

STATEMENT OF STEPHEN E. WHITESELL, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, CONCERNING THE PROPOSED DWIGHT D. EISENHOWER MEMORIAL.

March 20, 2012

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the Dwight D. Eisenhower Memorial.

In 1999, Congress authorized the Dwight D. Eisenhower Memorial Commission (EMC) to consider a memorial to our 34th president and as a result of EMC's work, in 2002 Congress authorized the EMC to establish the Eisenhower Memorial. Since that time, the National Park Service (NPS) has worked closely with the EMC to establish the Memorial in accordance with both the authorizing legislation and the Commemorative Works Act (CWA).

The direction provided by the Congress in the CWA has been highly beneficial in guiding decision-making by memorial sponsors and federal agencies in determining both the location and design of memorials. The process is a rigorous and sometimes lengthy public process, requiring multiple consultations and approvals on the selection of a site and on the design of a commemorative work, as well as extensive environmental and historic preservation compliance. In our experience, the subjects of memorials can provoke strong emotional responses, because while many may agree on the value of commemorating a particular person or event, they may not all agree on the form that commemoration should take. The process requires the active involvement of federal and local agencies and other organizations. Ultimately, a memorial may only be constructed if it has been considered and approved by federal commissions and the memorial sponsor has raised all the funds it needs to complete the memorial.

Agencies Involved in the Commemorative Works Process

There are multiple agencies and organizations involved in the siting and approval of memorials under the CWA.

Historically, the NPS has facilitated the entire process because all the memorials that have been established so far under the CWA were to be sited on parkland or on lands that would be transferred to the NPS so that the NPS would administer that memorial. The NPS works closely with memorial sponsors to navigate a complicated series of studies, reviews, design hurdles, agency approvals and environmental compliance. Under the CWA, the actual construction of a memorial can only occur after that memorial's sponsor has satisfied the requirements of the CWA, up to and including the obtaining the construction permit as issued by the NPS. The NPS has facilitated the establishment of 18 commemorative works within the District of Columbia since the passage of the CWA roughly 26 years ago. These memorials include the Korean War Veterans Memorial, the George Mason Memorial, the World War II Memorial, and, most recently established, the Martin Luther King Jr. Memorial. The NPS is presently working with the sponsors of five new memorials authorized by the Congress, including the Memorial to

American Veterans Disabled for Life, the Adams Memorial, and the Dwight D. Eisenhower Memorial.

The Commission of Fine Arts (CFA) reviews site selection and design for each memorial and must approve both in order for the NPS to issue a permit for construction. The site selection process can take several reviews before a site is approved, and the CFA may apply design guidelines adopted in conjunction with the National Capital Planning Commission (NCPC) pursuant to the Commemorative Works Act as part of its review process. Design approval is completed in two stages – concept and final – with memorials typically requiring multiple reviews at each stage. The CFA reviews for approval takes place in meetings that are open to the public following public notice.

NCPC must also approve the memorial site and design, and the review process usually occurs in parallel with the CFA. NCPC may, pursuant to the Commemorative Works Act, apply joint guidelines developed in conjunction with CFA or develop independent, mitigation-related guidelines as part of the National Historic Preservation Act (NHPA), Section 106 process, or the National Environmental Policy Act (NEPA) process, to guide its review and approval process. Design approval may also require multiple reviews, and the NCPC requires completion of environmental and historic preservation compliance prior to design reviews.

The National Capital Memorial Advisory Commission (NCMAC), which has no approval authority, reviews proposed legislation and provides advice to Congress, makes recommendations to the Secretary of the Interior (Secretary) and the Administrator of General Services (GSA) regarding memorial proposals, and is a consulting body to the memorial sponsors regarding a memorial's location and design. This consultation for location and design must occur before the NPS can issue a construction permit. The NCMAC includes representatives of the NPS, the CFA, the NCPC, the Mayor of the District of Columbia, GSA, the American Battle Monuments Commission, the Architect of the Capitol, and the Department of Defense. This consultation, likewise, takes place in meetings that are open to the public and following public notice.

