no one else would join. Then came the bombing in Oklahoma City and September 11th, 2001 along with many others who have joined over the years.

There is a memorial cairn in Arlington National Cemetery that is a memorial to those who were murdered aboard Pan Am 103. While the models for Dark Elegy were relatives of Pan Am 103 victims, Dark Elegy is a all-encompassing of the emotions each person who has lost a loved one due to terrorism has felt at some point in our grieving process.

While it is difficult to put a face on terrorism, the devastation that is felt is portrayed in Dark Elegy. This is something that everyone can relate to. While there are memorials to victims of terrorism all over this country, I believe it is extremely important to have a memorial to all victims in our Nation's Capital.

Dark Elegy is that and much more than just another memorial. It evokes feelings in every viewer. I have grown up in this new age of terrorism. I have lived more of my life with the devastation of terrorism than without and, like my parents before me, I have taken on the cause of fighting terrorism.

Once I longed to be a normal teenager. Now I long that my children can grow up in a world that is safe enough for them to be normal teenagers, a vivid reminder in Washington, D.C. to the decision makers that this is something that we have to deal with in the right way all the time.

Thank you.

MR. MAY: Thank you. Our next witness, Bert Ammerman, I am told is not present. The next witnesses are Glenn Johnson and Carole Johnson--or just Glenn Johnson.

MR. JOHNSON: Mr. Chairman, members of the Commission, we are Glenn and Carole Johnson, parents of Beth Ann Johnson killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland December 21st, 1988. Beth had been attending Regents College in London.

Beth was a victim of terrorism but so were we, her parents, her brothers and other family members and so many of her friends. Her boyfriend never married. We are all victims of terrorism. Over the nearly 20 years since, we have met and worked with family members of many terrorist and other disasters.

Our lives have taken a course we would never have chosen. We were just ordinary parents raising our children to be good caring adults. We did not know we would spend nearly 20 years here in Washington, D.C. trying our best to speak of the devastation created by terrorism and how we need to deal with the effects of blind hatred to our way of life.

To stand up to terrorism, we need the world to understand how terrorism works and affects all of us. So, when Suse Lowenstein announced her dream of Dark Elegy, we were immediately on board. This memorial, dedicated to all

victims of terrorism, is a way to educate everyone about the horrors of terrorism.

Carole was one of the women who agreed to share their shock and grief experiencing the moment that they learned of the bombing. She willingly participated, was photographed and sculpted.

We never dreamed 76 women would do so. This great process took citizens nearly 16 years to complete. Every time we visit Dark Elegy, it never fails to evoke deep feelings of pain in us.

This age of terrorism against the United States is ongoing with no end in site. The Dark Elegy sculptures cast in bronze must be placed permanently in an appropriate, very public place. Washington, D.C. is the right place for all to come view and experience the reality of what Dark Elegy Memorial represents.

Thank you.

MR. MAY: Thank you. That concludes the list of witnesses who had signed up in advance. I would ask is there anyone else here who wishes to testify in support?

I would also that we have received several other statements in support, written testimony or written letters,

Those have been distributed to the Commission and they will be made a part of the record.

We will also hold the record open for ten days until March 6 if there is anything further that anyone wishes to provide to the Commission for the record on this or any other item that we consider today.

Now, is there anyone else who would like to address the Commission with opposing statements or other statements on H.R. 3707? Yes?

DR. FELDMAN: Good afternoon. I am Judy Scott Feldman, Chairman of the National Coalition to Save Our Mall. I am not speaking on behalf or against. I believe that the testimony has been very eloquent and very powerful, very heart-felt.

What I would like to comment on is the National Mall and the Capital City. I think what we are seeing here and we have seen in recent years is very powerful and compelling arguments for monuments in the Nation's Capital.

This Commission is asked to advise Congress of whether they are of preeminent importance to the nation and where they should go within the symbolic city. It is a very difficult decision to make especially in this here.

What I wanted to ask is for this Commission, which realizes, over the past 10, 15 years, you have been asked to authorize a number of memorials and more are coming, and there are about 30 in the pipeline, to realize that we don't have a vision for this Capital City in the tradition of L'Enfant-McMillan.

L'Enfant's concept said that the Capital City was an embodiment of the government, of the democracy. McMillan's Commission added monuments to Lincoln and then Jefferson and expanded the narrative of American history.

Victims, war and many of the recent monuments are important reminders of a very destructive century we have lived through, but we also need, in the Capital City, a narrative for the American people to learn our history. We don't know our history. We don't know the Constitution, the Declaration. We don't know the stories of the struggles to achieve a better democracy.

So my point is I hope this Commission, in advising Congress, would say, Congress, we need a larger vision for the city to help us make the kinds of decisions we are asked to make every month. If Congress could create a new McMillan-type Commission, we, as a nation, could create a

narrative that helps us decide how and where to put these monuments and to put them appropriately so that they are really meaningful in the narrative of the Nation's Capital.

That is all I ask. Thank you.

MR. MAY: Thank you. Do we have anyone else who wishes to testify?

We would like to open this up for discussion among the Commission. I would note that Ms. Lowenstein met last year with my predecessor, John Parsons, about the possibility of donating the sculpture, *Dark Elegy*, to the National Park Service as a memorial to victims of terrorism.

I am aware that he shared this proposal with some of the members of the Commission and sought their informal views on this. So this is a project that we are familiar with and have given some thought to.

The members of the Commission were provided with Mr. Parsons' response to Ms. Lowenstein reporting a collection of opinion on the potential and problems with this proposal as a memorial to the victims of the Pan Am 103 tragedy and to victims of terrorism.

Perhaps this is the best place to start our discussions today as many of those problematic issues that

were addressed in the letter are also issues that we wish to address with this as a proposed memorial to victims of terrorism.

So let me open this up to the Commission for observations or comments.

MR. LUEBKE: Mr. Chairman, it might be useful if you could at least summarize, for the record, the letter from your--

MR. MAY: Certainly.

MR. LUEBKE: And clarify whether this speaks to is this actually the position of the Park Service or is this no longer a--

MR. MAY: This remains the position of the Park Service.

MR. LUEBKE: Thank you.

MR. MAY: In summary, the letter notes the conflict with the 25-year waiting period that is part of the Commemorative Works Act, and just notes that for the record in this particular circumstance, and also notes that Congress has declined to authorize other proposed memorials to victims of contemporary terrorism as well.

He also summarizes the canvassing that he had done

of various colleagues and I will quote from the letter. "I find no enthusiasm for placing Dark Elegy on parkland here in Washington, D.C. On the basis of their collective experience with public art, there are several reasons that this proposal has not been received enthusiastically and, in fact, discouraged.

"First, the emotional response to learning that a loved one has become a victim of terrorism is not limited to women. The concern is that, as happens with other commemorative works, those who feel left out would propose additions to the sculpture after it has been installed.

"Second, although allegorical nudity in sculpture is centuries old, the female figures are intentionally highly figurative. While they may be appropriate in a private sculptural garden, such a realistic grouping of naked women would be found objectional to some aspects of American society.

"Further, because some of the poses of the various figures create an opportunity for irreverent behavior by visitors, there is serious concern about activities that would be disrespectful of your purpose."

That is the gist of the letter. I would ask for

the Commission to comment. Mr. Luebke.

MR. LUEBKE: I was looking for clarification on the position. I know that our Commission members have been consulted on this. There is some concern that goes with the general aesthetics.

But this is a very difficult question for all of us that has to be taken on a number of levels. It is extremely difficult for us to address it, so much so that I am at a loss as to even how to respond because it hits on a number of levels.

One is the art, itself. One is the process that we are in. And then the third is probably the biggest issue is how do we address these issues that have some impact on our whole national narrative, our whole collective experience, and what is appropriate and what is not.

That is really what, I think, we have to figure out where we are going to talk about this today. I am not very comfortable addressing every one of these levels.

I can ask some questions that I think maybe need to be answered. And I don't know where we go with this. I guess the first thing I would want to know is, and I don't know the answer to this, and please understand all of us, I

think--we can't know your grief personally unless we have been personally involved, but what we say here today in no way demeans your experience or wants to lessen its importance in any way. We are here to affirm that experience and that we understand the healing, the problem, the personal issues of dignity that you want to promulgate with this.

So we want everyone to understand that I think everybody here supports the enterprise. But this is a difficult question. We have got a larger question here which has to do with the design of the National Capital.

A couple of questions, and I am not sure where I am going with this. I guess the first one, we are charged to discuss the preeminent historic importance. Is it correct, or right, to commemorate this kind of activity. It is unclear to me whether this really is about Lockerbie or whether this is about terrorism, in general. Most of the testimony has actually concentrated on the Lockerbie event.

But it is an opinion question. Is it appropriate to commemorate what becomes individual grief in a national way like this. It is important to have a single memorial that addresses these issues in a national setting.

I would like to remind people that there is no national memorial, example, to World War I in Washington, D.C. There is a local one, as there is in many cities across--in towns and everywhere in the country but there is no national memorial to something as important as World War I.

