

able with it. Really it is working with the existing canopy and plant material, as well, and the entry circulation. We have looked at every possible choice.

CHAIRMAN BROWN: Thank you very much.

MR. DOUBECK: Mr. Chairman, that concludes our presentation. We are prepared to answer any questions that you or the Commission members may have.

CHAIRMAN BROWN: We want to hear, also, from others here who might want to testify. I think we have a member of Congress here who is eager to get back to a vote. Perhaps it would be appropriate to give him an opportunity to speak.

MR. HUNTER: Thank you. My name is Duncan Hunter. I am a member of Congress, but I am participating in this hearing as a Vietnam veteran.

I would like to speak in favor of Proposal "B".

Let me see if we have it over here. This is proposal "B". As you can see, the flag pole is behind the apex; the sculpture is facing the walls within the "V".

Let me tell you from the outset that I am not recommending proposal "B" because I think it is an esthetically superior design, although I do, and I am not recommending it because I think that the flag and sculpture has to be integrated into the memorial, which I do, also; I am recommending it because it is a result of a compromise that was made by

Vietnam veterans and by the VVMF, mediated by Senator Warner, on March 23 of this year that allowed this whole design and this whole program to go forward, and I would like to give you a little background.

I was asked to participate in this meeting. As you know, the reason we have a flag and a sculpture now is because there were some veterans in the United States, some organizations, a number of people, who felt that it was necessary to have a flag and a sculpture, and there was a great deal of resistance and, let's face it, and talk candidly, to the initial design, and there was at one time a number of requests sent to Secretary Watt not to approve the Vietnam Memorial. We all know that.

What happened is Senator John Warner sat down to try to mediate the dispute and try to bring some compromise that would allow this project to go forward, and he asked a number of Vietnam veterans to participate, a number of veteran organizations. We met on March 23 in a room near Senator Warner's office. Mr. Doubeck was present, Jan Scruggs was present, Maya Lin, the architect, was present, Mr. Cooper was present. Vietnam veteran organizations were present, veteran organizations such as VFW, American Legion, Amvets, and on down the line, were present at this meeting, and this meeting included a number

of people who had raised objections and who were presently asking Secretary Watt to hold up on the design.

The result of the meeting was that we decided to put in a statute and a flag, and another result of that meeting was that we took nominations and votes on locations of where the flag and the statute should be because, of course, location was almost as important as having the flag and statute, and I recall -- in fact, I feel like I have been there before because I recall Mr. Cooper, when the first nomination was made, and that was to put the flag and statute in an entranceway concept, Mr. Cooper got up at this meeting, and, in fact, I think with this very model, and spoke to this concept, and he spoke to putting the flag and the statute right where he has it before you today, and I think this is Proposal "A".

That nomination was made, it was voted on, and it was voted down. Another nomination was made to place the flag and statute, I believe, apart from each other again, not in the memorial. Finally a nomination was made, and I believe it was by Don Bailey, my colleague, who is a most decorated Vietnam veteran in Congress -- unfortunately, no longer with us, but a real friend of this memorial, I might add, because it was his participation in the compromise that helped to get the project going -- he nominated we place the flag at the

apex of the walls and we place the sculpture facing the walls, and I might add that this was voted on and we agreed to stand firm on this. Not a single member of this organization or any of the individuals I have named, or anybody else, stood up at this meeting and said I don't care what the compromise is, I am not going to live with it.

Following that meeting, we who had objections to the memorial withdrew those objections, and we told Secretary Watt go ahead, and I can remember myself, and I participated in the groundbreaking, and I went down and worked with Jan to turn over the ground, and I had no doubt but that this program would be accepted as was proposed and as was agreed upon by the Vietnam veterans. And to give you a little proof of what occurred here, I have a press release here -- it is not from myself, but is a joint press release put out by Senator Warner and Mr. Scruggs. I would like to read the first paragraph. This was March 24, 1982.

"Vietnam Veterans War Memorial compromise reached", Warner says. "Following months of debate and negotiation, a final design concept" -- final design concept -- "for the Vietnam Veterans Memorial to be constructed in Constitution Gardens has been approved, according to Vietnam Veterans Memorial Foundation President, Jan Scruggs, and principal co-

— sponsor of the memorial's authorizing legislation, Senator John Warner of Virginia", and he goes on to talk about the flag and statute. He says about the flag, "the flag pole to be placed atop the apex of the two walls". He speaks of the flag pole. And "the statute to be placed in front of the walls". And the reason he spoke to that was because we took nomination and votes, and I know Mr. Cooper won't dispute this, on where the flag and the statute should be placed.

