DISTRICT OF COLUMBIA STADIUM ACT AMENDMENTS

HEARING

BEFORE THE

SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS AND PUBLIC LANDS

COMMITTEE ON
NATURAL RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 2176 AND H.R. 2702

TO AMEND THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957 TO AUTHORIZE THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A NEW STADIUM IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

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H.R. 2176 AND H.R. 2702, TO AMEND THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957 TO AUTHORIZE THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A NEW STADIUM IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

FRIDAY, NOVEMBER 5, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
SUBCOMMITTEE ON NATIONAL PARKS,
FORESTS AND PUBLIC LANDS,
Washington, DC.

The subcommittee met, pursuant to call, at 10:10 a.m. in room 1324, Longworth House Office Building, Hon. Bruce F. Vento (chairman of the subcommittee) presiding.

STATEMENT OF HON. BRUCE F. VENTO

Mr. VENTO. The Subcommittee on National Parks, Forests and Public Lands will be in order. Today we are having a hearing on two measures, H.R. 2176, which Congresswoman Norton introduced by request; and H.R. 2702 introduced by our colleague on the Natural Resources Committee, Congressman Faleomavaega.

The first measure authorizes the construction of a new stadium next to the existing RFK stadium in the District of Columbia. The second measure is identical to the first except that it prohibits the use of the stadium by any person or organization using a name that is racially or ethnically offensive.

Congressional legislation is necessary to provide for a new stadium because the lands involved are owned by the National Government and leased by the Secretary of the Interior to the District of Columbia for such purpose. Use of those lands is only authorized as stipulated in the District of Columbia Stadium Act of 1957, as amended. Any other use of those lands would trigger the reversion of the properties to the Secretary for administration as part of the National Park System.

Following the signing of a Memorandum of Understanding in early February between the District of Columbia and the Washington Football Organization, the subcommittee was approached about moving legislation to further amend the 1957 Stadium Act to enable the implementation of the agreement. I withheld making any commitments at that time because we had not been presented with any legislative proposal.

Nearly three months later such legislation was introduced. However, essential questions and data associated with the new stadium proposal were being reviewed as part of the required environmental analysis. Those questions and data needs were such that the proposed environmental assessment was changed to a more detailed environmental impact statement. I made it clear that the subcommittee would not consider legislation until the EIS was completed, all the information and facts could be presented to the committee. I did not believe it was appropriate to prejudge the EIS process.

Second, certain questions that I and others had had were being reviewed as part of the EIS process. Now that process is completed. I am told by the major proponent of the legislation, Mr. Jack Kent Cooke, that we are holding the hearing too quickly because the District of Columbia and Mr. Cooke have not finalized all the issues associated with their stadium agreement.

Mr. Jack Kent Cooke has decided not to come as a witness, explaining that such a hearing would, according to him, serve no constructive purpose, because he is convinced that the existence of too many loose ends precludes the possibility of reaching any definite decisions.

Having responded to Mr. Cooke's and other requests to hold the hearing on the legislation, it is unfortunate in my view that Mr. Cooke has forfeited the opportunity today to address the subject and isn't present to work with us and begin to address this matter. Jack Kent Cooke's absence does not help his advocacy. I do not intend to move forward with this legislation until we resolve the issues involved.

The questions from Congress that are most appropriate, the land-use pattern and the proper use of the National Park Service land, generally lead to the District of Columbia and to the Washington football team making significant decisions.

In the end, we should competently in a timely manner set forth the national public interest and the National Park Service policy regarding the proposed use of park land. Today I trust we will get answers and hopefully information in a timely manner to facilitate deliberate answers by the Congress.

[Text of the bill H.R. 2702 and background information follow:]

I

103D CONGRESS
1ST SESSION

H. R. 2702

To amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1993

Mr. FALEOMAVAEGA introduced the following bill; which was referred jointly to the Committees on the District of Columbia and Natural Resources

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A BILL

To amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Stadium Act of 1957 Amendments of 1993".

SEC. 2. AUTHORIZATION OF A NEW STADIUM.

The District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code sections 2–321 through 2–330) is

amended by adding at the end thereof the following new section:

"SEC. 12. (a)(1) The District of Columbia is authorized to use, for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993, a portion of the lands adjacent to the stadium constructed pursuant to section 2 (known as 'Robert F. Kennedy Memorial Stadium'), as generally shown on the map identified as 'Map to Designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No. 831/87306, for the purposes of constructing, maintaining, and operating, itself or through a third party, either public or private, a new stadium, or any replacement of a new stadium.

"(2) The use of the new stadium shall not be limited by the seating capacity, cost, and other provisions in section 2.

"(3) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the said portion to a third party, either public or private, for—

"(A) any use consistent with the use authorized by this section; and

"(B) any term not exceeding that which is authorized in this section.

"(b)(1)(A) Except for those lands used by the District of Columbia for the new stadium authorized by subsection (a), the use of the lands leased to the District of Columbia for stadium and stadium parking lots purposes pursuant to section 7(b) shall continue in accord with the provisions of that section subject to the provisions of subparagraphs (B) and (C).

"(B) The term of the authorized use of the lands leased to the District of Columbia for stadium and stadium parking lots is extended for a period not to exceed 99 years from the date of enactment of the District of Columbia Stadium Act of 1957 Amendments of 1993.

"(C) Nothing in section 7(b), or any lease or deed executed pursuant thereto, or in this section, shall be construed to limit the authority or ability of the District of Columbia to sublease or otherwise encumber the lands to a third party, either public or private, for—

"(i) any use consistent with the use authorized by section 7(b) and this section; and

"(ii) any term not exceeding that which is authorized in this section.

"(2) The responsibility and authority for construction, maintenance, and operation of the parking lots on

the lands leased to the District of Columbia for parking lots purposes is vested exclusively in the District of Columbia. Such responsibility and authority for the parking lots may be assigned by the District of Columbia to a third party under any sublease executed pursuant to the authority provided in this section. The National Park Service shall not be responsible for construction, maintenance, or operation of the parking lots, or any cost arising therefrom.

"(c)(1)(A) Except for the lands described in subparagraph (B), the land designated as 'Area F' on the map entitled 'Map to Designate Location of Stadiums and Lease of Parking Lots to the District', and further identified as National Park Service Drawing No 831/87306 (hereinafter referred to as 'Area F'), are leased to the District of Columbia. Such lands may be used by the District of Columbia, or any sublessee of the District of Columbia, for the stadium parking lots purposes specified in section 7(b), during the term of use of stadium parking lots authorized by subsection (b)(1) of this section, only for 'overflow' parking, that is not to exceed 2,000 automobiles, and only when all other stadium striped parking spaces are filled to capacity.

"(B) The area described in subparagraph (A) excludes that area of land used by the District of Columbia

for the new stadium authorized by subsection (a) of this section.

"(2) The use of Area F shall be in accord with the terms and conditions specified in an agreement between the National Park Service and the District of Columbia. The terms and conditions specified in such agreement shall be reasonable and necessary to ensure that Area F is maintained as grassed park land suitable for public recreational uses.

"(3) The National Park Service shall not be responsible for improvement, maintenance, or operation of Area F, or any costs arising therefrom.

"(d) The responsibility and authority for construction, maintenance, naming, and operation of the new stadium authorized by subsection (a) of this section is vested exclusively in the District of Columbia. Such responsibility and authority for the new stadium may be assigned by the District of Columbia to a third party, either public or private. The National Park Service shall not be responsible for construction, maintenance, naming, or operation of the new stadium, or any costs arising therefrom.

"(e) Notwithstanding the provisions of the Act entitled 'An Act to regulate the height of buildings in the District of Columbia', approved June 1, 1910 (36 Stat. 452;

D.C. Code 5–401 through 5–409), as stadium authorized by subsection (a) may be constructed if—

"(1) the design has been reviewed by the Commission of Fine Arts; and

"(2) reviewed and approved by the National Capital Planning Commission.".

SEC. 3. PROHIBITION ON THE USE OF CERTAIN DESIGNATIONS.

The District of Columbia is prohibited from allowing the stadium constructed pursuant to section 2 to be used by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of Native Americans or other group of human beings.

○

Background on H.R. 2176 and H.R. 2702
D.C Stadium

In 1957, Public Law 85-300 was enacted which authorized the construction of a stadium in the District of Columbia on federal land under the jurisdiction of the National Park Service. That stadium, completed in 1961 and now known as the Robert F.Kennedy (RFK) stadium, was designed for both baseball and football use. In 1979 the revenue bonds issued for the stadium's construction were repaid by the federal government, the District of Columbia and the Armory Board (the entity which manages and operates the stadium). In 1986, Congress enacted amendments (Public Law 99-581) to the 1957 Stadium Act to authorize the stadium's transfer (but not the land underneath it) to the city and provide a 50 year lease of the stadium land and surrounding areas. The law also included a clause that the stadium or the relevant lands would revert to administration as part of the National Park System if they were used for purposes other than those specified in the Act.

Discussions between the District of Columbia and the Washington Redskins Football Organization for improving or replacing the stadium have been ongoing for many years. Formal negotiations between Jack Kent Cooke, owner of the Redskins football team, and the District of Columbia began in 1988 and have continued intermittently since then (one interruption occurred when Mr. Cooke entered into ultimately unsuccessful negotiations for a site in Alexandria, Virginia). In December 1992 a tentative agreement between the city and Mr. Cooke was reached for a new "state of the art" stadium, with a formal but nonbinding memorandum of understanding signed in February 1993. The proposed 78,900 seat stadium which is to be located immediately adjacent to the existing RFK Stadium is to be designed primarily for football, with luxury box suites, improved sightliness, and additional parking. The District of Columbia and the National Park Service began an Environmental Impact Statement on the project, with a Draft EIS released on May 14, and the Final EIS released on October 21, 1993. The EIS considered a No Action Alternative, a R.F.K. Expansion/Renovation Alternative and the Proposed Action: a New Stadium.

H.R. 2176, which Congresswoman Norton introduced by request, amends the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance and operation of a new stadium on National Park Service land under a 99 year lease. It transfers the responsibility and authority for construction, maintenance, naming and operation of the new stadium exclusively to the District of Columbia and authorizes the assignment of those rights to a third party, public or private. Provisions are also included related to parking and height limits for the stadium.

H.R. 2702 introduced on July 21, 1993, by Congressman Faleomavaega is identical to H.R. 2176 with the addition of a Section 3, which prohibits the stadium to be used by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of Native Americans or other groups of human beings.

Mr. VENTO. Mr. Thomas, do you have an opening statement?

STATEMENT OF HON. CRAIG THOMAS

Mr. THOMAS. Thank you, Mr. Chairman.

This is the first Friday I have been here for some time. I am interested in the issue. I am interested in hearing the testimony that will be presented here today. I must confess that this hasn't been something that I have followed for a very long time and I don't have my prejudices arranged so it will be interesting to read about it.