So that is one question to ask. And, if it is appropriate, what kind of setting would be appropriate for it? Finally, if we wanted to have this, is the project before us today the appropriate idea. Is it the appropriate way for us to express, as a nation, this experience and to perpetuate the message.

I am not sure where I land on those. I think that my Commission has raised some questions about the aesthetic appropriateness of this piece in a public setting in the National Capital. But it is really an open question.

In some ways, we are being charged to answer the first question which is a very difficult thing for us to do.

MR. TURNBULL: Mr. Luebke, I think you have raised some very good questions which hit at the heart of the matter. I think, as has already been brought up, even on the Vietnam Memorial, we are still discussing aspects of the

Vietnam Memorial. The three figures that were talked about, were, again, not part--they were, again, an addition to the original Maya Lin design.

There are still other ideas. There are still other proposals as to how you be all-encompassing with such a memorial. Should something like this not represent the total anguish and grief in a very personal message or should it be more symbolic and not quite as agonizing? Is it something very simple and dedicated to the memories of those people that are gone?

I think you raise some very good points. It is how far do you carry the personal anguish. Nothing, again--not to diminish in any way the impact of this particular sculpture, but I have a feeling that there may be a more universal way of honoring those who are victims of terrorism, I guess is my concern.

Are we too specific in this particular instance? Do we need to embrace and have something more that represents hope in a more benign manner, I guess. It is one of those questions we need to talk about.

MR. ACOSTA: Yes. I think you raise some very good points. I would also like to thank our speakers today

for the very eloquent testimony and points that they brought out today. I know this has been a very important matter to all of you and, again, as Mr. Luebke noted, our conversation today is in no way meant to diminish the importance of what you are proposing to our Commission.

With that said, I think this Commission has been dealing with issues of where to place commemorative works for some time. With respect to the first point listed in the letter from Mr. Parsons dated May 25th, there was a point brought up about authorizing memorials until 25 years after the death of the last surviving member of the group.

I would just like to remind this commission that we have been dealing with this matter for a while. In fact, at our last Commission meeting, we had declined the Military Spouses Memorial on the very same reason.

So I think one of our questions is always the matter of balancing and also for finding exceptions to the law in terms of our recommendations back to Congress. I would just like to point that out as an issue that we have been grappling with but also something that we do need to be consistent about in terms of how we evaluate every proposal that comes before us.

MR. MALONEY: I would also associate myself with the comments that have been made so far and with the letter from Mr. Parsons as well as some of the concerns that were raised in earlier testimony, in 2002, I believe it is, in Congress when the Interior Department testified there. That was also in our packets.

I found the statements today really both moving, as I think everyone else has, and instructive, I think. Someone made the comment that this is a new type of memorial. I think that is a fair statement. I think it is very clear that it has already been therapeutic, if you will, in helping the survivors of these victims to cope with sense of grief that they obviously have. I think you have all very eloquent in expressing that.

I think it is a new type of memorial in a similar way to the AIDS Quilt which performed some of the same functions of allowing people to deal with very personal tragedy, tragedy that was on a scale, as is terrorism, that related to the nation as a whole and somehow went beyond the individuals.

So I think a comparison to that also is helpful to think about. In my day job, I do historic preservation.

One of the things that is very important in historic preservation is the authenticity of the work of art or building that you are seeking to protect and to preserve.

Also what is important that the process of creating such a work of art or a building. To me, this monument, really already exists. Your testimony, I think, has been very clear as to how it has traveled around. It is already teaching people about this subject. It has already performed a healing function.

What I fear is that, if the actual monument, the actual sculpture that you have now, were taken and cast in bronze and placed someplace in Washington, that it would lose much of its impact. It would no longer be the actual monument that you created directly from the tragedy.

The monument that you created is what you currently have. I think that it would be a mistake to try to take that and to recast it so that it could withstand the permanent situation and the weather. The same way with the AIDS Quilt. It is the quilt, itself, which is important. It is still with us. I can't be translated into something else and placed on public display because it, itself, is the monument.

So that being said, to me, I think it is a question of curation of the monument that you already have.

Another issue in historic preservation is, as here, with our Commission here, the perspective of time. It is very important to have the perspective of time in order to allow bodies like this to make decisions about how to treat artifacts like this.

Is this something that, ultimately, would be more appropriate in the museum where it could be indoors? Will, someday, we want to establish a museum to terrorism. We don't know because we are still in the midst of this unfortunate national situation. And I think that this is a situation where both the perspective of time will be very helpful in terms of deciding what to do with this very moving piece of art and also will help us with the question of how to curate what I think is important about it.

It is the original artifact that is important and I think that that is what should be preserved for the nation, not a copy of it out in public space.

MR. MAY: Thank you very much, Mr. Maloney. Other Commissioners who wish to speak? Mr. McGill?

MR. MCGILL: Thank you, Mr. Chairman. When we

were working on the World War II Memorial, someone gave us a very interesting collection of essays in a hardbound book about the nature of memorials.

I thought one of the most fascinating of those essays was one that talked about the difficulty of balancing a memorial's design and location between those most directly affected by the event versus subsequent generations and people not touched by the event.

I think a good example of this is the design of the World War II Memorial. I doubt many Western nations have as traditional looking a memorial to World War II as we do. I believe the reason why it is in the style that it is designed in is that the surviving veterans of World War II, as they were fighting in World War II, would think back to the National Capital and had an image of the National Capital as a Beaux Arts city with buildings in light colors and classical elements.

As far as they were concerned, that is what a memorial should be, a Beaux Arts design. And so they wanted a Beaux Arts design for the World War II Memorial.

I am concerned about this proposal, as searing and tragic as the event was and as eloquent as the testimony has

been, that what we are dealing with here now is a very personal, very strong and searing, memorial directly of, by and for the people most associated with the tragedy involved in that terrorist attack.

It lacks the timelessness and the abstractness of distance of subsequent generations. Now, I think it is perfectly reasonable to somewhere have a memorial to the victims of this terrorist act. I do not, in my mind, think of this memorial as a general tribute to victims of terrorism for all time.

A, we are still in the midst of many terrorist acts and we don't have the perspective or the wisdom or the ability to look back and think about how it all fits together.

Now, I know the legislation entitles it "Victims of Terrorism," but, as I think, in my own mind, about appropriate locations and things of that sort, I think it is primarily as a memorial to the victims of that flight.

I also remember being very moved by a report in the evening news one night about the memorial in Lockerbie which is, I think, quite an appropriate location for such a memorial to exist.

So I am torn, Mr. Chairman. I tend to agree with the objections that Mr. Parsons raised in his letter previously. I agree that this has been a very therapeutic process for all of you in the audience who have testified, that you are better off and better able to cope with life as a result of going through this memorial process.

But I don't think that translates into a single timeless work that should stand as a memorial to all victims of terrorism for all time.

MR. MAY: Thank you, Mr. McGill. I would like to say a couple of words, myself, to add to this discussion. I think that being--although I am relatively new to the commemorative-works process, I have had the opportunity to study it in great detail in the months that I have been on the job and I want to raise one point about the Commemorative Works Act, itself, and the contention that, perhaps, this sort of process, whereby a specific work of art becomes the genesis or is part and parcel of the effort to create some form of commemoration.

It strikes, and I think others who have a greater history with this, would most likely affirm this that the Commemorative Works Act did contemplate this circumstance

and I think the determination, the wisdom, of the Congress in this regard was that the appropriate way to balance many of the concerns that were raised here today with the very strong desire and appropriateness of such commemoration is to have a process that starts first with the idea of commemoration and then moves to the appropriate location for that commemoration and then moves to the design of that commemoration.

That is really my strong sense of the Commemorative Works Act, the fact that there isn't a process written into the Commemorative Works Act to allow for this specific circumstance is not an act of blind omission but, I think, it was a deliberate act on the part of the Congress.

The one point that I would add, I would associate myself with the comments of my fellow Commissioners and look to try to move this conversation toward a position that we can take in reporting to the House Committee on Natural Resources. So I would ask if anyone would care to make an attempt to focus this discussion in that direction.

MR. LOWENSTEIN: Is the floor open to any comments from this side or answers to any questions?

MR. MAY: I think if there were specific questions

from the Commission that we have addressed that the Commission would like to have answers on, that would be appropriate. I would ask, again, the Commission if there are specific questions that you would want to ask of any of the witnesses who testified today.

Not seeing any, I think that the sort answer is that we have heard what you have to say and that our deliberations from here are deliberations.

MR. LOWENSTEIN: Even though some of it was erroneous?

MR. MAY: It is difficult to have conversation with you not being part of the record. So why don't you come up and take the microphone and speak to us. Normally, what I would say is that the process for this is testimony and questions and then deliberation. I will give you a brief opportunity to speak to anything specific, but we really do not want to engage in an ongoing conversation.