The District of Columbia Historic Preservation Officer (DCSHPO) is consulted during both the site selection and design phases to determine whether the establishment of a memorial could have an effect on historic properties. It may be the case that a new memorial could have an adverse effect on such properties, which prompts notice to the public and consultation with interested parties, who may include members of the public, in accordance with Section 106 of the NHPA. This may result in the negotiation of a Memorandum of Agreement between the NPS, the DCSHPO, the memorial sponsor, and the Advisory Council on Historic Preservation and others to mitigate any adverse effects.

The Secretary of the Interior grants final approval in the form of a construction permit after the requirements of the CWA are met. NCPC review and approval is also a pre-requisite to NPS issuance of the construction permit. The NCPC reviews for approval are also conducted in meetings that are open to the public following public notice. The GSA Administrator has the same authority to issue a permit for a memorial if that memorial is destined for GSA lands,

although, to date, all memorials established under the CWA have been permitted by the Secretary because they were sited on NPS parklands or on lands that were transferred to NPS.

The Commemorative Works Process

The memorial process often begins with a member of the public or an organization with an idea to honor an individual or a group, or to commemorate an event, with a memorial in the nation's capital. Statutory authorization is required to locate a memorial on lands covered by the CWA, and thus legislation for a memorial must be introduced by a member of Congress. Such legislation authorizes the establishment of the memorial and designates a memorial sponsor, often the group itself, which would be responsible for planning, design, fundraising, and ultimately construction of the memorial. The CWA sets a time limit of seven years for the memorial sponsor to obtain the NPS construction permit which can only be issued after the sponsor has the approvals and funds in hand, although that time is often extended. Whenever authorizing legislation or time extension legislation is introduced, the NCMAC reviews the proposed legislation and provides comments to the authorizing committee of Congress.

When legislation for a memorial becomes law, NPS works with the memorial sponsor to investigate potential memorial sites on lands eligible for placement of new memorials. Not all federal parkland in the District of Columbia is available: in 2003, Congress designated an area including the National Mall that it called the Reserve, as a completed work of civic art where no additional memorials would be located. Often the search for the right site starts with consideration of the memorial's subject and whether there are certain locations relevant to it, using the 2001 *Memorials and Museums Master Plan*, a comprehensive study of potential sites produced by NCMAC, NCPC, CFA, and NPS. Such investigation typically involves the study of those sites with the most potential for that particular memorial, consultation with other agencies, the start of the environmental compliance process, and consultation with the DCSHPO and others. The memorial sponsor may submit a request to the Secretary to be authorized to consider sites in Area I, an area close to the National Mall, which is defined in the CWA. After consultation with NCMAC, if the Secretary determines that the memorial subject is of preeminent and lasting historical significance, the Secretary notifies Congress of this recommendation to authorize that memorial to be located at a site within Area I. Following Congressional approval, a site can be designated for the memorial in Area I. The site selection process concludes after NCMAC has been consulted on potential sites and the CFA and the NCPC have approved the preferred site.

The sponsor's next task is to select a designer, through a design competition or by any other means of its choosing, and start designing the memorial. As the design is developed, NPS coordinates multiple consultation meetings with staffs of the NCPC, the CFA, and the DCSHPO. The NPS consults the NCMAC regarding the design prior to submission to the CFA and the NCPC for approvals. During the approval process, NPS, with the assistance of the sponsor, completes all necessary environmental compliance work such as under NEPA, and complies with NHPA Section 106 and, if necessary, NHPA Section 110. During this time, the memorial sponsor continues to raise the all the needed funds that must be available before the NPS can issue the construction permit.

The Secretary, acting through the NPS, is authorized to issue a permit for construction once the following criteria are met: (1) the site and design have been approved by the NCPC and CFA, and NCMAC has been consulted; (2) knowledgeable experts have determined that the memorial will be structurally sound and durable; (3) construction documents have been submitted; (4) the memorial sponsor has sufficient funds to complete the memorial; and (5), in case of privately funded memorials, the sponsor has made a donation of 10% of the cost of constructing the memorial to be used for perpetual maintenance, which covers non-routine maintenance and catastrophic repairs.