I have a couple of basic philosophies. One is that I think people who live closest to some of these public lands ought to have a major role in deciding how they are used. I not only argue this in this instance, but particularly in the West. I know the public lands belong to everyone, but the people who live closest are impacted and ought to have a significant role in determining how these things are used.

Depending on your view, the issue is tilted towards trying to micromanage from the Congress to local areas. Speaking of the West, of course—and I am not sure of this arrangement. I know for a very long time that these lands generally are being used for local purposes and have not been a revenue source to the Federal Government. Nearly everyone in the Congress has insisted lately in various ways, whether it be grazing fees or other kinds, that there be some revenue. That may be something of interest.

The question of the naming I am not an expert on that either, but it seems to me that that ought to be a function between the city and the people that operate the team, and not an issue taken up by the Federal Government.

I look forward to the testimony and I appreciate the opportunity to speak.

Mr. VENTO. Congressman Abercrombie?

STATEMENT OF HON. NEIL ABERCROMBIE

Mr. ABERCROMBIE. Thank you, Mr. Chairman.

Mr. Chairman, I would like to say that as a Member with one of the longest commutes, save Mr. Faleomavaega out in Samoa and Mr. Underwood from Guam, we choose to live in the District. We consider ourselves citizens here in the District, our home away from home.

We pay taxes in the District, have great respect for the people who are doing the difficult job on the District Council. For example, having been a member of the City Council in Honolulu, I have great empathy and sympathy for them. I try to conduct myself here in the Congress in a way that exemplifies the philosophy that I have that we shouldn't try to substitute ourselves for the choice of the District voters with respect to their public officials.

However, there are Federal lands involved here, Federal policies involved here, and as Mr. Thomas has indicated, we have established particularly over the last couple of years the idea that where Federal lands are concerned and revenue is involved, that there may be user fees, there may be revenue sources that have to be tapped in order for us to be able to allow everyone to enjoy to the

maximum extent the advantages to the public in the utilization of Federal lands.

He also mentioned something I had written down here, grazing fees. I, too, regret that Mr. Cooke is not here because I wanted to ask him about what appears to me to be his own version of grazing fees which he wants to have paid to him for being able to graze as he will on Federal land to enrich himself.

I really of course have only been able to deal with it at a distance because it has to be filtered through newspaper reports. So I regret that he isn't here today. I don't see how he advances his case by not being able to explain why he wants to take parking fees away from little kids. That is something perhaps that he feels he has to do.

But I must say in conclusion, Mr. Chairman, I also believe that the question of the name, which is before us, is a pertinent issue to be resolved. As someone who is a minority myself, the overwhelming majority of my constituents are not Caucasians or as they are known in Hawaii, they are not Haoles, as they are known in Hawaii.

Haole is a Hawaiian word that used to mean stranger from afar. It has now come to mean Caucasian and is usually preceded by a couple of colorful adjectives. My constituents have not necessarily dropped the adjective, but they haven't dropped me either. So I appreciate that.

My point is that I understand only too well what affirmative action is, being the recipient of it, and serving in this Congress. So I believe that issue is pertinently before us.

With that, Mr. Chairman, I look forward to the testimony. I can assure you that should the ultimate result be that the Congress is requested to help the District with perhaps the financing or expansion of the present stadium, I for one would be more than happy to aid and assist in that project.

I have been to RFK on many occasions. I have enjoyed myself there. I think it is a well-run operation. I live close by. They provide convenience in order to get to RFK. The Metro system operates terrifically to get people in and out of there efficiently, so I would like to see us aid and assist the District if it ends up with expansion of the stadium being a solution.

Mr. VENTO. Delegate Eleanor Norton has joined us, our Member of Congress from the District. Without objection, she will sit with the committee and we will recognize her for questions after other Members have been recognized.

Ms. Norton, do you have an opening statement this morning?

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

Ms. NORTON. Mr. Chairman, not an opening statement, but I would simply like to welcome the District's public officials and members of the community and all those who have been involved in this important issue.

I would like to certainly take the opportunity to thank you, Chairman Vento, for the extraordinary generosity you have shown to the District and to me in this matter. I am not a member of the committee, but the chairman has been extraordinary in the priority

he has been willing to give this issue that is not a central issue to this committee, but is certainly an issue of great importance to the District of Columbia.

I regret that Mr. Cooke nor his representatives have not seen fit to come this morning, especially in light of the way in which the chairman has gone out of his way to accommodate what I had understood from Mr. Cooke and his representatives was a matter that they wanted expedited.

To my own constituents, I need only say what is obvious. There are two important values involved in this hearing. One is a hometown team. Even when it is losing, we love it. It is the Redskins that unite us as nothing else in this city does.

It is imperative that we do all we can to keep the team here, but I believe there is another equally important value and that, of course, has to do with the surrounding communities and the surrounding environment. As I have told the community who has had difficulty with the project, I regard this as a problem to be solved—not a standoff.

The community also wants to keep the team here badly and has never taken the position that there should not be a stadium. I am sure that if people of goodwill and great intelligence, as is the case in the District of Columbia and on this committee, work together, a solution satisfactory to all can be achieved.

I would like to thank Chairman Vento for his extraordinary generosity and work on our behalf.

Mr. VENTO. I thank you for your kind comments. This will be a meaningful hearing I am certain because based on the presence of Members and the cooperation of almost all the community in terms of dealing with it, you have an extraordinary responsibility, an unusual decision for us and an extraordinary responsibility for you to represent the District in Congress on matters such as this.

You have done a great job. We want to work with you in terms of trying to outline what the problems and hurdles are and certainly this hearing will bring those more in focus this morning.

We are pleased to welcome a subcommittee chairman that works on Native American affairs, a distinguished Member of Congress, a Whip of the Democratic Caucus, an able Member from New Mexico, Congressman Bill Richardson.

STATEMENT OF HON. BILL RICHARDSON

Mr. RICHARDSON. Thank you for holding this hearing and for your courtesies. Mr. Chairman, I come as you mention to this hearing as the chairman of the Native American Affairs Subcommittee in the House and as the Member of Congress with the largest Native American Indian population of any House Member.

At the start, I want to express a couple of concerns I have with this legislation. H.R. 2176 and H.R. 2702 authorize the building of a sports stadium with a capacity of 78,900, including luxury sky suites and extended parking facilities. I am concerned about what this will do to the environment of the surrounding area. I want to make sure that all necessary precautions are taken to protect the area.

I also speak as a resident of the District of Columbia ever since I was elected to Congress.

My second concern relates directly to who will use the new stadium; namely, the Washington Redskins Football Organization. While the term "redskins" may not be offensive to most of the American populace or even to some American Indians, there are large numbers of American Indians who strongly object to the use of the term.

Moreover, they object to being portrayed on national television broadcasts by the "Redskins" team mascot as a dancing, shouting "brave" with "warpaint" on his face surrounded by feathers. Unfortunately, this is the stereotyped image of the American Indians that many Americans believe. Real pain and degradation is felt by the Indian people whose heritage is exploited in this way. I have asked several of my Native American friends as to the origin of the term "redskin." They tell me it began during a time when bounties were put on the heads of Indians. Hunters and trappers would bring pelts and furs to trading posts to trade for cash and goods. The trapper would tell the merchant how many fox pelts, raccoon skins, and redskins he had for sale. The skin of the Indian was needed to prove that an Indian was indeed dead and the red came from the blood during skinning. Terms used during this brutal time in our history should not be so casually and carelessly used.

I have heard many of the arguments for keeping the team name. Some say it "honors" American Indians. To them I ask, do you think it would be acceptable for me as a Hispanic to paint my face brown, put on a curly black wig and dance around the football field imitating racial stereotypes of African Americans?

Some say that Christians don't seem to mind the names of the California Angels and the New Orleans Saints. To them I say, when the day comes, and I hope I never see it, where their souvenirs include toy crucifixes, bibles and rosaries that are waved around each time the opposing quarterback is sacked and a team mascot dressed to look like an angry priest, minister or Pope runs onto the field and does a little dance, I think we would all be outraged. Name calling by skin color has been used to denigrate, never to honor. I see no reason why the American Indian should be the last victim of an era when racism and stereotyping were socially acceptable.

I serve as chairman of the Native American Affairs Subcommittee of the House Natural Resources Committee. I am proud of the work we do in that subcommittee and proud of the American Indian constituents I represent there and in my home State of New Mexico. The issue of sports teams using names or logos which depict any race of human beings is morally wrong.

I understand that the Washington Redskins franchise is a private corporation which conducts business in the District of Columbia and that as a sports team it has done more than most to bring unity to this diverse city, and for that I commend them.

I am a Redskins fan big time. The question here today is what role will the Federal Government play? This government must be the defender of rights of all American people. We must continue to stand against those who would discriminate against or insult a minority by the use of derogatory names or terms which are offensive. My friend and colleague, Senator Ben Campbell, has introduced legislation which would not allow the stadium to be used by any

organization which exploits any racial or ethnic group. I am a co-sponsor of the House version of that bill, H.R. 2702, sponsored by my friend and colleague Eni Faleomavaega.

I believe that we should take a stand and say that Federal lands will not be used in demeaning or degrading any group of human beings. This will leave no question as to what Congress and this Nation stands for.

Mr. Chairman, I think a name change is long overdue here as well as other similarly named teams around the country, and I challenge the Washington Redskins Football Organization to come up with a name befitting a team which represents the Capital of the Free World.

Thank you.

Mr. VENTO. I thank the gentleman.

We are very pleased to welcome a long list of distinguished witnesses which is led by a former member of the committee and now a member of the United States Senate. We are very proud of his role both in this committee and representing Colorado and his work in the United States Senate, Ben Campbell.

We are also pleased to welcome our colleague and friend that continues to serve on the committee, Eni Faleomavaega, a member of the Natural Resources Committee of the House.

Did you have a scheduling problem?

Senator CAMPBELL. He has a tighter schedule than me. I yield.

Mr. VENTO. Both are members of the non-traditional necktie working group.

In any case, we are very pleased to welcome you both, sponsors of measures that deal with the name issue and the concerns you have about it. You want to yield to Mr. Faleomavaega, Senator?

All the statements of the witnesses, without objection, will be made part of the record. Hearing no objection, so ordered.

STATEMENT OF HON. ENI F.H. FALEOMAVAEGA

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I want to thank the good Senator from Colorado for allowing me to testify before him.

I would like to offer my personal welcome to my good friends Congresswoman Norton for being here with us on the committee and the chairman of the Subcommittee on Native American Affairs and my good friend Mr. Thomas from Wyoming; and also the gentleman from Hawaii. It is always a pleasure to see him in our committee.

