

STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, RECREATION AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON RESOURCES CONCERNING H.R. 2982, TO AUTHORIZE THE ESTABLISHMENT OF A MEMORIAL WITHIN THE AREA IN THE DISTRICT OF COLUMBIA REFERRED TO IN THE COMMEMORATIVE WORKS ACT AS “AREA I” OR “AREA II” TO THE VICTIMS OF TERRORIST ATTACKS ON THE UNITED STATES AND TO PROVIDE FOR THE DESIGN AND CONSTRUCTION OF SUCH A MEMORIAL

MARCH 19, 2002

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2982, which would authorize the establishment of a memorial in the District of Columbia within the areas referred to in the Commemorative Works Act as “Area I” or “Area II” to the victims of the terrorist attacks on the United States and to provide for the design and construction of such a memorial.

The Department is deeply saddened by the tragedy our nation experienced on September 11. Our country was attacked with deliberate and massive cruelty and since that fateful day, our lives have been changed forever. Among the men and women we lost that day are those who began their day at a desk or an airport, who wore the uniform of the United States and died at their post, who defied their murderers and prevented the murder of others on the ground, and who, as rescuers, ran to the sites to assist others.

Like so many families in America, we continue to mourn the loss of a member of our Interior family who was a victim of United Airlines Flight 93, which crashed in Shanksville, Pennsylvania. Richard Guadagno, a 17-year employee of the U.S. Fish and Wildlife Service and manager of the Humboldt Bay National Wildlife Refuge in California, was among the heroic passengers of Flight 93 who we now believe sacrificed their lives to save others. The Department offers our deepest sympathy to all those who lost a friend or family member because of the attacks on September 11. We understand that the road to healing will be long, but we believe that through the strength and unity of this country, the American spirit lives on.

Terrorism, unfortunately, is not new to this country. Anyone who was in Oklahoma City on April 19, 1995,

when the Alfred P. Murrah Federal Building was ruthlessly bombed, has felt terrorism hit too close to home. We lost 168 of our fellow Americans in that attack. For Americans abroad, the fear of becoming a victim of terrorism has been and continues to be a very real threat. On August 7, 1998, U.S. Embassies in Kenya and Tanzania were brutally attacked, killing a total of 368 people. On October 23, 1983, suicide truck-bombs attacked Marine barracks in Beirut, Lebanon, killing 242 Americans. And these have not been the only terrorist attacks that have been perpetrated against the United States and its citizens.

The Department understands the desire and motivation to pay tribute to these victims of the terrorist attacks through the establishment of a highly visible, accessible, and appropriate memorial. We share the feeling that is present throughout our country that we need to find ways to provide permanent reminders of the immense suffering and the sorrow caused by these tragic events.

H.R. 2982 would authorize the Secretary of the Interior to establish a memorial to victims of terrorism on land administered by the National Park Service in the District of Columbia. It would establish a seven-member commission to raise funds, determine a location, and select a design for the memorial, to be completed within one year of enactment of this legislation. The bill also provides for the Secretary of the Interior and the National Capital Memorial Commission to assist the commission in its work.

The Department has learned a great deal from its role as the Nation's keeper of our natural and historic treasures. We have the great privilege of preserving important patriotic symbols, such as Independence Hall and the Statue of Liberty. We also have the responsibility of preserving battlefields and memorials, places where visitors often come to mourn and reflect on the more difficult times in American history. Our experience working with these sites has taught us a few things that we would like to share with the Committee today.

One of the precepts of the L'Enfant Plan for the Nation's Capital was the creation of public spaces for the

commemoration of significant events and figures of the American experience. But, in the case of enormous national tragedies, we have found that commemoration seems most appropriate at the site of the tragedy itself. No memorial designed for placement in Washington, D.C. could capture the emotion and awe of visitors to the USS Arizona Memorial, lying where it was sunk in Pearl Harbor. The Oklahoma City National Memorial would not have nearly the power it has if it had been constructed anywhere else but at the site of the Murrah Building. The memorial landscapes of Gettysburg or Antietam National Battlefields still haunt visitors who contemplate what occurred there nearly 150 years ago. Indeed, people from all over the world continue to be drawn to these hallowed grounds to reflect on the historical events that took place at the sites or, perhaps, to pay their respects to those who lost their lives there. Last year, approximately 1.5 million people traveled to the USS Arizona Memorial and approximately half a million people visited the Oklahoma City National Memorial.