MR. LOWENSTEIN: I appreciate that. I just have a couple of quick questions. The first one is have you all seen Dark Elegy? I don't mean necessarily first-hand, but photographs or a video that came out?

MR. MAY: Yes.

MR. LOWENSTEIN: You have all seen it.

MR. MAY: Yes.

MR. LOWENSTEIN: And you all feel that, to quote Mr. Parsons, "such a realistic group of naked women may be found objectionable." These are not naked women. These are women who are stripped. He claims that the various figures are intentionally highly figurative, which they are not. He further says, and this is the one that really knocks me out, "because some of the poses of various figures create an opportunity for irreverent behavior by visitors. There is serious concern about activities that would be disrespectful to your purpose."

So you gentlemen really feel that something like that is valid, that this is not a fantasy of someone's mind, because, if that is the case, my first instinct was the way to protect these figures is to keep Mr. Parsons away from them.

I'm sorry. And, by the way, you keep talking about it being strictly Pan Am 103, because the people of Pan Am 103 have been around long enough, we have given one another mutual support and that we have spearheaded the idea of a work to commemorate all victims of terrorism should not

be held against us.

The other folks have not come up. That's fine. I mean, that is their choice. We have, and the fact that it is an existing sculpture, casting it in bronze is not a copy. Every major sculpture in the world, be it Rodin or anyone else, started out--the original was clay and then it was cast in bronze. And that is not considered a copy.

Thank you.

MR. MAY: Thank you. If I may, I would like to venture an answer on the part of the Commission and that is that, when it comes to the specific views that were expressed by Mr. Parsons, the discussion that we are having here right now is an attempt by the Commission to come up with the consensus view.

I am not asking specifically for the members of the Committee to endorse these exact words but to come up with a specific position on the bill that was introduced in the House. That's our purpose today. That's what we are discussing.

With regard to the other comments, I think that what we have already said speaks for itself with regard to the relationship of the victims of Pan Am 103 versus other

victims of terrorism.

If there is anyone else on the Commission who would also care to comment specifically to what was just said, I would be happy to recognize him at this time.

MR. MCGILL: I would like to defend John Parsons. He has been, for the past 30 years, a major figure in this city participating in the National Capital Planning Commission, chairing this Commission with thoughtfulness and dedication. He has also been--because he has been with the National Park Service all that time, he has learned by experience about problems that arise and tries to anticipate, as he did in those comments, problems that might arise.

So he was not being voyeuristic. He was not being odd. He was being candid and drawing on his reserves of knowledge and experience about how monuments and memorials are designed, placed, maintained and treated in Washington, D.C.

MR. MAY: Thank you, Mr. McGill. Others?

MR. MALONEY: I will just briefly respond to the issue of the copy. I certainly recognize how sculpture is made and has been treated for centuries. I recognize that,

yes, as you say, Rodin casts his original maquette in bronze. However, I think that really isn't the point. You don't throw away Rodin's original maquette just because it is the original.

I think the point is, as I tried to indicate, this is a new type of memorial and that, with these very personal tragedies, we have recognized that memorials, in this day and age, do serve a purpose by allowing very personal expression from many people.

The mementos that have been left at the Vietnam Memorial is one indication of that act as is the AIDS Quilt.

I guess my point is that, if you will, to me, you could view this sculpture as one of those mementos that has been left to the larger issue of terrorism, and the larger issue of terrorism, I think, does go beyond the issue of Lockerbie and it does go beyond the question of one expression of reaction to that tragedy.

There will be many others because, unfortunately, we will have many other opportunities to experience terrorism again. I think, from a national perspective, we need to allow other reactions, other points of view, other ways of memorializing, to enter the discussion.

MR. MAY: Thank you, Mr. Maloney. Others who would like to speak at this point?

MR. TURNBULL: I guess I would like to go back to something that Mr. McGill had mentioned earlier about there is sort of this period of time that is almost needed to come together with a different view of what a monument to terrorism would be.

This monument, and again, we have had some very moving and eloquent testimony and I think, as we sort of all hinted at, sort of really gets us back to Lockerbie and the 103 flight and is this becoming too point-specific for a monument. Even as Mr. Lowenstein said, it is the first major sculpture like this.

But I would hesitate to jump in and say that represents our response, or the nation's response, to terrorism. I think is there something more symbolic or different that other generations or other people will want to say, no; this is what really represents all of those.

There are going to be specific monuments at Ground Zero, the Pentagon. There are different memorials at different sites dedicated to those--as Mr. McGill said, in Lockerbie, Scotland. There are monuments at those specific

sites.

So I guess I am concerned. I am very moved by the testimony but I am just concerned to pick one monument that is generated out of response to one incident and say there is enough feeling in this to represent everyone.

I guess I need to step back and say, is that really the response that the Republic wants to have in Washington, D.C. to terrorism. I see something more-- simpler, something more as a benign gesture to what happened.

MR. ACOSTA: I was struck by the observation that Peter had in terms of the intent of the Commemorative Works Act where he talked about the idea of what should be commemorated, going to location and then design, and that that is kind of left out of this particular proposal.

I think we all agree that this is a very important issue. But I think this has to go through this process to the extent that, number one, location in terms of importance of the issue has to be debated amongst the public.

I think a lot of our concerns today that you might be hearing deals with the design, is this a representation of, or is this the actual representation in terms of

commemoration of terrorism and its victims that the nation would want to see.

There are a lot of different points of view out there and I think we have, again, one very important and very well-thought-through proposal. But I think, just because of the significance and the number of times that has occurred and will occur in the future, I think this is deserving of that sort of discussion and debate amongst the public.

I think that is what we are bothered by at this point. It is really the notion of accepting this as the one and only possibility. It is a possibility. It is an opportunity. And we respect the hard work and dedication that went into this particular proposal.

And with respect to what others might be thinking and the general public, and other victims out there, I think their voices deserve to be heard if this is, indeed, something that is to represent all of the tragedies that were brought upon this nation because of terrorism.

I think that is the essence of this discussion. I don't think it is anything to do with this particular proposal. It is really that broader discussion that I think

we feel uncomfortable about acting on today because I do think it is an important issue and one that will be with us for, unfortunately, a very long time and that, again, all the voices need to be heard in some form.

Again, that is the process that I think Congress had intended that we go through as we review and debate and consider these proposals. So, if that is kind of a direction, maybe that is something we should put out for discussion in response to this piece of legislation.

MR. MAY: Thank you very much, Mr. Acosta. Mr. Luebke, you are leaning forward. Are you--

MR. LUEBKE: It appears that there is a developing consensus here. I was very intrigued by Mr. Maloney's comments about the very powerful authenticity of the work as it is. Obviously, it is a very authentic work. It has been very moving for a lot of people. It has traveled around.

So that is not really the debate right now. What is really the debate is does this make sense here and now and are we prepared to endorse that.

Moving from that issue of what is the work of art, is it the work that you have already created or is it a casting of that which, by nature of this process, our

authority, would need to go through an authorization, a site selection and a design process. This is a bit of a disconnect here that I think that our Chairman's comments speak to.

Finally, I think Mr. Acosta's comments, and others, about this biggest question that we are saying, is do we know enough about terrorism and our national response for it to take this thing before us and endorse it as the appropriate statement.

Do we know enough right now? Are there other voices that need to be heard? Is this the right thing to do? I am uncomfortable taking that position right now, Mr. Chairman.

MR. MCGILL: Mr. Chairman, I would offer a motion.

I am torn between a very short motion and a very long motion, so I am going to try a very short motion. I move that this Commission find that it is premature to select and locate a general memorial to victims of terrorism.

We further find that, as compelling and impressive a proposal as has been made for the memorial in question, that we believe that, for the time being, that it relates to a very specific incident and should be treated as such

rather than as a generic monument to the victims of terrorism for all time.

MR. MALONEY: I will second that.

MR. MAY: Thank you very much. We have a motion and a second. Do we have further discussion? Would anyone care to amend those two basic points to add to the response? Not hearing any specific comment, we have a motion that has been properly moved and seconded. I would call for all those in favor of the motion to say aye.

[Chorus of ayes.]

MR. MAY: All those opposed?

[No response.]

MR. MAY: Abstentions?

[No response.]

MR. MAY: So the motion carries unanimously. Thank you very much. Thank you everyone for coming to testify today and for your sincere efforts in this process. Thank you.

We have two more issues on the agenda today. One I expect to be relatively short so I would propose that we go ahead and take care of the second piece of legislation currently under consideration. We are not ready for a third

item yet. That's okay.

I would move that we go to consideration of H.R. 3935, a bill to extend the time limit of the authority of the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on the Department of Interior lands in the District of Columbia or its environs in honor of and commemoration of Frederick Douglass.

Then, after that motion, I think I would suggest that we take a short break. So, unless anyone objects to that, I think that is the way we will proceed.

H.R. 3935

MR. MAY: I have a short statement, or summary, of where we stand right now with regard to this memorial.