Mr. Chairman, since the introduction of this bill, I have heard from people who have said that changing the team's name would hurt team morale and dampen the fans' enthusiastic spirit. I don't believe this is true. I personally am a strong supporter of the Washington team. My cousin is a member of the football team. My other cousins also previously played for this NFL team in years past.

Mr. Chairman, as a member of another minority, I am personally offended that the name of the football team in our National Capital perpetuates a negative stereotype of all Native Americans.

What does the word redskin mean? According to the *American Heritage Dictionary*, the term redskin is "an offensive slang used as a disparaging term for a Native American."

The *International Journal of Verbal Aggression* describes the word redskin as "an insulting word now seldom used, except in connection with the Washington Redskins Football Team."

The Washington team is not alone in this stereotyping and promotion of racial insults. Sportswriters and writers in general must share heavily in this sordid practice which has become part of our American landscape. They engage in institutionalized racism as though manifest prejudice was a behavioral doctrine to practice at the game.

Some of these writers feel, as some fans do, that it is their inherent right if not their duty to carry on as others have done before them. A classic example of this was in a September 26, 1993, article in *The Washington Times* by Emmett Tyrrell. The article was a malicious attack on Senator Ben Nighthorse Campbell and his efforts to fight this last bastion of institutionalized racism.

According to Mr. Tyrrell, those of us representing minorities along with Senator Campbell "step into America's phony world of minority rights which has evolved from a series of legitimate complaints into the present humbug governed by charlatans."

In addition to Senator Campbell, other charlatans described in the article include the Reverend Jesse Jackson and Lani Guinier whom he mockingly describes as being half-Jewish.

Have we not done enough, Mr. Chairman? In addition to stealing Native American land, yes, even exterminating whole tribes from the face of this planet, must we once again turn the other way and pretend the term redskins is merely an innocent name for a football team? What would Mr. Tyrrell and those who think like him say if the team was named the Washington—excuse the expressions, Mr. Chairman, but I really want to hit home with what this means to Native Americans—what if it were called the Washington Niggers or Spics or the Washington Savages or the Washington Japs, or the Washington Wetbacks or Wops or Krauts or Pollacks?

Mr. Chairman, to the American Indians, the term redskins means exactly the same thing. I am grateful that many Americans share my concern that the term redskin perpetuates the stereotype image of American Indians as an inferior human being. I am surprised that the current owner of the team, Jack Kent Cooke, has said in past interviews that there is nothing in the world wrong with the use of the name Redskins.

This is the same team that in 1961 while under different ownership was forced by several Congressmen and then-Secretary of the Interior Stewart Udall to integrate the team and allow African-American players to play on the team with the threat that unless the team was integrated the current RFK Stadium would not be built on the Federal land.

I am not alone in being offended by the continued use of a racial slur as the official name of the Washington, DC, football team. United States Senator Ben Nighthorse Campbell, an American Indian, replying to those who have asked, "What is the big deal over the name Redskins—team names are only symbols!" has rightfully pointed out, symbols are an important part of our country's tradi-

tions. Our American flag and our Statue of Liberty are examples of symbols we revere because they represent the values of our Nation. Washington, DC, Mayor Sharon Pratt Kelly recently said that "As an African-American, I know how I would feel if I heard something equivalent." I think that we as a people who have been traditionally disrespected have an obligation to be in the front line to support others who have also been disrespected.

Mr. Chairman, I understand how important the Washington team is to the city and its fans, and H.R. 2702 supports the transfer of Federal lands to build a new stadium next to the existing stadium. However, H.R. 2702 also prohibits the District of Columbia from allowing the stadium to be used by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of Native Americans or other groups of human beings.

Mr. Chairman, I would like to thank my colleagues in the Congress for recognizing that, as the Nation's Capital, we should set the example by not being passive participants in perpetuating racial or cultural stereotypes. In particular, I would like to thank my good friend Senator Ben Nighthorse Campbell, who first introduced this bill on this issue, for his courage to end hundreds of years of discrimination and mistreatment of Native Americans.

To conclude, I would like to appeal directly to Mr. Cooke to do the right thing and change the name of the team. I am absolutely confident that should he decide to remove this curse, by this time next year perhaps, our Washington, DC, football team will be looking at a record of six and one and not one and six.

Thank you, Mr. Chairman.

Mr. VENTO. Are you going to recruit more members from Samoa?

Mr. FALEOMAVAEGA. I have appealed to my friend Mr. Campbell that we need more Jim Thorpes and Sonny Sixkillers.

Mr. VENTO. We are pleased to welcome Senator Ben Nighthorse Campbell.

Mr. ABERCROMBIE. Mr. Chairman, before the Senator proceeds, we have to state our conflict because we are the sole members of the long-haired caucus as well. As you can see, we are practicing integration with that. My only argument is he still has all his on top.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, A SENATOR IN THE CONGRESS FROM THE STATE OF COLORADO

Senator CAMPBELL. Thank you, Mr. Chairman.

I look back to the many issues we worked on together when I was a member of this committee and I am happy to be able to come back and share a few thoughts with you and thank my soul brother here, Eni, for his comments and certainly Congressman Richardson, who has a wonderful insight into a much deeper problem for this name business.

I am here, I might say, as a former athlete and avid sports fan. I am in wholehearted support of the Federal Government extending the lease of ground to Washington, DC, for the use of a team and in fact in helping finance it if that is what it takes. I am here to speak on the one section of the companion bill of H.R. 2702, the one I introduced in the Senate, that Mr. Faleomavaega has intro-

duced here, and that section deals with a word that is considered an ethnic slur to any minority. I repeat the word "any" also because I think it is an extremely important word.

I am not out to get the Redskins. I know there have been editorials saying that. I hold them no grudge. I wish them great luck. I have great admiration for them. I would like to see a better season. They are a terrific team, and I have great respect for them as a team, but they have a bad name.

Every person in this country is an individual from whose ethnic group stems a derogatory, insensitive and often vulgar name, Italian-Americans, Jewish-Americans, oriental Americans, black Americans, African-Americans. I think that is a word more commonly used now, Hispanic-Americans, too. For Native Americans, terms like buck and squaw and savage and redskin, those would be included in what we consider to be derogatory.

Let me draw an analogy, and I need to apologize to my Hispanic friend on the committee, Bill Richardson, my close friend, to people in the audience and to my African-American friends, too, because they are offensive terms and I find them just as offensive as any American would. But I think in a broader sense I might mention that in the Senate we are working on the crime bill, and a good portion of that bill already discussed is hate crimes. No question that there is a relationship between hate crimes and negative stereotyping.

The terms, if I can use an analogy with Hispanic-Americans, there are terms Spic and greaser, two highly offensive terms. They ought to be highly offensive to any American, in fact. They fly in the face of equality and fairness and justice, too, and certainly equal opportunity.

As Bill Richardson has already mentioned, if you named a team that in Washington, DC, on land owned by them as American taxpayers, unlike private land on which a stadium might be built, I think they definitely would have a reason to get angry.

There are some that say that we named the team Redskins to honor you. That has been touched on, too. Congressman Richardson answered that one very eloquently. A slur is determined by those being called a name, not the ones who are calling it, and to use the word honor to define a negative stereotype is ludicrous.

When you see signs in some States still that say "No dogs and Indians allowed" and signs in some States that say "Save a salmon. Spear an Indian," you can see how angry Indian people get at any negative stereotyping.

Let me address the other often-used defense for keeping that name. There will always be someone that says "I am part Indian and don't mind being called buck, squaw, redskin, fill in the blank." To that I would answer by using the African-American experience.

If you asked every African-American in the United States if they mind having a team called Washington Darkies or something of that nature, you might find one or two that don't mind. They either don't know what it means or they are receiving some personal benefit not to mind. But the vast majority of African-Americans darn sure would mind, and I believe would rise up en masse if any team were named in their so-called honor using a slur word.

It shouldn't be any different for American Indians either, Mr. Chairman. These teams are not even in the same category as the Chicago Blackhawks or Florida Seminoles. They are much, much worse.

I believe if Mr. Cooke had sat down years ago with Indian people to try to find some kind of Indian name that retains the dignity of Indian people, they might have been able to work with them, but he has refused to do so, and you mentioned that in your opening statement.

Let me touch on the justification for using derogatory names, because public opinion polls support such use. I got a letter from Mr. Cooke about three months ago, and that is the gist of his letter. He says fine because the public opinion polls don't want the name changed.

Mr. Chairman, if you took a poll in the South in 1800 on the question of slavery, it would come back overwhelmingly in favor of slavery. If you took a poll in 1900 concerning the question of women's right to vote, I think it would probably have come back opposing women's right to vote.

The question is this, Should public policy be determined by polls, particularly when they are wrong? The Constitution of this Nation was devised so that the rights of the minority would be protected from the passing whims of the majority. Just because a 1800 poll might favor slavery or a 1900 poll might deny women the right to vote, these results don't make either one of them morally right.

In those days in fact, maybe some women would have opposed their own right to vote and maybe some slaves in isolated instances might have benefitted from slavery. I don't see my opposition to using an ethnic slur as an assault on anyone's First Amendment right.

This is public property as has been mentioned. If it was private property, I don't know, maybe there would be a court case. Maybe they would have some right to call it anything they wanted, no matter how offensive, but this isn't private property. It belongs to everyone in this room, everyone in this Nation, and I think that we have an obligation in our contractual lease agreement with public lands to stipulate certain conditions.

So I ask, Mr. Chairman, is subleasing, is cleaning up the contaminated ground on this particular piece of land, or is the size of the parking lot or is the rental fee of the concessions or are the profits more important than the hopes and dreams and aspirations and pride of future generations of children who are stereotyped by insulting racial slurs?

I think they are not more important. On behalf of millions of American Indians and those of Indian ancestry, I ask for your help.

Mr. Chairman, I would like to, with your permission, introduce in the record a number of items: One a resolution from the National Congress of American Indians. These are all related to the question of using ethnic names. Also there is a letter from the National Indian Educational Association; a letter from the United Indian Tribal Youth, and an accompanying resolution; a letter from the United Indian Nations of Oklahoma; a resolution introduced by DC Councilman-at-Large William Lightfoot to the DC Council on July 2, 1993; a letter from the American Jewish Committee from

the Minneapolis and Portland chapters; a *Washington Post* article by the writer Coleman McCarthy, dated February 20, 1993; a *Denver Post* editorial that supported the name change; and three articles that appeared in the April 1993 edition of the *Journal of Sport and Social Issues*; and a resolution introduced by State Senator Jeff Johnson of Ohio that basically does the same thing.

Mr. VENTO. Without objection, that will be made part of the record. Hearing no objection so ordered.

[EDITOR'S NOTE.—These documents follow in the appendix.]

Mr. VENTO. Senator Campbell, Congressman Faleomavaega apparently has had to leave. I couldn't be more proud of the way that you have taken on this issue. I think it is important to understand that as a congressman, a Member, Senator Campbell has had this issue as the sole Native American I believe serving in Congress and in the Senate.