So I am here before you today to simply ask that you remember that pure esthetics or availability of entranceways or whatever are not the only considerations we are here to look at. We should look at this agreement that was made, and, you know, of all of the people who objected to this memorial initially, and who had contacted Secretary Watt and asked him to consider holding up the project, not a single one of those people again tried to do that. Everybody that I knew held to this agreement, and I know that you folks surely must have known about Senator Warner's mediation efforts; you must have known we were having meetings, and what confused me to some degree, I must say, is that in the press release, which, of course, I got and I was concerned about it and followed the whole situation, Senator Warner says -- this is March 24 -- "This memorial configuration" -- this is after he describes

the flag as being at the apex and the statue facing the wall he says "This memorial configuration received near unanimous approval from veteran organizations directly involved in the project, as well as the three governmental entities required by law to approve all memorials in Constitution Gardens, the National Capital Planning Commission, The Commission of Fine Arts, and the United States Secretary of Interior, James Watt."

So I am here to ask you to remember the compromise, the agreement, and ask you to honor the compromise and agreement that was made on March 23 by the veteran organizations representing millions of veterans in this country, as well as the VVMF leaders, and I would ask you to go along with the proposal that places the American flag at the apex and the sculpture in the "V" facing the walls.

I am open for any questions. I would just say this is Senator Warner's description of events that took place during that meeting. If you have any questions about it, I would be happy to answer them.

MR. NETSCH: Mr. Chairman, as a matter of record, I find a misunderstanding here in the statement that has just been made. We are, as I understand it, responsible for a set of decisions through a proper series of meetings, public

open meetings, and the assumption that the Commission made an agreement in a private meeting is out of order with our procedures, and certainly out of order with any of the minutes that I know, so I just want the record to report that there seems to be confusion in that press release as to what actually happened.

CHAIRMAN BROWN: I think this is a question of historical record, and I think it is helpful, even if somewhat irrelevant, to be able to set it straight. I have to confess this is the first time I have seen this press release, which is on my desk here, and that it contains a phrase that the U.S. Commission of Fine Arts was a party to any such agreement or compromise is simply in error. We know errors are made, but it wasn't brought to us for our opinion. We never gave assent to it. The Congress, in its wisdom, passed a law which is very clear, very specific, that the design must be reviewed by the National Capital Planning Commission and by ourselves. I am sorry if this has caused confusion and difficulty, but it simply is not the fact. We were never a party to any such agreement, and to the extent one believes that an agreement could be reached without consulting us or bringing us into it, that is simply ignorance of the actual text of the legislation, and I think we have all experienced from our good friends who

enforce the law in traffic "ignorance of the law is no excuse". We simply are not worried by that because it really doesn't relate to us.

I think that the other points that you have made are ones which we will take very much to heart in our deliberations, as we focus on this. But I am very grateful to you for allowing us to set the historical record straight, because there was no consensus, no agreement, or no deal at all.

MR. HUNTER: I appreciate that, Mr. Chairman. I understand Senator Warner's press release is in error in that sense. The reason I brought it out is because the objectors to the memorial, people that have problems with it, felt they were entering into a compromise. And let's face it, if they hadn't come to a compromise, the project wouldn't go forward, because they said okay to Secretary Watt, go ahead and complete the thing. And I would like to say this press release may not have been known to you folks, but it was made available, literally, through the media, to millions of Americans, saying we got our statute and our flag and we have the flag at the apex; they are going ahead and it is great, and that is what I would like you to consider today.

Thank you very much.

CHAIRMAN BROWN: Thank you very much.



MR. HUNTER: Any other questions I would be happy to answer.

MR. NOVAK: Where is Senator Warner? Is Senator Warner here?

MR. HUNTER: I am not aware whether he was or not. I didn't see him come in.

CHAIRMAN BROWN: For further clarification for the record, because these are written documents, our only involvement at that stage was a letter from the Secretary of Interior saying he hoped we would consider the addition of these elements, and we wrote him back, and the text of that letter can be made available to anyone interested, saying that we would not rule on this matter in the abstract or apriori, that we saw every possibility that these elements could be added, and we added a paragraph in which we suggested that a fruitful location for such elements might be as grouped together to form some kind of entrance experience, but we had no preconceived ideas at that point would be bas-relief, would be very small or very large, and we were keeping an open mind all along. But the only official action that came through this Commission other than approving the design for the walls, as modified under our review, and finally built, and no other prior approval was given. So, just so there are no hard feelings and every-

body understands, we really were not involved in that process, except to the extent as stated in our letter.

MR. HUNTER: Understanding that, I wanted you to understand and realize what went behind the compromise, as manifested in scheme "B", and that was this agreement, which was a landmark agreement that allowed this whole thing to go forward, and I must tell you there will be veterans who will feel that they have been betrayed because, as I said, after that agreement was reached the word went out from the east coast to the west coast that that flag would be placed at the apex and the statute in the center.

Thank you.

CHAIRMAN BROWN: Well, we can all be thankful that the United States of America is governed by laws and not by press releases.

Thank you. Who do we have next?

MR. ATHERTON: Mr. Bailey asked, also, to make a statement, I believe.

CHAIRMAN BROWN: All right. Mr. Bailey.

MR. BAILEY: Thank you very much. I will try to be brief.

You know, if it hadn't been, I suppose, for the efforts of some of us originally, there would not be a statute,