Public Law 106.479, signed November 9th, 2000, by President Clinton authorized a memorial and a garden in honor and commemoration of Frederick Douglass. Your authorization requires the authorized group to accomplish processes precedent to receiving a permit to construct a commemorative work within a seven-year time period.

The authorization expired several months ago on November 9th, 2007. Frederick Douglass Gardens, Inc., as been working for approximate ten years to locate the garden

within the vicinity of Poplar Point on the Anacostia River.

The site is in proximity to both the Frederick Douglass Memorial Bridge and the Frederick Douglass National Historic Site.

The area of interest is known as Site 16 and is detailed within the National Capital Planning Commission's Museum and Memorials Master Plan. The Memorial group last appeared before the National Capital Memorial Advisory Commission in 2005 and made a presentation that focused on working with Site 16.

As I am sure you know, Poplar Point is included in the transfer of lands from the federal government to the government of the District of Columbia. The development of the land at Poplar Point has been the subject of extended planning discussions that began in 1997, intensified in 2002 and 2003, and was most recently the subject of the news release from the Mayor's Office. We have included some information in the packets for the Commission members in that regard.

The November 2005 Site Selection Study indicated a five-acre area within Site 16 where Stickfoot Creek is planned to be restored resulting in a total marshland, as

outlined in the Anacostia Waterfront Initiative.

The law that transfers the property provides that, in the event that a national memorial is developed in the area, the land containing the memorial would be conveyed to the National Park Service for management. A memorial here would appear to be consistent with the goals of the Anacostia Waterfront Development Corporation which would be planning for this land.

Of course, this was written without--I think we didn't quite update it to reflect the fact that the Anacostia Waterfront Corporation is non-existent but we know that that function is continuing in the hands of the Deputy Mayor for Planning and Economic Development.

Ms. Dianne Dale, the President of Frederick Douglass Gardens, Inc., is here with us today on behalf of the project which, through H.R. 3935, would be extended through December 31st, 2014, an additional seven-year period in which the FDI would accomplish selection and approval of a site, selection and approval of a design, raising of non-federal funds to construct the memorial, approval of construction documents and donation of an amount equal to total estimated cost for the memorial for deposit into an

interest-bearing account for future maintenance of the memorial--equal to 10 percent, I think is what it is. I have a typo here, but 10 percent in addition.

So, with that as prelude, then I would ask Ms. Dale to speak to us today. She will give us an update on where the organization is in this process.

MS. DALE: Good afternoon. Thank you for hearing us this afternoon. We are continuing our effort to commemorate the life of Frederick Douglass with a five-acre memorial and garden at Poplar Point. We have the solid backing of the community. We have persons who are interested in assisting us in this effort from the East to the West Coast.

We have a particular pending partner, shall I say, in fundraising who is in Texas at this point. He has written us a letter and is interested in helping us to launch our fund-raising campaign.

We are in preliminary discussion with the developer who has been given the permission, who has been selected, shall I say, by the city, Clark Realty. We have been in preliminary discussion with Clark Realty in terms of some type of collaboration. They have indicated an interest

in helping with the design process and other issues that pertain to the site.

So you, in 2005, if I might remind you, gave us permission for the five acres at the site and we simply need this renewal of legislation to continue the work that we started in 1997.

Thank you.

MR. MAY: Thank you. Do we have others who are here who wish to testify in this matter? Please state your name for the record.

REV. MOTLEY: Good afternoon. I am Reverend Anthony Motley from East of the River, Ward 8, also with the Council of Churches of Greater Washington and a good friend of the Chairman. It is good to see you here, Chairman.

MS. DALE: Thank you.

REV. MOTLEY: On behalf of Ms. Dale and the Frederick Douglass Memorial Gardens, we have been working with them almost from the beginning of the conception of the idea. In her behalf, I would like to say that she has been very diligent in ensuring that the Frederick Douglass Gardens become a reality and that it become realized in the lives of our people so that we can, in fact, memorialize

Frederick Douglass, who was a great orator and a great citizen of the District of Columbia and the United States.

To her dismay, Poplar Point got caught up in a lot of the political back-and-forth in our city and, because of that, there were some hesitancies on behalf of people who wanted to come up and support initially because they wanted to wait and see what was going to happen eventually with the Poplar Point.

But now we have moved forward. The Mayor was out the other day. We met with him when he made the selection announcement of Clark Realty. We had a meeting scheduled with Clark on last Friday but, because of the pending ice storm and snow that never happened, we kind of rescheduled the meeting. So we are meeting with Clark on this Friday.

So we are looking forward to continuing the work of the Frederick Douglass Garden and Dianne Dale. So your consideration and support is very much appreciated.

Thank you.

MR. MAY: Thank you, Reverend Motley. It is good to see you again.

Do we have others who wish to testify on this matter? Not seeing any, do we have questions?

MR. MCGILL: I would like to ask David Maloney a question. It seems to me we are in this odd-ball position because of the land-swap legislation. The transfers have not yet occurred because the legislation won't allow them to occur until the city designates an 11-acre site for a new screening facility for the Architect of the Capitol.

But, when it does, Poplar Point transfers from the National Park Service to the City. Now, I do not know what the City's position is with regard to national memorials on its property.

Because of the terms of the legislation that we are extending and because of the terms of the land-swap bill, essentially this Commission and the Department of the Interior has an open hunting license for five acres of city land at Poplar point. I don't know whether the City has concerns about that or not.

MR. MAY: Before Mr. Maloney answers that, I would like to raise one issue since I am intimately familiar with the Federal Lands Transfer Bill and the transfer of Poplar Point and that is, first of all, the condition for transferring Poplar Point is not the identification of the 11-acre site. That was a condition of the transfer of

Reservation 13 which is the site of D.C. General Hospital, or former D.C. General Hospital.

There are, however, conditions on the Poplar Point transfer which will cause the process to take some period of years, still, specifically the District and the National Park Service have just begun an environmental impact statement and planning process as the prelude to the conveyance of that property.

The District must relocate existing Park Service facilities that are on Poplar Point, specifically the Headquarters of the National Capital East Parks, their offices, and the United States Park Police, their helicopter facility and their training facility and other offices that are located on site.

So those are the conditions and we expect that it will take a minimum of two years probably before anything can be transferred and, conceivably, even quite a bit longer to get it all taken care of. So that is the condition and that is what we are waiting for to happen.

MR. MALONEY: I guess, Mr. Chairman, you may know better than I exactly the conditions of these transfers. My understanding was that, if the Frederick Douglass Gardens is

built, then it reverts to the National Park Service for maintenance purposes. But I didn't think it was an exchange of equivalent land.

MR. MAY: No. The way the process will work is that there are sites that are reserved within Poplar Point for memorial purposes. Once those memorials are established, the land will be conveyed back from the District to the federal government so that we will, then, wind up owing that land where the memorials are constructed.

MR. MALONEY: I guess, Mr. McGill, I think I am really not in a position to answer all the questions about the technicalities of land transfer, but I think, certainly in terms of the support for this memorial, I think there is no question that the City supports the memorial and the extension.

MR. MCGILL: Okay.

MR. LUEBKE: Mr. Chairman , I do have one question. Is that five-acre parcel identified or is it simply that five acres will be identified? I am talking about in terms of its physical location or description.

MR. MAY: My understanding is that this Commission had indicated where that five acres would be and that may or

may not work with the new plan for the site.

I would actually ask our very capable staff, Glenn DeMarr, who is looking through papers here, if you could add anything to clarify on that question, I would appreciate it.

MR. TURNBULL: I was going to say that I thought we had seen something at one point.

MR. DeMARR: Glenn DeMarr, National Park Service.

The site-selection study that was presented in 2005, it was not a specific meets-and-bounds description of the acreage, but there was a general area. I can pass this display for the Commissioners. It is a general area within Poplar Point in the vicinity of the Stickfoot sewer which is supposed to be daylighted and made into more of an environmentally friendly experience on the Anacostia River.

MR. MAY: Great.

MR. McGILL: Mr. Chairman, I move the support for the extension.

MR. TURNBULL: Second.

MR. MAY: So we have a motion properly seconded. Is there any further discussion? Not seeing any indication, I would call for all those in favor, please signify by saying aye.

[Chorus of ayes.]

MR. MAY: All those opposed.

[No response.]

MR. MAY: Abstentions?

[No response.]

MR. MAY: None. The measure passes unanimously.

Thank you very much. It is now 3:15. We will take, I think, about ten minutes. We will be back here at 3:25, if that is okay with the Commission.

Thank you very much.

[Recess.]

MR. MAY: I think we are all back at the table. I apologize. It is now 3:30. It took a little longer than I had intended and that is my fault. I had some other items that kept me away for a few minutes.

I would note, for the record, that Mr. Newton had to take his leave, so we will continue on without him as we consider the last action item on our agenda which is the Alternative Sites Study for the Memorial to the Victims of the Ukraine Famine.