When he came into this committee room, he saw some paintings on the wall. There was one that was not quite as passive as what we are looking at today, and Senator Campbell methodically, I think quietly, worked with then-Congressman Udall and others to point out that, while they were done by a famous American artist and had great value and were significant in terms of the art world, these paintings also came from a mind set that left an impression about the Native American people which was offensive.

The one painting no longer graces the walls of this committee room. Similarly, I referred to the bolo tie, the neckwear, the jewelry that Senator Campbell is synonymous with as a famous artist in his own right. The symbolic nature of the tie he wears, he worked with the Speaker to deal with that.

I represent some Native Americans, our great State of Minnesota has a significant Native American population as you know. After all of the issues that they faced I think they have waited quite patiently for our State and others to address various rights, various sensitivity to the differences in culture which today persist and manifest themselves as numerous problems in terms of urban presence as well as their traditional presence in our State areas. I am with you. I would hope that we can work on a process.

A further comment: As I was visiting in Central Europe during the transition from Czechoslovakia, specifically with Mr. Havel, we talked about the work that they had to do in terms of having a pluralistic society. Of course, they are all Caucasians of similar religious faiths, but coming from different ethnic backgrounds. The concern was that people with different ethnic backgrounds, language, et cetera, had a very difficult time.

I think that the real key to the success of our Nation has been the ability of people, not just from different ethnic backgrounds, but racial and other backgrounds, to come together and work on a common problem. As Yogi Berra was fond of saying, "If you would like to be the Mayor of Dublin, it could only happen in America."

The reason is that there has been a lot of tolerance on the part of the Native American people, but I think we are at a point where we have begun to extract these things from our culture. It can't be part of our culture to use derogatory names to identify teams. That is something that has to occur in terms of bringing about and

eliminating from our culture, exorcising these things that are patently offensive.

It is hard, I think, for many that have existed in the past. I don't believe that anyone conjured up or intended a racial offense in terms of utilizing some of the names, but I think in 1993 we have to remove that, and this is a vehicle to do it.

This is obviously a sledgehammer-type approach, but we need to get across that message and I hope you will engage yourself, Senator, and others, in terms of trying to work through that process so it is opened up. I think you have begun that.

This impressive list of materials that has been entered in the record speaks for itself in terms of where our Nation is going and where we want to go and we have to call to account even the sports business enterprise to take up the challenge of human rights, of individual rights of people, and that is what you are doing.

I respect you for the work that you are doing in it. I am committed to work with you on it to a purpose of dealing fairly with this issue and with the District of Columbia and with the Washington team.

Senator CAMPBELL. You make an interesting analogy. In 1986, when all those pictures were up there—three now remain—when I asked Chairman Udall if we could remove that painting because it was so offensive to Indian people, I think he realized that when it was painted in 1910, it was appropriate. It wasn't appropriate in 1986, and it is in storage someplace.

Maybe when the Redskins were originally named the name, whoever did it didn't know what it meant. It is not appropriate in 1993. Even though I took heat in 1986 from the art community, who said I was trampling on First Amendment rights, freedom of speech, that was wrong. You always have to judge someone's rights against someone else's rights.

We continually do that, smokers and nonsmokers as an example. Somewhere along the line you have to come down on the side of what is fair and right for this Nation that draws people together. We are either one Nation of many kinds of people or we will be many individual groups that all hate each other.

Mr. VENTO. It is great for the State of Colorado and for the Congress that you have raised this question. I think it represents the views of the American people, where they want to go. That is why we will be able to work together for a bright future.

Are there any questions of the Senator or comments?

Thank you very much then.

We are pleased to welcome the regional director who has been doing an outstanding job of the National Capital Region. It is a very tough region of the Park Service. He has to put up with more congressmen than anyone else, Bob Stanton.

Mr. STANTON. This is Mr. Parson, our associate director of land use.

Mr. VENTO. Your statement, Mr. Stanton, has been made part of the record. You can proceed to summarize or read the portions that you feel are most relevant.

STATEMENT OF ROBERT STANTON, DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY JOHN PARSONS, ASSOCIATE DIRECTOR FOR LAND USE, NATIONAL PARK SERVICE

Mr. STANTON. Thank you, Mr. Chairman and members of the subcommittee. I appreciate the opportunity to provide your subcommittee with the views of the Department of Interior on H.R. 2176 and H.R. 2702, two bills to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance and operation of a new stadium in the District of Columbia.

We expect to be able to support H.R. 2176 if arrangements for adequate mitigation measures representing the EIS can be finalized. We look forward to working with the committee to complete these arrangements.

H.R. 2176 and H.R. 2702 are identical bills except for the addition of section 3 in H.R. 2702 which I will address later.

The District of Columbia Government and the Jack Kent Cooke organization have concluded negotiations and now jointly propose to construct a new football stadium on the paved lot just north of RFK Stadium.

Both H.R. 2176 and H.R. 2702 would authorize the construction, maintenance and operation of a second stadium within that land area legislatively designated for use for stadium purposes and stadium parking since 1957.

In 1944, Congress passed a joint resolution establishing a commission to locate a suitable site for an athletic stadium, obtain a design, formulate a method of financing the project on a self-liquidating basis and make a report to Congress. The ultimate result was passage in 1957 of the District of Columbia Stadium Act which was enacted to provide the people of the District of Columbia with a stadium suitable for holding athletic events in a structure with a seating capacity of 50,000.

We believe that Congress has consistently determined for some 50 years this particular Federal land should be used for a stadium by a professional sports team under a contractual arrangement with the District of Columbia Armory Board.

RFK Stadium was completed in 1961 at a cost of approximately $20 million and has since been the venue of the national football franchise in Washington, DC, as well as two different Washington baseball franchises.

The original plan for the stadium predicted that revenues earned would be sufficient to cover the operating cost also, but the District of Columbia might have to advance funds to pay principal and interest on bonds which financed construction of the stadium. However, revenues were never enough to meet interest payments or redeem the bonds, so the District's budget became the main source of interest payments, approximately $13 million.

A Presidential Task Force on the District of Columbia Government was convened in 1977 under Vice President Walter Mondale. Among the task force recommendations was a plan for redemption of the stadium bonds, which resulted in a total Federal appropriation of $19.8 million in the District of Columbia Appropriations Acts of 1978 and 1979.

Prior to the pending bills, the most recent amendment to the Stadium Act of 1957 was enacted in 1986, which directed the Secretary of the Interior to convey the stadium—the RFK Stadium—to the District of Columbia Government and to lease the underlying land and parking lots to the District of Columbia Government for 50 years.

Once again, Congress enacted legislation which reinforced its original intent that this property was to be used for stadium purposes for the social and economic benefits of the District of Columbia, and people in the metropolitan area to attend professional athletic events.

While it is clear since 1957 Congress has intended that the property be used for stadium purposes for the social and economic benefit of the District of Columbia, title to the land has remained in the United States of America. Control of the improvements has rested with the District through long-term negotiated leases between the Armory Board and professional football and baseball teams.

In 1977, the Presidential Task Force reflected the view that local government should own and control purely local facilities within their jurisdiction, which was once again ratified in 1986 when title to the RFK Stadium was conveyed to the District of Columbia Government. There are no provisions in either H.R. 2176 or H.R. 2702 which would change the basic relationship of the Federal Government and the District of Columbia Government with respect to this land or the RFK Stadium or the proposed new stadium. Both provide for a 99-year lease agreement to the District of Columbia for the property set aside for stadium purposes in 1957 and extend the lease for the parking lots, currently 50 years, to conform to the 99-year term.

Unlike, however, earlier proposals for construction of a second stadium, H.R. 2176 and H.R. 2702 do not require the use of additional park lands within Anacostia Park. They do not use historic Langston Golf Course or Kingman Island for parking, nor do they propose to fill any portion of the Anacostia River, nor do they propose acquisition of any additional property in the neighborhood.

In cooperation with the District of Columbia Government, we recently completed an environmental impact statement with public participation which analyzed the potential environmental consequences of construction and operation of a stadium. The final EIS found that none of the alternatives studied, including the proposed stadium, would have significant unmitigatable impacts on the environment or the community. The final EIS has been provided to this committee to assist your deliberation on these bills.

The Department of the Interior, Mr. Chairman, will continue to play a role as this project develops, if it were to be authorized by legislation. The ultimate configuration of the site plan and the stadium will be reviewed and approved through the Federal land use planning authority vested by Congress in the National Capital Planning Commission, of which the Secretary of the Interior is a voting member.

At the time of drafting these bills, section 12(e) providing for a waiver of the Height of Buildings Act of 1910 was included as a contingency because there was no assurance of the exact height of the proposed structure. It is no longer necessary because the sta-

dium, as proposed, conforms to the requirements of the height legislation. Therefore, we request that the portion of section 12(e) that waives provisions of the Height of Buildings Act be deleted from the legislation.

H.R. 2702 is identical to H.R. 2076 with the exception of section 3, regarding the prohibition on the use of certain designations. The Department of the Interior deplores the use of language, names or symbols offensive to any racial or ethnic group, including Native Americans, for whom the Department has in several capacities a special trust responsibility.

Our primary responsibility in this testimony and as to these bills relates to the use and protection of park lands Therefore, we take no position on section 3 of H.R. 2702 at this time. However, at the Department we reiterate our view that the term redskin is offensive to many Americans.

Mr. Chairman and members of the committee, this concludes my testimony on behalf of the Department of the Interior.

I am accompanied again by Mr. John Parsons and also a representative of the consultant who, under contract with the DC Government, developed the environmental impact statement. We would be more than happy to respond to any questions or comments, Mr. Chairman, you or members of the committee may have at this time.

Mr. VENTO. Yes, thank you, Director Stanton, and we welcome Mr. Parsons as well.

You know, one of the phenomena here has been that there was some land that was under the national ownership within the District of Columbia; and at one point in time—I don't remember when, back some decades ago—almost all that land was transferred to the Park Service that was not otherwise being utilized by the National Government or being utilized by the District of Columbia at that time.

Is that correct, Mr. Stanton?

Mr. STANTON. This is correct. With respect to the creation, if you will, Mr. Chairman, of Anacostia Park, as we know it today, it evolved through a congressional act in the late 1890s—1898, thereabouts—that authorized the U.S. Army Corps of Engineers, through a reclamation project, to create a park land; and as they were developed, Congress authorized that these lands could be transferred to the Park System of the Nation's Capital.

If I may just for a minute explain, that was prior to the National Park Service, as an entity within the Department of Interior, having administrative responsibilities for park lands in the Nation's Capital. That came about through a reauthorization act during the Roosevelt administration in 1933, and all public lands that comprised the National Park System of the Nation's Capital then were assumed by the National Park Service.