Establishment of the Eisenhower Memorial

The Eisenhower Memorial is tracking the process prescribed by the CWA, including with its own authorizing legislation. Responsibility for the establishment of the Eisenhower Memorial, including its program, design, and construction is assigned by law to the EMC. The EMC is comprised of twelve commissioners, including members of Congress and, previously, a member of the Eisenhower family. In 2006, the EMC was authorized to locate the memorial within Area I. The proposed site, located at Maryland and Independence Avenues, SW, between 4th and 6th Streets, was then analyzed in studies and an NPS NEPA Environmental Assessment (EA) with public involvement, reviewed by the NCMAC and approved by the CFA and NCPC in 2006.

The NPS has continuously facilitated the work of the EMC in developing the design and has worked diligently on environmental and historic preservation compliance documentation that is required before NPS can issue a construction permit for the memorial. The EMC engaged GSA to use its Design Excellence program to select a designer for the Memorial, a process that culminated with the 2009 selection of Pritzker Prize-winning architect Frank Gehry.

Since it was first proposed, the design for the Eisenhower Memorial has gone through numerous changes during the rounds of the CWA review process, and as input was received from a number of sources including the public. The EMC is responsible for the design and addressing any concerns regarding the design from all sources, which includes the public and members of the Eisenhower family.

In September 2011, NCMAC was consulted on the design and the CFA granted Concept Approval for the overall configuration of the Memorial. Also in September, the NPS released to the public for review and comment, a second EA concerning the environmental effects of the design. Following years of consultation meetings under NHPA Section 106, the EMC, the NCPC, the GSA, DCSHPO, the Advisory Council on Historic Preservation, the NPS, and others executed a Memorandum of Agreement regarding the treatment of historic properties affected by the Memorial. On March 6, 2012, the NPS issued its Finding of No Significant Impact (FONSI). This FONSI is a determination pursuant to NEPA that the memorial, if completed in accordance with the current schematic design, will not have a significant impact on the environment; it is not an approval of the memorial pursuant to the CWA.

The project was placed on the NCPC agenda for consideration of Preliminary Approval at its April 5, 2012 meeting, but in response to recent concerns about the design of the Memorial, the EMC has requested that consideration of the Memorial design be deferred until NCPC's May 5, 2012 meeting.

Should the NCPC grant preliminary approval in May, the memorial design will undergo further refinement and the design will then be reviewed for further approvals by the CFA and the NCPC. The EMC's schedule calls for obtaining final approval by both Commissions later in 2012, and it is possible that reaching final approval will require further Commission reviews. The NPS will continue to work with the EMC to facilitate design reviews by NCPC and CFA, while conducting its own review of the construction drawings to ensure the structural soundness and durability of the memorial.

The NPS is honored to play a role in the establishment of commemorative works in our nation's capital and we take very seriously our role and duties in the process. The process for establishing memorials in Washington, as directed by the Congress, has worked very well to ensure that new memorials are thoughtfully considered, appropriately located, and beautifully designed. We expect that the Eisenhower Memorial, by virtue of the public process by which it is being established, will have all of these important characteristics and will be a source of pride for our entire nation.

Mr. Chairman, this concludes my statement. I would be pleased to respond to any questions you or the other members of the subcommittee may have.

Gehry Partners, LLP

Frank Gehry

Brian Aamoth

John Bowers

Anand Devarajan

Jennifer Ehrman

Berta Gehry

Meaghan Lloyd

Tensho Takemori

Laurence Tighe

Craig Webb

March 19, 2012

To: Representative Rob Bishop
Chairman, Subcommittee on National Parks, Forests and Public Lands
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Bishop,

I am sorry that I am not able to join you for this important hearing on the Eisenhower Memorial. I want to address a few misconceptions that I have read in the press regarding my design.

The first one is regarding the artist Charles Ray. For the record, he is not currently nor has he ever been formally connected with the project. He is not the artist of the memorial nor will he ever be the artist of the memorial.