Alternative Sites Study

Victims of Ukraine Famine Genocide

MR. MAY: This discussion began at the Commission's last meeting on October 23rd at which time the Commission recommended that the sponsors go back and take another closer look at a few alternatives. They have performed that study and that information has been provided to the Commission.

Now, I think we will move straight into testimony.

As I understand it, the first person to address the Commission will be Dr. Oleh Shamshur, the Ambassador of the Ukraine. Thank you very much.

AMB. SHAMSHUR: Mr. Chairman, members of the Commission, first of all, I would like to thank you for the possibility to further our discussion on the selection of the sites. Definitely, we all understand it was a long day so we will try to be brief and to the point.

So, after the last meeting, we definitely thought over again the sense of the discussion, the remarks that were made and revisited the Master Plan to reevaluate the possible options. I would like also to point out that I had a chance to speak to the President of the Ukraine, to the First Lady who was recently on a visit here, and discussed

some of the options with them as well.

So, now, after the very thorough discussion and evaluation within our circle, we would be ready to present, also, I presume, pretty briefly, our new proposals. One of them has been already discussed. One more, well, actually appeared and was discovered during our reevaluation but it is definitely also the part of the Master Plan. So nothing new.

So, with your permission, I will cede the floor to Michael Sawkiw who is the President of the Ukrainian Congress Committee of the United States and who would actually present our findings. I would like also to acknowledge the presence of other members of the Ukrainian-American community here in the hall.

Thank you.

MR. MAY: Thank you very much and we appreciate the strong attendance by you all.

MR. SAWKIW: Thank you, Mr. Ambassador, Mr. Chairman, members of the Commission. We, at our October 23rd hearing--you had given us many recommendations as to go back and look for alternative sites for the Memorial to the Victims of the Ukrainian Famine Genocide.

Since October 23rd, we have done a lot of leg-work in Washington, D.C. and have traveled many, many miles looking at revisiting some sites and also looking at some new sites.

Before you, you have booklets as to our recommendations and our alternative site selection, the addendum to our first site-selection process that we had done back in October.

The recommendations that the Commission had given to us were two-fold. First was to look at the Taras Shevchenko Memorial which is located at 21st, 22nd and P, also to look at the Victims of Communism Memorial, that location around that particular memorial.

Given the Taras Shevchenko Memorial and placing at the Taras Shevchenko site, we had expressed our opinions at that particular time as to why it would not be appropriate to put a monument or a memorial to the Victims of the Ukrainian Genocide at the same location as the monument to Taras Shevchenko which is a nationalist hero and poet of Ukraine from the 19th Century who fought for Ukraine's independence from, at that particular time, the Russian Empire.

Looking at the events of 1932-33, which we will be commemorating in a memorial to the Victims of the Ukrainian Genocide does not site well either with the Ukrainian government or us as the Ukrainian-American community whom, at that particular time, in 1964, had given this and presented this monument to the people of the United States and to the City of Washington.

So we still feel, and we stand firm, both the government and the Ukrainian community, that it would not be appropriate to have the Victims of the Ukrainian Genocide Memorial on the same site as the Taras Shevchenko Memorial.

The second aspect we had looked at on the recommendation of the Commission was the site surrounding the Victims of Communism Memorial. The Victims of Communism is located on the corner of Massachusetts Avenue and New Jersey Avenue.

What you are looking at right now are pictures from across the streets which are the sites that are available for building of a memorial. As you see from these particular sites, it is clearly evident that the sites, themselves, do not look to be very hospitable to placing a monument there.

Obviously, as you also had seen in some of the other pictures, various types of construction activities that were happening and also, in terms of looking for us as the government of Ukraine giving this memorial to the United States people is to educate the American people as much as possible when it comes to the Ukrainian Famine Genocide which, unfortunately, not too many people know about.

Placing it within that location, unfortunately, does not receive a lot of tourists and in the several months since the October 23rd hearing, we have inspected that area, have gone through it, have looked to see how many tourists have visited and, unfortunately, it was a little difficult to notice the widespread traffic that we are looking for when it comes to this particular memorial.

Other recommendations that came from members of the Commission as well were to look at the "international corridor" of Massachusetts Avenue. We traversed Massachusetts Avenue from as far as we could, from one end of the city to the other end of the city. Frankly speaking, looking at many of the smaller sites that were proposed to us, or even given to us as options or recommendations, remain too small, remain in obscure locations or, frankly

speaking, do not fit within the nexus of even having something Ukrainian as you are looking at this particular picture right now, which is right at the outskirts of Chinatown.

Based upon all of these recommendations and based upon our observations, in consultation with the National Park Service and several meetings that we have had with them, we have come up with two particular sites, one new site and also one site that has been brought before you on October 23rd.

Let me start with the site that was brought before you on October 23rd. That, which you are looking at right now, is the site at New York Avenue, 12th Street and I Street, Northwest. This is directly opposite from the Old Convention Center site. As we had heard at that particular time there is a new redevelopment plan for the Old Convention Center site.

This site, itself, in terms of its size, would fit perfectly, we think, for a monument to the Victims of the Ukrainian Famine Memorial and also is very--a lot of traffic flows through this particular area. In terms of tourists, it is well known in that particular area that there are

other international multilateral organizations within that area.

Obviously, in terms of the scope of having people traverse that particular area, sit down, and it could be a reflective area for many people within downtown Washington, D.C.

A new site that we had come up with also within the Master Plan book. However, for whatever reason, we had not scoped it out prior to our October 23rd hearing. This is the Walt Whitman Park, U.S. Reservation 715 which is on the E Street corridor between 19th and 20th Streets.

In one section of this particular rectangular plot of land is a small day-care child playground that are used for federal agencies and for other private institutions that are around there. The rest of the site, as you see in the picture on the screen, would be dedicated to the Victims of the Ukrainian Famine Genocide.

There have been issues and consultations with the National Park Service that this site may be too big for our particular memorial. I would say quite the opposite that, first of all, no site is too bit or too small for something of magnitude of what we are discussing here in terms of the

scope of 7 to 10 million victims that had died.

But, in this particular aspect of Walt Whitman Park, we are looking at this to be a reflective area, an area where a monument would be constructed, some type of sculpture would be constructed, abstract to envision what, in a sense, this particular famine genocide had done to the Ukrainian people 75 years ago but also giving hope, or giving some type of inspiration for the future, that making sure the United States remains vigilant to ensure that other genocides such as this one do not happen throughout the world.

These are our two recommendations. The first primary recommendation would be the Walt Whitman Park site.

Obviously, the second recommendation would be the New York Avenue site.

The nexus with Walt Whitman Park, as a matter of fact, we think is very obvious since the State Department of located several blocks away to the west and the White House and the National Security Building--National Security Council are two blocks to the east.

MR. MAY: Does that conclude your statement? Do we have others who wish to testify in this matter? Okay.

Do we have questions from the Commission regarding the presentation?

MR. ACOSTA: I have got a couple.

MR. MAY: Okay.

MR. ACOSTA: I would like to have you go back to Site 77. I certainly understand the issue with Shevchenko Park with respect to co-locating activities where you might have two memorials adjacent to each other and that possible conflict that that may pose.

But, in your analysis, you pointed out a number of reasons for not going there with respect to the surrounding area, the vegetation that might be overgrown, lack of visitation. But you also noted there were a lot of construction barriers put around there.

I guess my point would be that this is in a redeveloping area of the city, that conditions are improving on a day-by-day basis and that we believe, and I believe the District also concurs with this, that this is going to be one of the premier areas of the District in the not-so-distant future.

So I would ask that we look at the site more prospectively and think through kind of what this area will

become because there is a significant amount of investment that is occurring in this community.

Just note the amount of condo buildings that are going up, residential development, and that it is very close to another memorial that had decided to locate in that area.

So I wouldn't necessarily rule that out for the reasons that you stated in your site analysis. I would ask that you think this through in terms of what this area can become.

It will become a very visible site. It is already, but I think it will be more so in the future, and it has all the elements of becoming, I believe, a fantastic site for this memorial.

I would like to get your reaction to that because what I am reading here doesn't necessarily reflect what we are contemplating or what we are anticipating or what is actually happening in the area.

MR. SAWKIW: I thank the gentleman for his question. One of the things, looking at this particular site, U.S. Reservation 77, we had spoken to the National Park Service about this, post our October 23rd hearing. And, in consultation with Mr. John Parsons and now the new Mr. John Parsons, Mr. Peter May, there were many discussions

going back and forth about this particular site.

One of the things that Mr. Parsons had mentioned to us is that that particular area has been "under redevelopment" for the past 20 years. Obviously, you still see, after 20 years, that the development hasn't necessarily brought fruition in terms of a better type of surroundings or better type of area to place a monument like that.

Secondly of which, the area, itself, is dissected by roads and by other types of alleyways that, a site, in itself, to place a particular monument there may be a little bit defragmented and take away from the meaning of the particular memorial that we would like to place there.