Mr. VENTO. Some of these lands are basically park lands; some are not. This specific site here, the Anacostia site, was it specifically park land prior to being transferred?

Mr. STANTON. That is correct. Reclaimed, if you will, by the Army Corps of Engineers and transferred to the Park System in the Nation's Capital per legislation.

Mr. VENTO. That land is all filled in with dredge material and so forth. It was low-lying land and the purpose of owning that land was for recreational purposes, largely. There is nothing nationally significant there in the sense that there are artifacts or archeological or other historic materials; is that correct?

Mr. STANTON. All the land is reclaimed, sir, yes.

Mr. VENTO. It is all filled in. All filled with dredge material and other material?

Mr. STANTON. That is correct.

Mr. VENTO. So in terms of this particular area, it being a park, one of the purposes is recreational. The other purpose would be as part of the approach to the beautification of the District and part of the approach to the Capitol; is that also correct?

Mr. STANTON. That is correct, and also access to the river for recreational purposes.

Mr. VENTO. I am trying to gauge what the national interest is here. What is the purpose of this particular area? How large is this total area?

Mr. STANTON. What has been reclaimed as part of Anacostia Park is roughly 1,200 acres, sir.

Mr. VENTO. One thousand two hundred acres. So the portion we are talking about here that would be impacted by the most recent proposal—there was an earlier proposal and that is the RFK Stadium, and this proposal—and the Armory was also another impact on this area, the DC Armory. So now we are talking about an additional 19 or so acres that would be impacted on this 1,200.

Mr. STANTON. With respect to the bill before your committee, Mr. Chairman, it would not designate additional lands from Anacostia Park in support of the stadium operation or supporting activities, i.e., parking. So there would not be an increase to the withdrawal for recreational purposes of the park lands.

Mr. VENTO. There would not be. So what about the parking facilities and the other facility activities?

Mr. STANTON. The early proposal, as I pointed out in the testimony, Mr. Chairman, included designating, if you will, some of the acreage of Langston Golf Course for parking, as well as what we refer to as National Children's Island now. This proposal does not require any additional park land in those areas for the purpose of constricting or administering a second stadium.

Mr. VENTO. Can you explain the status of what is known as Area F?

Mr. STANTON. Area F is an area that is currently included within the legislation that sets aside the leased property to the DC Government. What we are proposing as a part of this area is that we would expand the area as a green buffer between the park and the river proper, which would be roughly 40–50 acres.

The agreement that we had discussed and as represented by the environmental impact statement, that would be the basis of a separate agreement between the National Park Service and the DC Government that we would allow on an overflow basis to have a green strip, if you will, used for parking. And we would not anticipate that would be the case more than two to three times in a calendar year.

Mr. VENTO. But the legislation does not accomplish that. That is done through what?

Mr. STANTON. Through a separate agreement between the DC Government and the National Park Service.

Mr. VENTO. I think it is important for the committee members to understand, if they act positively on the bill that is before us, we will set in motion a series of other events, such as this, which will necessitate the agreement to deal with the parking overflow and the needs of parking; is that correct?

Mr. STANTON. That is correct. And that is what is embodied in my reference that there are mitigation measures that would have to be finalized relative to the Department of Interior's ultimate support of this measure. And that would be one that would——

Mr. VENTO. Secretary Babbitt and Director Kennedy would deal with mitigation of what is to be done in terms of parking on this recreational area. You recommend 50 acres. I don't know that it would occupy 50 acres, but that is a question that is not yet resolved?

Mr. STANTON. That is correct. The agreement has not yet been developed and, of course, would be binding to all parties that would assent to that agreement.

Mr. VENTO. You have been in negotiation or communication with the principals?

Mr. STANTON. Yes.

Mr. VENTO. I assume the District of Columbia——

Mr. STANTON. As I pointed out earlier, we have just concluded with the environmental impact statement, which has been transmitted to the EPA, so there has not been much time between the filing of that to enter into substantive negotiation relative to mitigation measures.

Mr. VENTO. Can you explain why the Y partnership proposal for renovation and expansion of the existing RFK Stadium was so quickly disposed of in the environmental impact statement, the alternative to expand the existing stadium? Why was that so quickly disposed of and really not dealt with in any depth?

Mr. STANTON. Two considerations. One is the objective of the proposal that evolved from the negotiation between the District and the owners of the football franchise in terms of what they were going to accomplish relative to having a new stadium.

One is increase of capacity from the current capacity of 55,000 up to roughly 78,000. Also to create within the complex additional types of specialized seating, if you will: suites and what have you. That was one consideration.

The other is the basic configuration of the field. The configuration of the field in RFK is more in line, if you will, as I am advised, with baseball as opposed to football. The reconstruction would not necessarily get the necessary achievements in line.

The other was, I think, a consideration of cost. The estimated renovation of the current stadium is estimated roughly between $70 million to $110 million. And if that were to be the approach agreed upon ultimately by the District of Columbia Government, it is my understanding, Mr. Chairman, that would be totally financed with public funds on the part of the District and that the owner

of the franchise would not be agreeable to make a contribution to that end.

Mr. Chairman, I recognize that on the witness list there are others representing the Mayor and the District of Columbia, and some of the questions in terms of what was ultimately agreed, relative to the owner, I would defer to them.

Mr. VENTO. Yes, I understand that, but our concern here was to look at alternatives. Your suggestion, Mr. Stanton, that the EIS, in reviewing the Y partnership proposal, was that the principals did not agree on that particular, or did not have any consensus on that so, therefore, you did not pursue a full elaboration of the EIS with regard to that particular proposal, is of concern.

It is not my role to get into the negotiation here and tell people what is right or wrong in terms of this—but it had more seats, it had more sky boxes, and the amount of cost was actually less. Not necessarily if you say that, if you do that, I will take my marbles and go home.

Mr. STANTON. No.

Mr. VENTO. And my concern is why didn't the EIS more fully review that particular proposal?

Mr. STANTON. I would ask Mr. Parsons to respond further to that, and will also have a representative of the consultant respond.

There is one other point I wish to make, Mr. Chairman. In any event, if we were to go with the new stadium proposal or to rehabilitate the existing proposal, we would still have an increase in terms of parking demand and we would have to initiate mitigation measures relative to additional private vehicles, arrangements for mass transportation, what have you. So there are some common consequences that are reflected in the renovation proposal, as well as the new-built proposal.

Mr. VENTO. I would agree with that; that there are some commonalities.

Mr. Parsons, did you want to comment? Mr. Stanton invited you to do so.

Mr. PARSONS. Only to add, Mr. Chairman, that I think the criticism that you are voicing was very valid at the draft stage of the environmental impact statement. I think those that have reviewed the final document have found a much more thorough analysis.

I think the key finding here is that the environmental impacts of both proposals are very similar, and that was what Mr. Stanton was just referring to. The actual impacts on the environment from either proposal—from traffic, noise and other environmental concerns—are virtually identical. The visual impact is admittedly much different from a new stadium than from the existing.

Mr. VENTO. Well, of course, one of the consequences of this, if we were to go forward, based upon the type of recommendations that have been made, would be that the RFK Stadium would still be sitting there. Supposedly, I guess you could not have two events going on at the same time, practically. I mean, theoretically, you might be able to. But the real question is why were the HNTB/Devrouax & Purnell proposals the only ones used for comparison?

Mr. STANTON. If it is permitted by you, Mr. Chairman, I would be more than happy to have the representative from the consultant who developed the analysis comment specifically on that.

Mr. VENTO. Well, it is your EIS; it is not the consultant's EIS.

Mr. STANTON. I realize that, sir.

Mr. VENTO. If you have someone else that you have to call upon for assistance, that is fine. I guess we can try to get it submitted on that basis, but it just struck me after the length of time—I know there were some difficulties in terms of moving from an environmental assessment to an EIS, but it seems to me there should have been a number of frames of reference that would follow here.

Mr. STANTON. Thank you.

Mr. VENTO. Mr. Thomas?

Mr. THOMAS. Thank you, Mr. Chairman.

Mr. Stanton, help me remember. A year ago, or whatever it was, there was a problem with the Department in this arrangement. Indeed, they talked about going to Virginia. What was the problem with the Secretary and the Department?

Mr. STANTON. The early proposal, sir, included a request, preliminary request, to utilize some of Langston Golf Course to accommodate expanded parking as well as National Children's Island, and the Department of Interior took the position that no additional land would be dedicated in support of a rehabilitated or a new stadium.

Mr. THOMAS. I see. So under this proposal, that extension is not involved?

Mr. STANTON. That position is valid today, sir.

Mr. THOMAS. The land belongs to the Federal Government. The $20 million stadium, $19.8 million was paid by the Federal Government?

Mr. STANTON. Yes, per legislation. The Congress appropriated to the District sufficient funds to satisfy the indebtedness and, by the same token, authorized that the stadium proper could be transferred to the DC Government, with the land base underneath the stadium, the football field, if you will, the football field and the parking would continue——

Mr. THOMAS. This is a commercial enterprise. What does the Federal Government receive annually from owning the land and paying for the stadium?

Mr. STANTON. The legislation does not provide that there be any direct return to the Federal Government.

Mr. THOMAS. The answer is none?

Mr. STANTON. Congress chose not to stipulate that as a condition, sir.

Mr. THOMAS. This is a commercial enterprise. A successful one, I presume; is it not?

Mr. STANTON. I am not aware of the accounting of the revenues generated, sir.

Mr. THOMAS. Some of the players are fairly successful, in any event.

Mr. STANTON. Yes.

If I may, sir——

Mr. THOMAS. Yes.

Mr. STANTON. Relative to the operation and the revenues generated by the use of the stadium, the legislation again imposed no responsibility on the part of the Park Service or the Department of the Interior. It did stipulate we would enter into a 50-year lease

agreement for the parking in support of attendance to the games and other activities at the RFK Stadium.

Mr. THOMAS. Generally, then, this portion that is being talked about here is used exclusively for parking and for the stadium. And, indeed, for two stadiums, if this happens; is that correct?

Mr. STANTON. Yes. There is an agreement that has been struck between the DC Government—memo of understanding, I should say, between the DC Government and the Jack Kent Cooke organization relative to how the parking would be developed and administered if a second stadium were to be authorized.

Mr. THOMAS. My point is, it will all be used for this one purpose, basically?

Mr. STANTON. That is right.

Mr. THOMAS. The DC Government manages other parks, do they not?

Mr. STANTON. Yes. Very briefly, the National Park Service administers roughly 6,200 acres of park land within the District, contrasted with the DC Parks and Recreation Department, which administers roughly 700 acres.

Mr. THOMAS. Conceptually, it is used for this purpose, and the Federal Government has no role particularly in it, other than, I guess, to be a landlord. Why don't we just make arrangements to sell it or make some arrangements to transfer it to the District Government? A better question is, what role does the Federal Government have in this portion?