Second, I would like to correct the mis-impression that some may have that the young boy is the only representation of Eisenhower in the memorial. I would like you to look at images of the bas relief sculptures that have been a part of the memorial since the competition winning entry. The bas reliefs celebrate President Eisenhower and General Eisenhower with larger than life imagery of him from both periods. In addition to this, we have proposed long excerpts from his Farewell Address and the Guild Hall Address carved in stone. The sculpture of the young man looking out on bas reliefs of his future accomplishments as Supreme Allied Commander and as president was intended to resonate with young school-age children to inspire them, to give them courage to pursue their dreams and to remind them that this great man started out just like them. It seemed appropriate to make this type of statement in front of the LBJ Department of Education building. My detractors say that I have missed the point, and that I am trying to diminish the stature of this great man. I assure you that my only intent is to celebrate and honor this world hero and visionary leader who did so much for our country and the world. I have worked closely with the Eisenhower Memorial Commission to make sure that the memorial appropriately honors President and General Eisenhower. If the EMC and the family conclude that the sculpture of young Eisenhower is an inappropriate way to honor him, then I will be open to exploring other options with them.

12541 Beatrice Street, Los Angeles, California 90066

Tel: 310.482.3000 Fax: 310.482.3006

Gehry Partners, LLP

After meeting with Anne and Susan Eisenhower in December of 2011, they expressed concern that the memorial characterized President Eisenhower too modestly. They explained that their grandfather's modest persona had prevented several generations of people from understanding the true impact and legacy of Eisenhower, which is extraordinary. That conversation was impactful for me, and I have been exploring different design ideas that would allow me to introduce additional content such as a list of his presidential and military accomplishments, additional Eisenhower quotations, additional bas reliefs, etc. I look to my commissioners, the historians and the family to direct me on the content of these additional blocks and the memorial generally.

The third topic is the longevity and durability of the tapestries. From our first meeting with GSA, EMC and NPS, all three agencies have drilled into me how important it is that the tapestries were cleanable, durable and maintainable. My firm has done our due-diligence to verify the longevity and maintainability of the tapestries. The material science on stainless steel proves out that the material shows no corrosive effect in an advanced aging test which was conducted at an architectural testing laboratory. In terms of maintenance, it is clear that it will take a minimum of effort compared to other memorials in Washington DC. We have had many meetings with the NPS and GSA regarding the maintenance. Further to this, we have created a strategy for accessing all surfaces of the tapestries for general cleaning and maintenance. This system will make it very easy for NPS staff to regularly access the tapestries.

On the fourth topic regarding the family, I have always been and continue to be open to talking with the family about the design. I have had many great meetings with David, Susan and Anne Eisenhower, and I look forward to meeting with them again to discuss their concerns; to understand their perspective; and to explore their ideas and advice.

My only interest is creating a monument to a great man who served our country so selflessly and who was a great champion of the American way.

Best regards,

A handwritten signature in black ink, appearing to be 'Frank Gehry', written in a stylized, cursive script.

Frank Gehry

12541 Beatrice Street, Los Angeles, California 90066

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U.S. COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

401 F STREET NW SUITE 312 WASHINGTON DC 20001-2738 202-504-2200 FAX 202-504-2195 WWW.CFA.GOV

22 September 2011

Dear Mr. Whitesell:

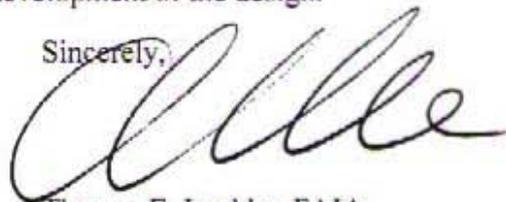
In its meeting of 15 September, the Commission of Fine Arts reviewed a revised concept submission from the National Park Service for the Dwight D. Eisenhower National Memorial at Independence and Maryland Avenues between 4th and 6th Streets, SW. The Commission approved the revised concept, expressing great enthusiasm for the development of the design and for the artistic quality of the tapestry mockups as displayed on the memorial site.