MR. ACOSTA: I would just point out in this photograph, you are seeing, I believe, a rehabilitation of a building adjacent to this site as well as, perhaps, a new construction building adjacent to that. So I would say that, actually, this photo shows evidence of a changing neighborhood. A lot of times, these redevelopment efforts do take years to occur, but I think this photo actually shows that there is actually a lot of activity occurring that will certainly make this a better place.

MR. LUEBKE: Mr. Chairman, I do have a couple of

questions.

MR. MAY: Mr. Luebke; yes.

MR. LUEBKE: Thank you. One of the discussions here has been the scale of the parcel available. My question to you is--I seem to remember that there was a quarter-acre requirement; is that correct?

MR. SAWKIW: By the law, itself? The law doesn't state anything.

MR. LUEBKE: Do you have an idea about what you are looking for?

MR. SAWKIW: I don't think that we necessarily have an idea. We haven't necessarily even done an international competition regarding this. But one of the aspects that we are looking at is, given the Taras Shevchenko Memorial, given the plot of land or a little bit even larger than that so that we could appropriately do something to give it a lasting effect--i.e., some parklike setting within an urban location plus something, obviously, to have in terms of commemorative, in terms of a sculpture.

MR. LUEBKE: So do we know how large that parcel is where the Shevchenko is right now?

MR. MAY: I'm not aware of how large that is.

Glenn, do you have an idea of the Shevchenko site, what that size is?

MR. DeMARR: My guesstimate is the Shevchenko would be a third of an acre to half an acre.

MR. MAY: A third of an acre.

MR. LUEBKE: I guess the real question is, I think you have a number of these monuments in other cities, Toronto, Vancouver, maybe Chicago--is it Chicago, or Cleveland--and Los Angeles. I don't know them but I know that they exist. Is there an interest here in doing one that is similar in those other locations, or do you expect to go through a new--

AMB. SHAMSHUR: Definitely, it is going to be different. I actually visited practically all of the monuments you mentioned and they differ, pretty big one in-- well, relatively big--in Chicago while relatively small, but centrally located, in Los Angeles. So, actually, we would like, as I said from the very beginning, something that would be a definitely added value to the architectural face, if you wish, of the Washington, D.C.

Our, actually, approach was to define the site and then, depending on the site, to have the competition, not to

impose the monument or memorial on the site. So we would like to give the possibility for the architect and the sculpture to work depending on the site so it would be integrated in the best possible way.

MR. LUEBKE: Thank you.

MR. MAY: Thank you. Do we have other questions or comments? Mr. McGill.

MR. MCGILL: Mr. Chairman, I would like to make a couple of comments. I am bothered by a couple of aspects of the presentation and the justifications. I find it ironic that a site of a 19th Century Ukrainian poet was rejected in favor of a site of a 19th Century American poet.

I am bothered by the Ambassador's statement about wanting to make sure that this monument keeps America alert so that we are on guard against future examples of such actions being taken.

I am not sure that is a primary purpose of monuments and memorials. Mr. Chairman, if you disagree, please let me know, but it seems to me that there are a variety of locations further from the core that are more appropriate given our policies that memorials in nearby locations, such as Walt Whitman Park, should be reserved for

events and people of primary and significant importance in American history.

So I am not persuaded that these other two alternative locations are more desirable or appropriate than the two we voted on last time.

MR. MAY: Okay. Is there a question that you would like the Ambassador to answer in this regard? Would you like a response?

MR. MCGILL: No.

MR. MAY: I think, generally, I would agree with what you said and the primary purpose is, really, commemoration rather than something broader in this circumstance. What I would like to do, perhaps, is that we try to focus on these sites one at a time, what has been proposed one at a time.

If you would consider first--well, I would be open to suggestions on who would like to talk about which site first.

MR. LUEBKE: I would be happy to talk about Walt Whitman Park for a moment. I mean, I think we did consider the New York Avenue site last time and I don't believe that there was a strong pushback, objection, to that site except

that the character was somewhat unknown. There is a desire here--as you understand, we are trying to find something that seems appropriate.

We have used this word nexus, but that there is a thematic connection between what you trying to do and what might be around, that it is a right character, that it is the right scale, that it is not something that seems out of place.

Just so you will understand, that is our background. I am sorry that you didn't talk to us, or my sister agency at NCPC, before you did this second round because, if you had, we would have supported the position that Mr. McGill took regarding the Walt Whitman Park. I am sorry, you have done a bunch of work, but the issue there is that we would support his position that it is an area that is so close into the Mall that it really a specifically American kind of area where we expect things to be particular to our own national history to occur there.

Furthermore, we are in the middle of working on something called the National Capital Framework Plan. One of the specific recommendations is that area really be developed as probably a presidential memorial area. In

other words, there is a connection between the White House, the Kennedy Center at the other end, which is a presidential memorial, itself.

That space right in between which is adjacent to that site of Walt Whitman Park actually is an anchor for that whole corridor which we are actually really proposing as a presidential memorial area.

So, looking to the future--there is no way you would have necessarily known that. I'm sorry you didn't come to talk to us first. But, that being the case, it would be very difficult for my agency to support that location.

MR. MAY: Do we have reactions specifically to the Walt Whitman site?

MR. MALONEY: I think my reaction is the same, that it has difficulties that people have already enumerated. Another thing I think I would add is that I think it is a real concern that what I think will be a relatively small memorial, given what you have said about the expectations about how much size you want in terms of the land, how that small memorial could get lost in a larger public space.

The Pershing Park sort suffers from this problem where the memorial to Pershing almost seems an afterthought because there is the large sort of skating rink and all this other stuff on the same plot of ground. So I would just add that to the concerns about Whitman and note also that it is identified in the Memorials Master Plan as a prime site which I think reflects the comments and the position that the Fine Arts Commission would take on it.

In respect to the other sites, I would certainly second what Mr. Acosta said about the Shevchenko site. I appreciate your taking a second look at it, but I think your sentiments are very clear about it and I think I was one of the proponents of that last time. I think I would concede that there is no point in pushing you to do something you think is not appropriate. So I would go along with that.

And also the New York Avenue site in the middle of downtown, also I think last time I raised this as well. From the city's standpoint, I think we would have a concern about that site because its twin reservation, Reservation 174, on the other side of New York Avenue is being planned as part of the Old Convention Center redevelopment as the public park to be associated with that development.

The city has viewed this, since the reservation has been transferred to the city, as an opportunity for the city to achieve some of the goals that is unable to achieve in the other very beautiful, very well-maintained, National Park Service parks all around the city.

The city government has felt that this is an opportunity to have a very active civic park that could be programmed for almost a plaza, if you will, that could be programmed--although it is not a plaza. It will be a park--but programmed for activities like music concerts and things like that.

I think we are not talking Swan Lake, we are talking Blue Grass or whatever. So I suspect that, from both standpoints, the combination of a potential Famine Genocide Memorial on 173 and this very active sort of probably noisy park on 174 wouldn't be the best combination.

I thought last time Mr. McGill's suggestion of the sites across the street from the Victims of Communism was a good suggestion because of the nexus issue. One of the concerns there you have already raised about the sort of unestablished nature of the area right now.

One thing to add to that is I don't know whether

or not, as part of town gets developed those reservations might change shape because they are not the original condition. Originally, there was a traffic circle at that location. The current reservations represent sort of modification of what was originally a more formalized design.

I think one question is, as development occurs here, whether or not the city and the National Park Service might do at this location what they have been doing at others which is to alter some of the traffic pattern to get rid of some of the unnecessary roads and, perhaps, alter the configuration of the green space.

So it does make it difficult--although I think, thematically, it is a good location for it, it does make it a little bit difficult, I think, to decide how to place a memorial now at that location.

But, thinking about that did make me--and I also, by the way, agree with your sort of general analysis of those sites up and down Mass Avenue where there doesn't seem to be anything that is great, really appropriate, for this, beyond. And I think you are right, that the international field to Mass Avenue is specific to a certain part of it.

The site opposite the Victims of Communism did send me along a sort of path of trying to think about where this memorial could go. And, also thinking about other places in town where there is somewhat of a thematic grouping of memorials like on Virginia Avenue where there is the Latin American Heros.

Up and down New Jersey Avenue, the theme isn't quite established but down at New Jersey and Louisiana, there is the memorial to, I forget the formal name, Japanese American Patriotism.

MR. MCGILL: The Nisei.

MR. MAY: At Louisiana?

MR. MCGILL: Yes; the Nisei Memorial.

MR. MAY: Exactly.

MR. LUEBKE: But it is the Internment.

MR. MALONEY: The Internment--which is, also, I think thematically similar to this. It is a very somber theme and, again, the message of how governments mistreat their own people.

So I looked at the small triangle further down the street from that which I think is Reservation 25 and then consulted the Monuments and Memorials Plan as well as your

submission materials. You said that that was one of the sites you thought was off the table because it was either in the Reserve or under the jurisdiction of the Architect of the Capitol.