Mr. STANTON. Well, with respect to the current legislation, it is fairly clear——

Mr. THOMAS. I am not talking about the legislation. I am talking about conceptually what role. It is all used by this Jack Kent Cooke organization under the direction of the city. The city owns it. There is no Federal role in it, is there?

Mr. STANTON. No, other than the retention of the, as the chairman referred to it, the F Area. But it would be our thinking at this point—I have not had an opportunity to really study that question, sir—that there would be an interest in the Federal Government and the National Park Service to retain an interest in it relative to open space as a part of the Anacostia Park.

Mr. THOMAS. Open space? The parking lot is open space?

Mr. STANTON. The parking lot is open space in terms of the vista to the river and the buffer that we refer to in section F.

Mr. THOMAS. I understand, and I understand your role in it. It is an interesting concept, I guess.

There is an inherent desire on the part of the Federal Government to hang on to everything, whether or not it has any relationship to it. I come from a place where we talk about that a lot, as a matter of fact. So I just raised the question. I think it is kind of an interesting one.

Thank you, sir.

Mr. STANTON. I appreciate that.

Mr. VENTO. Mr. Abercrombie.

Mr. ABERCROMBIE. Thank you, Mr. Chairman.

Mr. Stanton, I see that many of the questions I think that need to be answered, answers to the questions that I have, will come from people who follow you.

Mr. STANTON. Yes, sir.

Mr. ABERCROMBIE. But, nonetheless, I want to make sure I understand something.

With the Department of the Interior, do you retain ultimate responsibility for this land? In other words, is this just leased now? Regardless of the terms of the lease, with respect to what the DC Council or anybody else is enabled to do in terms of making agreement, is it your ultimate responsibility, or your successor's ultimate responsibility, to administer this land, even if it is administering a lease?

Mr. STANTON. The use of the land would have to be consistent with the legislative requirements. Currently, the lease of the parking lot under the 50-year term, we have to monitor that to make sure that it is used as parking in support of a stadium and other activities. There can be no development of those properties or other uses made of them.

Similarly, if the legislation before us were to be enacted, the construction of a new stadium and parking, as specified in the land plan, would have to be monitored by the government in view of the fact that the land would still be the responsibility of the Federal Government.

Mr. ABERCROMBIE. All right.

Now, on page 3 of your testimony, you say, "Control of improvements has rested with the District through long-term negotiated leases between the Armory Board and professional football and baseball teams."

Is it the position of the Department of the Interior that the construction of this new stadium and any ancillary activities, like parking, constitutes an improvement and that, therefore, this is essentially out of your domain?

Mr. STANTON. It would constitute, in a broad sense, an improvement or a physical structure addition to the property. The facility would be constructed solely at the expense of the owners of the franchise, as well as the DC Government in terms of infrastructure. There would be no expenses borne by the Federal Government.

Mr. ABERCROMBIE. I am not so much trying to aim at the question of who is responsible for the expenditures right now. What is important for us, I think, on the committee, and consistent at least with my attempt to defer to the DC Government and the people in the DC area as much as possible, consistent with our responsibilities where Federal land is concerned, I am trying to determine whether or not it is the view of the Department of the Interior, both as a matter of law and as a matter of policy, that the construction of or the forbidding of the construction of either the stadium or any ancillary activities constitutes an improvement that is under the long-term negotiated lease that is between the Armory Board and any teams that use it. That is the important thing to me.

Because if it is, then I take a much different view than I might otherwise. It is very important for me to understand whether or not this, in effect, is something that is to be determined by the District and its subdivisions or whoever is designated by the District under the terms of the lease, and whether the Federal Government

essentially assumes a passive role in this, except to determine whether or not the terms of the lease has been violated.

Mr. STANTON. That would be correct, sir, relative to the second stadium.

Mr. ABERCROMBIE. Okay, that sets a much different perspective for me.

Mr. Parsons, I will defer to you because you are in the land planning area.

Is this a question of policy, and has this been determined legally? Has there been a legal determination made as to whether this constitutes an improvement under the terms of the lease and, therefore, absent some kind of violation of the terms of the lease from the point of view of the Federal Government, that the Federal Government has nothing to say about this?

Mr. PARSONS. I think I need some clarification. Or maybe I can state it this way.

As you probably know, we have no authority at the present time because Congress has not given us that authority to permit a second stadium. If the Congress then dictates that through this legislation—that is, the level of our discretion. We essentially haven't any. So if you're asking if we would determine that the new stadium that is proposed is an improvement under existing legislation, no.

Mr. STANTON. No, it is not permitted.

Mr. PARSONS. Nor do we have the authority——

Mr. ABERCROMBIE. Once that bill grants the authority, that designation would be out of the Department of the Interior hands and would be a question for the DC Government under the terms of the lease. And they would regard it as an improvement, with all of the stipulations that they might attach to that. Is that a correct interpretation?

Mr. PARSONS. We would be reduced to the design of the facility landscaping and other amenities such as that.

Mr. STANTON. And mitigation; right?

Mr. ABERCROMBIE. I only have a couple more questions, and then this will help me to form my questions to those who will follow you.

Let's take parking as one of the elements that you had to take into account, then, on this when you did the EIS. Most of this parking, does that come from people living in the suburbs? Does that come from people who live outside Washington, outside the District itself; is that why the parking is needed?

Mr. STANTON. There is tremendous attendance from those who live outside the District of Columbia proper to the game. I don't know what the percentage——

Mr. ABERCROMBIE. So those not paying taxes in the District of Columbia?

Mr. STANTON. That is correct.

Mr. ABERCROMBIE. Because if you were living in the District, you would probably get the Metro and go up there without parking, like I do.

Mr. STANTON. Yes.

Mr. ABERCROMBIE. Not necessarily, but a lot of people could.

Mr. STANTON. Metro serves the area.

Mr. ABERCROMBIE. Have any of the suburban areas said they would help to finance the stadium by paying taxes?

Mr. STANTON. The stadium proper would be constructed at the expense of the owner of the franchise. The related or supporting infrastructure, as negotiated between the owner of the franchise and the DC Government, would be borne by the DC Government.

Mr. ABERCROMBIE. Run that by me again, the last part.

Mr. STANTON. The construction of the stadium proper, privately financed; the infrastructure of bringing water, sewerage, utilities, roads, these kind of things to the stadium, would be borne by the DC Government.

Mr. ABERCROMBIE. What about, to go back to Mr. Vento's question, if you extended or reconfigured the present stadium? Would it be the same; the owner would pay and the District would be responsible for the infrastructure?

Mr. STANTON. My understanding is that the District would assume total financial responsibility for that improvement.

Mr. ABERCROMBIE. Is that because the owner does not want to do that?

Mr. STANTON. That is my understanding, sir. And the stadium is owned by the DC Government, per legislation.

Mr. Parsons had a comment.

Mr. ABERCROMBIE. Well, okay, I realize the DC people maybe can help, but you are giving me a perspective on this. In other words, the owners put a gun to the District's head and says, if you build me a new stadium, I will finance it, but if you want to reconfigure the other one, then I won't. And in the meantime, you have a whole bunch of people coming in here a few Sundays a year and demanding parking and everything from the District, and then they don't pay any taxes or will not be doing any of the financing of it. Is that right?

Mr. STANTON. A good assessment, sir, yes.

Mr. ABERCROMBIE. So the fees, then, from the park and all that, would have to go to offset the cost of both the infrastructure and the stadium cost; right? Fees that would come from parking, et cetera?

Mr. STANTON. With respect to the arrangements between the DC Government and the owner of the franchise, there are——

Mr. ABERCROMBIE. I am asking your understanding.

Mr. STANTON. My understanding is that fees collected from the parking would be collected by the owner and operator of the stadium. The owner of the franchise.

Mr. ABERCROMBIE. Would he own that stadium?

Mr. STANTON. Yes, for a period of 30 years.

Mr. ABERCROMBIE. Jesus. Please don't think I am giving you a bad time. I am trying to figure out—see, I want an outside observer; someone who has the ultimate authority to answer these questions. It is different from when the DC Government has its point of view, Mr. Cooke has his point of view. But you folks, in a sense, are standing on the side, you know, with the responsibility, and you are able to comment, and I trust your judgment is objective.

Ms. NORTON. Would the gentleman yield?

First of all, I want to say that this line of questioning indicates why it was important for the Cooke organization to be here. It cannot explain these matters if it does not show up at a hearing.

In fairness, though, I think it should be said that this would be one of the few stadiums in the country which is not paid for by public funds but paid for by the owner. I think, out of fairness, that I have to indicate that.

Mr. ABERCROMBIE. I understand that now.

Ms. NORTON. And I also would indicate that—the notion of the DC Government, of one stadium versus another stadium—the DC Government shares that because the DC Government apparently wants to maintain the present facility as well.

But again I say that it is no service to the committee or to the legitimate questions asked by the Member that the Cooke organization is not here to offer its version of the facts. I don't know enough of them to be able to step in every time there is a question like this, but I do feel a sense of fairness. And I am sure the District Government, when they come up, will clarify these matters better than the Park Service.

Mr. ABERCROMBIE. Well, I quite agree with Eleanor. I am asking the question—I have to ask you because you are here and the other folks are not here, so we have to deal with those people who are in front of us and willing and able to testify. I am just trying to determine that.

Although I must say, I am not impressed by the fact that somebody is putting up his money kind of routine. Hell, he has the money and he has the benefit from it. So that does not impress me any. Hell, he has the money and the District may not have it.

But, very frankly, I am more concerned about the District, and I am willing to help the District in any way I can. I believe that those folks do a terrific job all the way around.

Let me move, then, to the last question that I have.

Mr. Stanton, I am a little disconcerted by the paragraph of testimony on page 4 with respect to H.R. 2702; the prohibition on the use of certain designations area. You said you were testifying on behalf of the Department of the Interior. I believe I am quoting you correctly. I believe it was your final statement that that completed your testimony on behalf of the Department of the Interior.

And you have indicated in that paragraph on page 4 the Department has, in several capacities, a special trust responsibility with respect to Native Americans and other groups. You say that your responsibility in particular as to these bills relates to the use and protection of park lands. I agree with that.

But, Mr. Stanton, if you are speaking on behalf of the Department of the Interior, are you able to state today with certainty that Mr. Babbitt has no position on the question of H.R. 2702? Because if he has no position, then I take it that he acquiesces to the continued use of the name Redskins?

Mr. STANTON. As I stated in the——

Mr. ABERCROMBIE. I know your brain is revolving right now, thinking what do you say for Mr. Babbitt. I don't really expect you to speak for Mr. Babbitt, but I will tell you that part of your testimony is not satisfactory to me.