The way people traditionally mourn victims of catastrophic events by visiting the site of the occurrence reflects an instinctive public choice of the appropriate location for a memorial. We have certainly seen that instinct in the way people continue to make pilgrimages to the World Trade Center in New York City. We believe that the most powerful and meaningful way to honor the victims of September 11 in the form of a permanent structure would be by constructing a memorial at the World Trade Center, at the Pentagon and in Shanksville, Pennsylvania. And, efforts to do just that are under way. Legislation authorizing a memorial at the Pentagon which, of course, is on military property has already been signed into law by President Bush. In New York City, “the sphere,” a sculpture that survived the collapse of the World Trade Center’s twin towers, and a temporary memorial, the Tribute in Light, were unveiled last week to commemorate the six-month anniversary of the September 11th tragedy. We understand that the Redevelopment Authority and the State of New York are discussing plans to rebuild the office space and establish a permanent memorial at the site. At least one proposal to establish a memorial at Shanksville, Pennsylvania to honor the heroic Americans of United Airlines Flight 93 is being developed. The Department stands ready to assist in these efforts in any way it can.

We also have learned that a more meaningful memorial can be designed when the subject of a memorial is focused and defined, as is the subject of virtually every memorial located in the Nation's Capital. Although H.R. 2982 was introduced in the wake of the September 11 attacks, the only indication of the subject of the memorial is in the title, where it refers to "victims of terrorist attacks on the United States," and in the name of the panel, the "Victims of Terrorism Memorial Commission." The subject matter of this memorial could potentially include victims of every terrorist act throughout our nation's history, which would be a very difficult memorial to design.

The establishment of memorials in our Nation's Capital is governed by the Commemorative Works Act of 1986, which was passed by Congress to address the lack of guidelines for the subject matter, siting, and design of memorials, and the lack of a public process. Congress and the Department worked together to study the process, delineate responsibilities and define procedures. The process established by the Act ensures memorials in the Capital are erected on the most appropriate sites in the Federal City and are of a caliber in design that is worthy of their historically significant subjects.

One concern we have about H.R. 2982 is that it exempts this memorial from Section 3(c) of the Commemorative Works Act, which prohibits the authorization of a memorial in the District of Columbia on land administered by the Department of the Interior or the General Services Administration to an event, individual, or group before the 25th anniversary of the event or the death of the individual or the death of the last surviving member of the group. This is a key provision based on the premise that succeeding generations provide a more objective viewpoint when evaluating the most appropriate way to honor historical events or individuals of historical significance.

There have been several bills introduced in Congress for memorials in the Nation's Capital on land administered by the Department of the Interior or the General Services Administration that would have set

aside this time period requirement. Notable among them were proposals for memorials to the victims of the Tianannmen Square massacre, the Gulf War, the Space Shuttle Challenger, and the Pan Am Flight 103 terrorist attack (the Lockerbie Memorial). Congress chose not to pass any of these proposals. Only the Lockerbie Memorial was authorized, and it was authorized to be located on military property so as to avoid violating this provision of the Commemorative Works Act. The Space Shuttle Challenger Memorial and Gulf War Memorial were constructed on military property without a specific authorization from Congress.

If the proposed memorial is intended to be focused on the September 11 attacks, the 25-year stipulation may be particularly relevant because the events of September 11 have led directly to the current military engagement in Afghanistan. As in the case of Pearl Harbor, where our involvement in World War II ensued, the complete story of September 11 and the events it precipitated has yet to unfold. Therefore, a national memorial to September 11, authorized 25 years from now, might have a much different but no less poignant design and message from a memorial designed today.

We are concerned that H.R. 2982 contains conflicting provisions that would need to be remedied before this legislation proceeds. On one hand, the bill requires compliance with the Commemorative Works Act, except for Section 3(c) as noted above, and thus, requires approvals of location and design of the memorial by the National Capital Planning Commission and the Commission of Fine Arts. This process also ensures opportunities for public participation. At the same time, H.R. 2982 gives the Victims of Terrorism Memorial Commission the authority to determine the location and design of the memorial. We would urge the Committee to make the legislation conform to the process established by the Commemorative Works Act.

H.R. 2982 also does not provide a reasonable timetable for action on the proposed memorial. Within one year of enactment of the legislation, the Victims of Terrorism Memorial Commission would need to determine a location and final design for the memorial as well as raise funds for these activities. The average amount of time for site selection and design process for a major memorial in the Capital is 4-6 years

after authorizing legislation is enacted.

In addition, under this bill, the Secretary of the Interior is responsible for establishing the memorial and thus, must complete all tasks not specifically designated to the Commission, including the construction of the memorial. The Department is very concerned with this provision as it departs from the current practice in which Congress authorizes a specific commission or private organization to establish a memorial rather than the Secretary.

In conclusion, we urge the committee to give serious thought to the issues we have outlined above. The families of victims of the September 11 tragedy and all terrorist attacks deserve nothing less than our most thoughtful, careful, and thorough deliberation of where and how to memorialize their loved ones' horrific fate. As you consider how you may want to proceed, we will be ready to assist you in any way we can.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.