Although the Memorials Plan does say it is under the jurisdiction of the Architect of the Capitol, I think that that is in error, that, in fact, it is a National Park Service Reservation and, though it is very close to the Capitol grounds and I suspect that there would be, certainly, some points of view relative to that and some sensitivities, it seems to me that it is one of the sites that could be considered because, to me, it has what is most needed for this memorial which is a setting that is very dignified in the national city as opposed to the local city and also something that is commensurate with the very somber, solemn theme of the memorial.

If you sort of ranked memorials on a scale of solemnity, this is a 10. So I think it is a very tough memorial to site because of that. You want it to have a certain reserve and very dignified location.

The sites that I think--I think Reservation 25 does have that feel to it as do some of the others such as

the site on the Naval Observatory Circle where it is mostly in nature. So I wanted to offer that as a possible, Reservation 25 as a possible, site to be discussed in terms of using that as a potential alternative.

MR. MAY: Thank you, Mr. Maloney. Do we have comments? Mr. Turnbull.

MR. TURNBULL: I would like to comment on Mr. Maloney's comment. I guess our concern on that little triangle is again similar to what you would talk about with Walt Whitman Park, that it is so close to the Capitol that it should be something distinctively American, that the internment site is, obviously, a very American experience so it relates very closely to our history.

I think our only concern is that, if we start taking away so many sites that are close to the historic, whether it is the White House or to the Capitol to the Supreme Court, we lose the opportunity to relate any kind of a nexus later on with future memorials that may relate either primarily to the legislative branch or people related to that or to the Supreme Court.

So I guess there is a question that I would be very tentative about wanting to put something, plus you also

have a very somber monument next to another somber monument.

Of course, that is always a question, too, what the nexus is between those.

But I guess my concern would be that, again, some of those areas so close--we have had people try to put monuments on Capitol grounds, also. I would like to think that that is kind of a placeholder for strictly memorial events of this republic or people of this republic.

But that is just my own view of that.

MR. ACOSTA: I would actually have the same reaction as Mr. Turnbull. I think, number one, that is he is correct, that we need to be consistent in how we view these sites. We are, in fact, saying that certain sites--and they have brought sites to us in front of the World Bank and other places where we felt should be reserved for important American Vets.

I believe we need to be consistent in the way we treat sites that are close to the Capitol and that we shouldn't necessarily rule this out categorically, but this raises a concern about how we deal with these sites.

I just want to clarify; is this site that you are proposing in Area 1 or Area 2?

MR. MAY: It is in Area 2.

MR. ACOSTA: The other piece of information that you have brought which dealt with possibly converting the green sites around No. 77 into a traffic circle or reconfigure those spaces, can we find out whether that is, indeed, part of the DDOT plans and if there has been any consideration at this point of converting that?

MR. MALONEY: I think that is sort of the issue. There isn't anything specific at this point.

MR. MAY: With regard to the traffic configurations and the potential changes, I definitely see the potential for much better sites in the future as well as seeing the potential of the neighborhood with what happen with the neighboring development.

At some point, those are going to be very desirable sites in that vicinity. It is just very desirable sites in the making.

Mr. Luebke.

MR. LUEBKE: I did have one comment and it may be just a clarification. Mr. Maloney has a very good point about trying to create--I mean, there is this theme of misdeeds perpetrated by governments. Of course, we have

this issue of the American history issue before in that location on Louisiana Avenue.

You have stated an interest, and understandably, that you want a connection with something Ukrainian. But, of course, searching my brain, I can think of only two obvious ones. One is the sculpture that we talked about and one is the embassy, both of which we felt are not appropriate.

So we are struggling here to find something that makes sense. I keep coming back to still that area that we have been talking about at New Jersey and Mass Ave. Something in your reports talks about Reservation 78 at North Capitol, Mass Ave and F Street, Northwest. You see that it may be an exception.

Is that one something that is not under consideration right now?

MR. MAY: I'm sorry; I need to clarify which--

MR. LUEBKE: The question is what is the status, and maybe it is a question for the applicant, of 078.

MR. MAY: I would like to have the applicant respond to that. This is something that we were very interested in and thought held some promise. And it seemed

to be that there may be some interest in that site on the part of the applicant.

MR. SAWKIW: Site 78, I know that we had placed that, again, within the Addendum to the Site Selection. That, as well as some of the other sites along Massachusetts Avenue, we kind of thought was very small in terms of putting something for a monument.

Again, looking at it in terms of being across the street from the Irish Times and the Irish Pub, given the solemnity of the particular memorial that we are placing there may not necessarily be the greatest nexus, quote-unquote.

MR. MALONEY: I, for one, would concur in that assessment of that site. I think it is--I suspect the Irish Times and the Dubliner will be there forever. Both of them are there. And just, also, it doesn't strike me--it strikes me that that site is very exposed in a way to the sort of hub-ub around the station, Union Station, that I think doesn't lend itself to suitability.

I guess, maybe in response to the comments about Reservation 25, I certainly think those are points well taken but I think we have to be careful about--we are a

national capital. Part of what Washington is about is relations with other nations.

We certainly, I think, don't want to be isolationist in a subtle expression of what our point of view is in terms of placing these memorials. There are, I think, situations such as the Holocaust Museum, for instance, which you could say that is not an American tragedy which is very close to the Mall and, because of its importance, managed to get very close to the Mall.

I think it is important also to recognize that this is not a Ukrainian memorial. This is a memorial that I suspect, in large part, has been advocated by the Ukrainian-American community. It is the same as the Japanese-American community that advocated for the Internment Memorial.

So, to me, I think it is a little bit unfair to the memorial to say that it is something that doesn't relate to American history. I think it is something that relates to history that is very important to Americans.

So, to me, I think that it is--what is more important is the issue of this being a very serious, should be very thought-provoking, memorial and that type of memorial is the kind of thing that you want to have near our

most sacred precincts because those are the kinds of messages, I think, that people need to contemplate in relationship to the heart of the city and not in a residential neighborhood or the middle of the commercial part of town where the message would be, I think, not exactly denigrated but it just seems to me that it would be harder to find appropriate locations farther away from the center part of town, the monumental part of town.

MR. MAY: Mr. Acosta.

MR. ACOSTA: I respect those points of view. There are two issues. There are two issues here. One was I am not convinced that 77 can't work at this point. This is something that we raised at our previous meeting. I haven't seen anything yet that would convince me that it couldn't work.

I think the line of reasoning presented in the presentation doesn't necessarily reflect the changes that are being anticipated or are occurring today.

That said, I also believe that the other site that was proposed should be reviewed. I think it is the first time I have heard of it today. Obviously, given its proximity to the Capitol and all the other constraints, it

probably should go through some sort of site analysis to take a look at kind of all the issues that may affect the Architect of the Capitol's jurisdiction and other issues.

So that hadn't been, I believe, put into the paper that we have in front of us today and I think it should be reviewed in a more thorough way before we give an ERNA* to that site.

And also with respect to the Site 77, if we can resolve or find out if there is any possibility that the street is going to be changed, we should know that up front and it seems like there has not been any discussion at this point whether there is going to be a major capital improvement to reconfigure the street.

But I don't know. That is a thing that we would have to talk to the District about and the Park Service, whether there is any funding for that and whether that is high on the priority list and the timetable it would take to get that done. So, to me, that is an open question, but it is not a certain one.

MR. TURNBULL: I guess, then, we also say that Walt Whitman Park is in play.

MR. MAY: I'm sorry--

MR. TURNBULL: I was saying that I guess, based upon that rationale that we have just heard, that Walt Whitman Park is still in play.

MR. MAY: I think what I would like to do is try to focus our efforts, once again, and try to consider these sites one at a time. I know that there are some issues that are associated with Reservation 77 or Site 25. But, if we can kind of go through these things a little bit more specifically site by site.

I have the sense that when it comes to Reservation 715, the Walt Whitman site, that there is a fairly broad consensus that we would object to that site, unless someone wants to speak up to disagree. I think that we would make that assumption move forward.

I think for the reasons, the very good reasons, that have been cited today in terms of reserving for another purpose or another purpose that requires a greater amount of land, while it is not clear how much land this memorial will require, we are looking at a wide range of sites that range from the fairly small end to the very large end.

We wind up, sometimes, I think having to search for sites that do require a large site. I would not want to

take up something in which we have some size flexibility that we would dedicate this very large site for something that could, perhaps, work even better in a smaller, more intimate site.

With regard to--I think the one that I want to revisit next is the New York Avenue site. I know that that was discussed and rejected at the last meeting of this Commission. It was my sense, having seen the debate there, although I was not sitting in this chair, that the objection there was as much an affirmative statement for some of the other sites that we really wanted to push for consideration, specifically the sites in the vicinity of the Victims of Communism Memorial and, of course, the Shevchenko site and less having to do with the very specific considerations of the New York Avenue site.

Personally, I find that that site holds some significant promise. I understand that it is going to be across New York Avenue from the new Central Park, if you will, of the redevelopment of the Convention Center and that is going to be a very active place.