The Department says that you have the responsibility for use and protection of the park lands. Yes, I quite agree. But I don't think it is right for Mr. Babbitt to send you or Mr. Parsons here today to testify on H.R. 2702 unless he has given you the authority to speak for the Department of the Interior with respect to H.R. 2702, aside from your responsibilities with respect to park lands.

Mr. STANTON. I certainly appreciate and respect that comment, sir. As I pointed out in the testimony, we do deplore the use of any name or slogan that is offensive to any American, and we fully believe and know that the term Redskin is indeed offensive to many Americans.

I will further comment that it is the plan on the part of the Interior Department to take the position that we can communicate to the committee, but at this time I do not have the benefit of that.

Mr. ABERCROMBIE. Thank you very much.

Mr. Chairman, I would like to request that Mr. Babbitt be a little bit more informative to us as to what his attitude is with respect to H.R. 2702, and that Mr. Stanton be commended for running interference for him in a very effective way today.

Mr. VENTO. I think the message will get through.

We will submit a series of questions in writing to the Park Service, without objection, and to the other witnesses that are here. It is not possible for me to get through the entire list of questions. I feel an obligation to sort of lay out the groundwork in terms of talking about some of these general issues as well as the specific questions.

I don't believe the issue with regards to parking was satisfactorily resolved, because it is my estimation we are going to use 15 more acres of land in addition to the parking that goes on now. I think the whole arrangement with parking is interesting, because the DC Armory now contains or controls that revenue which they support their recreation programs with, which will no longer be available to them.

It is not a stream of revenue that is now present. In other words, for public benefit. Unless you assume that all the public benefit is simply in terms of encouraging Mr. Cooke to construct the stadium. I am certain that the basis on which we have conveyed that land was largely for public benefit purposes; is that right, Mr. Stanton?

Mr. STANTON. That is correct.

Mr. VENTO. In approving this, in a sense, and the Park Service, in approving it, is saying that it will continue to be for the public benefit by virtue of the revenue both around RFK and the revenue around the new area, the new parking areas, which will all be controlled, or largely controlled, almost exclusively by the Jack Kent Cooke organization. Ten percent set aside, I note there.

This raises a larger question, one that deals with, for instance, the general management plan for this whole area, which is park talk. I am certain to most it does not ring a bell, but with Mr. Stanton and Mr. Parsons it certainly ought to.

The Secretary of the Interior has, in fact, spoken on this particular issue and said he is totally supportive of an open, comprehensive planning and compliance process for each of the units of our National Park System. Specifically, the process should include

thorough public participation at all stages. He has directed Roger Kennedy, the Director of the Park Service, to deal with that.

Especially in light of that, we have been informed by the Sierra Club Legal Defense Club that they will be developing general management plans for each of the major concentrations of park land in the National Capital Region. I am wondering what the status of that mission is, Mr. Stanton, as we hear this morning.

Mr. STANTON. With respect to park planning within the District proper, we currently have two major plans under way, and I will be very brief.

Once is a comprehensive design plan for the White House and the immediate environs, which is The Ellipse and Lafayette Park. We are also upgrading the Development Concept Plan for the Washington Monument grounds to meet some of the critical preservation and traffic management needs.

We also have under way the monumental core plan to address how we can best accommodate the visitors, preserve the monumental resources, such as Lincoln, Jefferson, what have you, within that monumental core dealing with traffic problems. We requested as a priority some years ago sufficient dollars to carry out a comprehensive, updated—updated, I might emphasize—general management plan for Fort Circle Park, which would be better described as the Civil War defenses of the Nation's Capital.

Similarly, we had requested as a high priority funding at the national level to update the general management plan for Anacostia Park. That was completed in 1968, and there were subsequent development concept plans, totaling about ten, for Anacostia Park, and one I was personally involved with, I might add, in my first superintendency, was working closely with the communities in the District to convert an open dump, burning over 100 acres, to some of the most beautiful park land in Anacostia today.

So there has been a series of plans there.

Mr. VENTO. The concern is if you do not have a workable plan, then almost any particular proposal will fit into it—regional even—Mr. Stanton.

Mr. STANTON. One other point, if I may, relative to planning in the Nation's Capital, which differs from any other unit in the National Park System, is that the National Capital Planning Commission has been authorized and is so directed by Congress to be the principal planning arm of Federal lands in the Nation's Capital.

So there is an overriding, comprehensive, outdoor recreation plan or outdoor plan that speaks to how certain areas in Anacostia Park, as an example, might be developed.

Mr. VENTO. Well, specifically, the stadium project is one of several, involving both the District of Columbia and the National Park Service, as an example, with others including Children's Island, which is related in this area, the Barney Circle Freeway and the stadium issue. The concern is, all three of these are coming together and all of it is being done on basically national park land.

All of these are impacted rather significantly by the construction of this new stadium. The addition of 3,000 more cars amazes me, with the new subway system, the Cadillac system and other types, that we have to actually expand. This is rather surprising to me, the method, in terms of the revenue flows from the parking and

considering everything else that is going on in that area. I am very surprised we would be moving in that particular direction; that the Park Service and EIS would not take a stronger posture in favor of other methods of meeting that particular need.

I don't see in this particular EIS and in the testimony of the Park Service really something that ties these various disparate elements together. That is my role. This is our role. This is our jurisdiction. This is the work we do in terms of land planning here. I am telling you, unless the Children's Island issue, the Barney Circle and the stadium stuff is woven together—and I have not seen it in your testimony here today—unless those questions are resolved, it will be very hard to sell this particular issue.

It is not my job to decide what the negotiations are between the Mayor, the City Council and Mr. Cooke with regard to the other activities.

Mr. STANTON. I certainly appreciate and respect that point, Mr. Chairman. If I may, we would be more than happy to provide additional information relative to the status of those three projects. I might reference that Barney Circle and the proposed development of Children's Island, from its conception, has evolved into a development concept plan, which has been reviewed years ago by the National Capital Planning Commission.

But I would be more than happy, in further response to your question and concerns, which we certainly appreciate, to provide you with an outline of where those projects are.

Mr. VENTO. Well, I am not satisfied with the acreage questions, the parking, the 4,000 cars—I said 3,000 but it is 4,000 additional automobiles—the lack of utilization of the subway capacity and some of the other questions that relate to this particular project at this time. Those are big questions that remain in my mind. I will expect more detailed answers with regard to the cumulative impacts of these projects coming together in this area.

It is not just an additional stadium, it is all three of them.

Mr. STANTON. I appreciate that very much.

Mr. VENTO. And how they will fit together. I mean, you say this is an existing plan; this enhances it. I think really, to most of us, that does not fly in terms of the cumulative impact. I think that is really what Congressman Abercrombie was referring to in his statement.

Well, we have a long list of witnesses.

Did you have any other questions, Mr. Abercrombie?

Congresswoman Norton, did you have any comments or questions of the Park Service?

Ms. NORTON. Only one, Mr. Chairman. I recognize the Park Service is more of a bridesmaid than a major party here, although it has very substantial Federal responsibilities for the environment and surrounding community.

I would like to ask a question that only you can answer, and that is the status of the suit by the Sierra Club Legal Defense Fund which has been filed against you challenging the compliance through the EIS.

Mr. STANTON. We are in litigation on the action that has been taken relative to Children's Island. And with all due deference and respect, I would prefer not to comment on specifics because we are

in litigation. But certainly if there are specific questions we could respond to, we will do that.

Ms. NORTON. I want to know the status of the lawsuit. I didn't ask for any specifics. I didn't ask about the merits. It has been filed. I want to know where is it now; when will it be resolved?

Mr. STANTON. It has been filed. The deposition, or response on behalf of the Interior Department has been filed, but there has been no court decision made.

Ms. NORTON. Thank you, Mr. Chairman.

Mr. VENTO. Thank you, Mr. Stanton, for your efforts.

Mr. Parsons, we will look forward to the response, in detail, of the written submissions. They will be very important to have that concluded correctly.

Thank you, Mr. Stanton.

Mr. STANTON. Thank you, Mr. Chairman and members of the committee.

Mr. VENTO. We are pleased to welcome Mr. Robert Mallet, the City Administrator, the Deputy Mayor for the Operations of the District of Columbia.

Mr. Mallett, you have some associates you want to join you, and you may want to introduce them at some point, at the onset or conclusion of your testimony.

STATEMENT OF ROBERT L. MALLETT, CITY ADMINISTRATOR/ DEPUTY MAYOR FOR OPERATIONS, WASHINGTON, DC, ACCOMPANIED BY JOE BROWN, ENVIRONMENTAL CONSULTANT; VANESSA RUIZ, PRINCIPAL DEPUTY CORPORATION COUNSEL; MARIA DAY-MARSHALL, TREASURER, DISTRICT OF COLUMBIA; AND JIM DALRYMPLE, GENERAL MANAGER, DC ARMORY BOARD

Mr. MALLETT. Thank you, Mr. Chairman; good morning. And to the other members of the committee and Mrs. Norton, my delegate.

I am very pleased to be here today. My name is Robert Mallett. I am the City Administrator for the District of Columbia. I have submitted for the record a more lengthy statement; I would like to highlight some of the points in that statement. I thank you, Mr. Chairman and members of the committee for the opportunity to testify before your subcommittee.

In anticipation of this hearing, we have engaged in an extremely open process and have prepared for the most rigorous environmental analysis required by law. Our objective today is to articulate the merits of the proposed legislation, namely, extending the term of the District's lease with the National Park Service from 50 to 99 years and granting the District the authority to construct a new football stadium.

This, Mr. Chairman, members of the committee, is a good deal for the District, and I appreciate your concerns about it. This legislation will make possible an important economic development project for the District of Columbia, a district well in need of such projects. This project will provide the citizens of the District of Columbia a good deal with respect to our ability to secure private financing for the stadium construction with no expenditure of taxpayer dollars.

We would establish the awarding of 35 percent of the total cost of new stadium construction, contracts and subcontracts to local minority business enterprises. We would have District residents constitute at least 51 percent of all of the new hires for full-time and part-time jobs in connection with the design, planning, construction and operation of the new stadium. And we would retain a Washington, DC-only, professional sports franchise.

Furthermore, with the construction of the new stadium, the citizens of the District of Columbia will be able to realize expanded and enhanced open space along the Anacostia River shoreline; improved accessibility to the Anacostia River through landscaped pathways; a reduction in the amount of contaminant runoff into the Anacostia River as a result of improved storm water management, which we regard as an extremely critical situation for the Anacostia watershed; a landscaped open-space buffer along the immediate community's edge that would provide for a mix of active and passive recreation; a safer environment and community as a result of a comprehensive and thorough environmental process which benefits significantly from a vocal and fully informed citizenry, many of whom are represented here today.