In their discussion, the Commission members expressed strong support for the revised configuration of the proposed memorial, including the 90-degree rotation of the two smaller tapestries and the reduction in the number of colossal columns. They again supported the overall height and scale of the columns and tapestries, observing that these elements of the proposed memorial enable a welcome transformation of its site, currently a poorly defined urban space. They also commented positively on the more unified treatment of the area within the columns; however, they noted that both the landscape and the series of raised elements at the center of the composition require further development to provide a focus for the memorial.

Regarding the development of the monumental tapestries, the Commission members expressed a strong preference for the technique using welded stainless-steel cable instead of the Jacquard-style woven alternative presented. They commented that the preferred method—derived from the hatched technique of engravers such as Albrecht Dürer—was highly sculptural when seen up close but appeared more photographic from a distance. While extremely supportive of this artistic approach, they raised concern about the literal translation of photography into art at this scale and encouraged further development of the conception of the image as a drawing. Reiterating their support for a landscape image for the memorial, they commented that the most powerful element of the image is the horizon line which, by extending across all three tapestries, would unify the sequence of panels.

In general, the Commission members commended the project team for the sophistication of the design, noting that the proposed artistic treatment will transform the site and the context of adjacent federal buildings. They look forward to the review of further development of the memorial's design, particularly regarding the character of the central memorial space. As always, the staff is available to assist with development of the design.

Sincerely,



Thomas E. Luebke, FAIA
Secretary

Steve Whitesell, Regional Director
National Park Service, National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242

cc: Peter May, National Park Service
Carl W. Reddel, Dwight D. Eisenhower Memorial Commission
Frank Gehry, Gehry Partners
Joe Brown, AECOM



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

October 12, 2011

Mr. Rocco C. Siciliano
Chairman
Dwight D. Eisenhower Memorial Commission
1629 K Street, NW, Suite 801
Washington, DC 20006

Dear Mr. Siciliano:

Thank you for providing senior members of my staff the opportunity to review the detailed model for the proposed Dwight D. Eisenhower Memorial at National Capital Planning Commission's offices last week. Based on that meeting and recent conversations with the Memorial Commission, the Department of Education is pleased with the current design, and we are grateful for the adjustments that have been made in response to our concerns.

Our initial concerns focused on the Memorial's tapestry feature and the way it might restrict the amount of light entering our building and obstruct the views from our offices. Now that we have seen the model as well as the mock-ups, we have a better appreciation for the translucent nature of the tapestry and its considerable distance from our building. At the outset, we were also troubled by the potential for the tapestry to hide our building from the public, but with the various design changes, including the shortening of the large tapestry and the relocation of the two smaller ones, as well as what we have learned about the way that the weave will allow light to shine through, our concerns are alleviated.

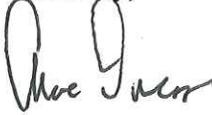
From the beginning, we have been excited about the great potential for public engagement that the Memorial will bring to the Department of Education, and we remain so. The prospect of hundreds of thousands of new visitors at our doorstep offers a unique opportunity for teaching and learning about education and the Department's programs. We have been encouraged by our mutual discussions about possible enhancements to the transition zone, with the potential for new space and facilities for exhibits, meetings, events, and even retail.

We look forward to working with the Memorial Commission and the General Services Administration on ways to use the new space to enhance opportunities for public engagement as well as for work life improvements for the Department's staff. We have already shared some ideas of our own, and we are eager for the conversation to continue.

Page 2 – Mr. Rocco C. Siciliano

Thank you again for your attentiveness to our concerns during the design process. We look forward to working with you on this important project, and we are supportive of the Memorial design as it now stands.

Sincerely,

A handwritten signature in black ink, appearing to read "Arne Duncan". The signature is written in a cursive, slightly slanted style.

Arne Duncan



Planning and Project Management
Ford House Office Building, Room H2-537
Washington, DC 20515
202.225.5900
www.aoc.gov

October 17, 2011

Glenn DeMarr, Project Manager
Eisenhower Memorial EA
National Park Service - National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242

Dear Mr. DeMarr,

On behalf of the Architect of The Capitol, (AOC) I would like to thank you for the opportunity to comment on the Environmental Assessment, (EA) for the Dwight D. Eisenhower Memorial Design.