But I also understand that New York Avenue is one of those grand avenues. It is very large. It has islands

in the middle of it. There is a grade change. And so it can be a very difficult place just across that street as opposed to some of these other circumstances where being across the street really lends a greater connection than we have in the New York Avenue site.

I also think that, because of the size of that particular triangle, there is the opportunity to place the center of gravity, if you will, of the development of that site, away from where we think the District's development of the park across the street would be.

So, for those reasons, I think it is worth giving a little bit more deliberate consideration just to site, to Reservation 173, if I have my numbers right. I would welcome comments on that.

Mr. Luebke.

MR. LUEBKE: I don't have a strong comment about it.

MR. MAY: Neither for nor against?

MR. LUEBKE: Neither. I don't believe that it is a very well-established character and I would like to support the District's desire to turn that into a more programmed active part of the city than have a, perhaps,

overly dignified theme for its location.

Yet, having said that, there is a lot that is still changing about that area and it is not--I don't have a strong position. I feel like there is a better--there has got to be a better answer, however.

MR. MAY: Okay. Other comments?

MR. MCGILL: I think it would be useful for the sponsor to engage with a dialogue with the city to clarify exactly what they had in mind for the redevelopment area and how it relates to the site to address whether Mr. Maloney's concerns are accurate.

MR. MALONEY: I think that can certainly be done. Since the city doesn't control the site, we haven't been planning for 173. We have been planning for 174. But I think that that certainly would be appropriate.

MR. MAY: Do we have other comments with regard to 173? Mr. Acosta, you are leaning forward.

MR. ACOSTA: I would agree with the comments that Mr. McGill made and Mr. Maloney. We are actually going to have a presentation from the developers of the Old Convention Center site at a Commission next week to kind of go through their scheme.

My view of it is that they want to make this a very vital active place and that there are places within that District and within the Monumental Core that are solemn and respectful and dignified. But I think this place is a bit different. It is going to have a much more active tone to it. They are going to get a skating rink across the street.

They want people there. And when I read through this site-selection stage, I do kind of sense this conflict between wanting to be in a very dignified place but, in some cases, you are willing to accept a more active place like the Georgetown Waterfront Park site.

So I am pretty unclear, too, in terms of where the applicants stand in terms of where they would like to be. In some cases, I hear they want to be in an active place and in some cases they don't want to be there. So even the site analysis is a bit all over the place when it comes to that.

But, that said, I think this particular park, Reservation site at 173, holds great promise and I think it should be designed and thought through in context with respect to the massive development that is going to go across the street with the Old Convention redevelopment

site.

That needs to be thought through. Whether this is appropriate, I think really, to some extent, has to be answered by the District but also by our applicants in terms of whether they want that level of activity, whether they want to be across a very active place where there might be a barrier or there might be night-time entertainment.

There were issues with being next to the Irish Pub on one of the other sites. So we just need some clarification from that standpoint in terms of what would work or what wouldn't work.

MR. MAY: Do we have further comments on Site Reservation 173? That is New York Avenue.

MR. MALONEY: As I have before, I think I just express the same sentiments as Mr. Acosta.

MR. MAY: Before we go back into discussing the other sites, specifically, one of the things that I feel a need to express is that I understand that the sponsors for this memorial are very interested in moving forward across this hurdle today. I am not getting the strong feeling that we are going to come to a consensus on--well, we certainly have ruled out the Walt Whitman site. 173 seems to require

further study.

Site 25, which Mr. Maloney had raised, also seems to require further study. So it is hard, if we focus only on those, to say that we could move ahead today.

I guess the question I would have for the Commission first is, if the applicant were strongly supportive, or supportive of, Site--let me put it this way.

I will try to phrase it as poetically as I can. If the applicant, or the sponsor, were very much in favor of a vision of the future for that intersection of New Jersey Avenue and Massachusetts Avenue where we have those two sites, 77A and 195, and I think either one of them, that are in close proximity to the Victims of Terrorism, if we can look further into the future and see that there really is something there and that we can find the right nexus there and then that could be a site, again either one, understanding that there may be changes to the road network but they don't necessarily preclude making a site selection in favor of one of those sites. It could be just viewed as a further enhancement of those sites.

If the sponsor were ready to move forward with those today, do we think that we could endorse a selection

of one of those sites. I am interested in what the Commission thinks about that. If the sponsor were ready to say yes to those today, would we be ready to say yes to those today.

MR. MCGILL: I think that would be a good selection.

MR. MAY: Okay. Either/or. Mr. Maloney?

MR. MALONEY: I am not sure what you meant by either/or.

MR. MAY: Well, either 77A which is on Mass Ave. It is--well, I will have to look at the pictures. I can't describe these with words anymore. We have the photo on the fifth page here which shows 77A and it references 195 which I think is actually on the next page.

It is two different sites. Anybody on this table-

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MR. LUEBKE: In other words, what you are asking is, if it necessary for the sponsors to come away with some kind of an approval for a site--

MR. MAY: Today.

MR. LUEBKE: Would we be willing to support--

MR. MAY: Either or those.

MR. LUEBKE: 77A or--

MR. MAY: 195. Today.

MR. LUEBKE: Or 195. My feeling is that it does address, certainly, the issue of the nexus that we have been talking about. I can't address the issue of the size. I am not certain if that is acceptable. But, in terms of the prominence and the character, I would imagine--it is actually an area that is being redeveloped. Contrary to what you may have heard, it is happening right now.

MR. MAY: It is being transformed.

MR. LUEBKE: It is being transformed before our eyes. So I would say that I would be able to support that.

I am also willing to look at the other sites, both of them, the New York Avenue or the Louisiana. But it would require additional work.

MR. MAY: Right. Mr. Acosta.

MR. ACOSTA: I would agree with them, Mr. Luebke.

I think I would feel comfortable with 77 or 195 and that is consistent with their last--the direction of the applicant.

If there is a requirement right now to make a decision, I would feel comfortable with that being the decision. That said, if the applicant would like more time

to kind of investigate these are the possibilities, I would be open to that. But I would not vote for those sites at this point, the other sites.

MR. MAY: What I would like to summarize, if you will, it seems to be the consensus of the Commission that, if the sponsor were ready to go ahead with 77A or 195 today, that we would endorse that selection but if the sponsor would prefer to engage in further study of Reservation 173 or Site 25, or even 77A or 195, or anything else that would come up with, that we would be happy to keep all of those things in consideration and then ask, do you really want to have your site selection done today because that is what we are prepared to do today.

AMB. SHAMSHUR: Definitely, as you understand, we would like to find the best possible site with all the remark and the reservations but. at the same time, suiting our intention, in this spirit of this, definitely we would rather continue consultations.

MR. MAY: You would rather continue.

AMB. SHAMSHUR: Continue consultations and take a decision on those sites near the Victims of Communism.

MR. MAY: That is understood. Okay. Very good.

AMB. SHAMSHUR: And I would like to say that New York Avenue and especially this new proposal is definitely acceptable for us and we would be ready for further consultations.

MR. MAY: And the Park Service will be at your disposal.

AMB. SHAMSHUR: Absolutely.

MR. MAY: To help in all of those site investigations.

AMB. SHAMSHUR: And thank you very much for your comments.

MR. MAY: Okay. Thank you. Now, should we close this with an actual motion or do we just go by consensus that this is the direction that we are heading?

MR. MCGILL: I think the applicant has agreed to it.

MR. ACOSTA: Yes; I think the applicant has agreed to our approach.

MR. MAY: So we shall move on, then. That concludes the matter. Thank you very much. We look forward to working with you to find the right site.

AMB. SHAMSHUR: Thank you.

Information Items

MR. MAY: Moving on with the agenda, we have just a couple of informational items that we have provided to the Commission. I would note that the Military Dog Team Memorial sponsors, which had met with the Commission on June 27th of 2006, did follow the Commission's recommendation and successfully pursued the authority to build that memorial on military property such as at Fort Belvoir. That authorization occurred with the passage of the Department of Defense Authorization Act of 2008.

Also, for your information, the House of Representatives Committee on Natural Resources Subcommittee on National Parks will consider H.R. 1693, one of two bills under consideration by the Congress, to establish a National Liberty Memorial. The bills incorporate some of the recommendations of the Commission made in its consideration of an earlier proposal to establish a National Liberty Memorial, S2495, in the previous Congress on June 27th, 2006.

I am sure we all understand, or know, or are familiar with, the National Liberty Memorial. If you have any further questions, about that, please feel free to talk

to the Park Service about how that is developing.

With that, unless there is any other business--

MR. MCGILL: Mr. Chairman, I want to congratulate you on a dynamic first meeting.

MR. ACOSTA: Fine job.

MR. MAY: Thank you very much. I appreciate that and I appreciate all of your help in working through all of this. Thank you very much.

And now I will hit the gavel.

[The meeting was adjourned at 4:27 p.m.]