After review, AOC is pleased with the selection of alternate 3 and the reasoning for its selection. We applaud the decision, courage, and commitment of time to change the selected alternative through the Section 106 Consultation Meeting process. The selected alternate's visual impacts of the Capitol from Maryland Avenue are subjective and therefore AOC does not feel negative impacts will occur.

Thank you once again for the opportunity to provide comments.

Sincerely,

Troy L. Brown, rla
Assistant Director for Planning

**PUBLIC MEETINGS HELD FOR
THE EISENHOWER MEMORIAL DESIGN
AS OF MARCH 15, 2012**

PUBLIC Meetings

<u>Date</u>	<u>Meeting</u>	<u>Location</u>
2/19/2010	Soft Launch	NPS, 1100 Ohio Drive
4/21/2010	Scoping	Old Post Office
5/21/2010	Section 106	NPS, 1100 Ohio Drive
3/1/2011	Section 106	NPS, 1100 Ohio Drive
3/30/2011	Section 106	Old Post Office
6/20/2011	Section 106	Dept. of Education (LBJ Building)
8/31/2011	Section 106	GSA ROB
10/4/2011	Section 106	NPS, 1100 Ohio Drive
10/19/2011	Section 106	NPS, 1100 Ohio Drive
11/16/2011	Section 106	NPS, 1100 Ohio Drive

AGENCY Meetings Open to the Public

<u>Date</u>	<u>Agency</u>
3/25/2010	Eisenhower Memorial Commission – preferred design concept
4/20/2010	National Capital Memorial Advisory Commission (NCMAC)
5/20/2010	Commission of Fine Arts (CFA) - info
6/3/2010	National Capital Planning Commission (NCPC) - info
1/20/2011	CFA - concept approval
2/3/2011	NCPC - concept comments
2/16/2011	NCMAC
7/12/2011	Eisenhower Memorial Commission – revised concept approval
9/14/2011	NCMAC
9/15/2011	CFA - revised concept approval
10/6/2011	NCPC - info
On Hold	NCPC – preliminary design approval



DAVID EISENHOWER

Dear Carl,

As per your instructions, I enclose a letter to the President that should accompany my original letter to Rocco. I appreciate your assistance in getting these letters to the White House.

Congratulations to Dan and my best to all,



December 21, 2011

DAVID EISENHOWER

Dear Mr. President, ,

On December 6th, I sent the attached letter to Rocco Siciliano, the Chairman of the Eisenhower Memorial Commission, stating how honored I have been to serve the past eleven years on the Commission and explaining my reasons for stepping aside at this time.

Please accept from my wife, Julie Nixon Eisenhower, and me, our very best wishes to you and Mrs. Obama for a happy holiday season and a successful New Year.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Sarnica". The signature is written in black ink and is positioned below the word "Sincerely,".

December 21, 2011

DAVID EISENHOWER

Dear Rocco,

It has been an honor to serve as a member of the Dwight D. Eisenhower Memorial Commission.

Now that the Commission has moved to the design phase, I have decided to resign effective immediately.

I do so for two reasons.

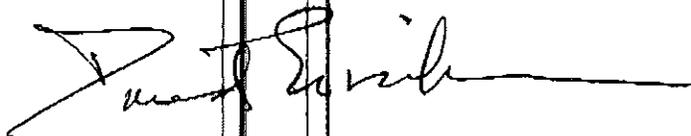
First, a year ago I became chairman of the Eisenhower Foundation in Abilene, Kansas, an entity which faces significant fund-raising challenges. Now that the Memorial Commission has begun to seek financing from private sources, I believe that my duties as Eisenhower Foundation chairman pose a potential conflict of interest.

Secondly, with the Commission's work now in the design phase, I feel strongly that my seat should be occupied by my sister, Anne Eisenhower, who is a design expert and whose views on design questions will effectively represent the views of the Eisenhower family.

Service on the Eisenhower Memorial Commission for the past eleven years has been a privilege. I send best wishes and gratitude to my fellow commissioners and to the Eisenhower Commission staff for their dedication and hard work.

With warm personal regards,

Sincerely,



December 6, 2011