However, just as important as this legislation is for the District, with respect to environmental impacts, this legislation will pave the way for $206 million in private investment to a depressed local economy—1,500 full-time construction jobs to a District economy which experiences the highest unemployment in the metropolitan region; 1,815 full-time jobs from indirect expenditures; and approximately $23 million in annual ongoing income from on-site, off-site and indirect expenditures.

It is clear, Mr. Chairman, that since 1957 Congress intended this property to be used for stadium purposes for the benefit of the District of Columbia. The DC Act of 1957 was enacted to provide the people of the District of Columbia with a stadium "suitable for holding athletic events." In today's economic climate, this proposed public-private partnership is consistent with the original intent of the Act.

Mr. Chairman, I have with me today Mr. Joe Brown, who is our environmental consultant; Ms. Vanessa Ruiz, the Principal Deputy Corporation Counsel; and Maria Day–Marshall, Treasurer of the District of Columbia, who can assist me in answering some of your appropriate and more detailed questions about the terms of the deal and environmental impacts.

As stated earlier, however, this week, in a letter dated November 3 from Mayor Kelly, there are several unresolved issues, which we are not in a position to discuss, related to the responsibility for soil removal, detailed site design, the final terms of the lease agreement, and the precise amount of the infrastructure bond to be issued by the District of Columbia as required by the Jack Kent Cooke organization.

We, too, like the members of the committee, Mr. Chairman, believe that this committee would have been aided mightily by the presence of the Cooke organization; however, that was not to be, but we stand ready to answer your questions.

Thank you.

[Prepared statement of Mr. Mallett follows:]

Congressional Testimony

Presented to the
Subcommittee on
National Parks,
Forests and
Public Lands

Presented by
Robert L. Mallett
City Administrator
for the
District of Columbia

Friday
November 5, 1993

Introduction

Good Morning Mr. Chairman and distinguished committee members. For the record, my name is Robert Mallett, City Administrator for the District of Columbia. On behalf of the District of Columbia, I thank you for the opportunity to testify before your subcommittee on National Parks, Forests and Public Lands in consideration of passage of HR 2176. Our objective today is to articulate the merits of the proposed legislation; namely extending the term of the District's current lease with the National Park Service from 50 to 99 years and granting the District the authority to construct a new football stadium. This important economic development project will be of great benefit to our city.

By permitting the construction of a new football stadium, this legislation:

- **will** provide for enhanced open space in quantity and character along our Anacostia River.
- **will** provide for $206 million in private investment to a depressed local economy.
- **will** provide 1,500 full-time construction jobs to a local economy experiencing the highest unemployment in the metropolitan region.
- **will** culminate an extensive environmental review process which benefited significantly from a vocal and fully-informed citizenry, many of whom are represented here today.

This legislation:

- **will not** result in the taking of private property.
- **will not** result in the disturbance of the Anacostia River or its existing shoreline.
- **will not** result in unmitigatable environmental impacts on our community.

As referenced earlier, the subject of today's hearing, HR 2176, is legislation that would modify the D.C. Stadium Act of 1957, as amended in 1986 (P.L. 99-581), by extending the lease of federal land under jurisdiction of the National Park Service from 50 to 99 years to the District of Columbia, and by granting authority to the District of Columbia to construct a new football stadium on said land. The football stadium will accommodate a capacity of 78,600 seats with modern spectator amenities and will co-exist with the current RFK Stadium on related parking facilities. The professional football franchise in Washington, D.C is committed to playing its home games in a stadium with an enlarged capacity and modern spectator amenities. The current home facility of the team, RFK Stadium, was designed primarily for baseball. It possesses a configuration and seating capacity (56,880) which does not lend itself to modern day football use. For these reasons, the corporations that operate the Washington NFL football franchise have offered to finance and construct a larger stadium designed primarily for football in Washington, D.C. with private funds.

Mayor Kelly and this administration have pursued retention of this city's NFL franchise with consideration of three goals.

First, the District of Columbia is the seat of the nation's capital, a point of destination and a major hospitality tourist town. Like any major city, we deserve and are determined to maintain Washington's **only** professional sports franchise within the boundaries of the city. As with any major city possessing a major sports franchise, substantial economic benefits accrue to the local economy. For the District this amounts to over $20 million annually in the form of revenue generated from District and out-of-state fans, visiting teams, restaurant and hotel patronage, visiting media personnel and positive media

coverage. There are also the social benefits in the form of civic pride in one's home team. As with other cities, the value of these social and economic benefits can best be measured by asking the city of Baltimore of its loss of the Colts to Indianapolis, the city of New York of its loss of the Jets and Giants to New Jersey, the city of St. Louis of its loss of the Cardinals to Phoenix or the city of Oakland of its loss of the Raiders to Los Angeles.

Second, for more than half a century the Washington football organization and the city of Washington have had a unique relationship. The local team is extremely popular. It has participated in five Super Bowls, has enjoyed successful winning seasons (until recently) and serves as a great institution, identifying and unifying this diverse metropolis like nothing else in the city. Because of the long-standing mutually beneficial relationship enjoyed by the team and the city, it has always been our objective to retain this significant football tradition and institution within the City of Washington.

Third, and most importantly, Mayor Kelly has always wanted to provide to the city of Washington with a "good deal". We believe we have achieved that in the form of an agreement with the franchise in :

- Securing private financing for stadium construction;
- The awarding to local Minority Business Enterprises (MBE) contracts and/or subcontracts whose dollar value is at least 35 percent of the total cost of new stadium construction; and
- Having District residents constitute at least 51 percent of all new hires for full-time and part-time jobs in connection with the design, planning, construction and operation of the new stadium.

It should be emphasized that in return for accomplishing these goals, the District of Columbia will be expending **not one dollar** of taxpayer dollars.

Now, with the assistance from our co-sponsor the National Park Service, representatives from the Stadium Armory Board and our environmental consultants, I will provide you with an historical perspective of the city's relationship with the federal government in maintaining the current stadium, a chronology of events regarding the new stadium project leading up to today, the financial aspects of the proposed stadium project, the economic impacts and the environmental review process.

Historical Overview

The District of Columbia Act of 1957 (P. L. 85-300) was enacted "to provide the people of the District of Columbia with a stadium suitable for holding athletic events" in a structure with a seating capacity of 50,000. The intent of Congress was that such a stadium would be constructed for use by professional sports teams (i.e. private entities) under a contractual arrangement with the District of Columbia Armory Board. Nothing in the Stadium Act of 1957 can be construed that Congress intended the National Park Service to receive any benefit for the use of federal land at this location for a major sports stadium. Prior to the introduction of H.R. 2176, the most recent amendment to the Stadium Act of 1957 was Public Law 99-581, enacted October 29, 1986, which directed the Secretary of the Interior to convey RFK Stadium to the District of Columbia and to lease the underlying land and the parking lots to the District for 50 years. Once again, Congress enacted legislation which reinforced its original intent that this property was to

be used for stadium purposes for the benefit of the District of Columbia, and people in the metropolitan area to attend professional athletic events.

Historically and contrary to popular belief, RFK Stadium has not always been the economic asset to the District of Columbia that it is currently. The District of Columbia Stadium Act of 1957 authorized the D.C. Armory Board to issue 20-year revenue bonds in the amount of $19.8 million. At that time, it was assumed that RFK Stadium revenues would be sufficient to pay the operating and maintenance costs, meet annual interest payments on the bonds and retire the bonds. However, Stadium revenues were never sufficient to meet annual interest payments or retire the bonds. Fortunately, the Stadium Act did provide for the District government to advance funds to meet any annual interest and principal payments which could not be paid out of Stadium revenues. Consequently, the District government became its central source of revenues for the payment of interest on the Stadium bonds through its annual budget.

Accordingly, in 1977, a presidential task force on the District of Columbia developed a plan to address the Stadium financing problem. As a result of their recommendations, the District of Columbia Appropriations Act of 1978 appropriated $9.9 million out of District revenues and the Appropriation Act of 1979 appropriated $9.9 million from federal sources to retire the Stadium bonds. By December 1, 1979, all outstanding bonds were redeemed. For the most part, since 1980 and only after this joint effort by the District and federal governments to retire these bonds, did RFK Stadium become self-sufficient and no longer dependent upon appropriated funds from the District of Columbia government.

It is clear that since 1957 Congress intended that this property be used for stadium purposes for the benefit of the District of Columbia. At the same time, title to the land has remained with the United States of America. Control of the improvements has rested with the District through long-term negotiated leases between the D.C. Armory Board and professional football and baseball teams. Currently, JKCSI is under a renewable two-year lease of RFK Stadium, and has informed the D.C. Armory Board of its intent not to renew beyond 1995.

The proposed legislation, H.R. 2176, would extend the land lease from 50 to 99 years and grant authority to the District of Columbia to allow construction of a new stadium on the land. There are no provisions in H.R. 2176 which change the basic relationship of the federal government and the District of Columbia with respect to the land itself. H.R. 2176 provides for a 99-year lease of the property set aside for stadium purposes in 1957 to the District of Columbia and extends the lease for the parking lots (currently 50 years) to conform to the 99-year term. There is no transfer of the property to a private entity, merely a long-term lease which is the arrangement made under the 1957 Act.

It is no secret that Washington's professional football franchise of the National Football League (NFL) is the largest revenue producer for RFK Stadium. Accordingly, should the football team depart, there would be a corresponding decrease in revenues. However, there would also be a corresponding decrease in operating costs. In addition, we cannot assume that Washington's franchise will always play in the District of Columbia or in RFK Stadium. To be sure, when the franchise contemplated Potomac Yard in Virginia, we were placed on notice that they would not necessarily continue as permanent tenants at RFK Stadium. We believe that if the new stadium is not built in the District of Columbia, the Washington franchise will seek another location.

To summarize the process, negotiations for a new football stadium in the District have spanned two mayoral administrations. Throughout this process, citizens have been involved on numerous levels. In 1988, the city formed the Stadium Advisory Committee

to represent the diverse views and interests in the Washington community that would be impacted by a new stadium. Members of the committee included local residents, property and business owners, public officials, and representatives from civic organizations, trade associations, athletic organizations and other concerned groups. Three subcommittees were formed to investigate specific aspects of the proposed project including Community Impacts, Stadium Development and Finance prior to the most recent negotiations between the city and the Washington football organization that resulted in the Memorandum of Understanding (MOU).

Proposed Project

Under the terms of the MOU between the District of Columbia and Jack Kent Cooke Stadium, Inc. (JKCSI), the new stadium would be constructed and financed with private funds and operated by a private entity for a limited time period. The new stadium would become the property of the District of Columbia in 30 years. Although the new stadium would be owned and operated (and the land for the new stadium would be sub-leased) by a private entity for the first thirty years of the 99-year term, that does not alter the fact that the land and the stadium would be "in public use". This is consistent with the original intent of Congress "to provide the people of the District of Columbia with a stadium suitable for holding athletic events."

Specific provisions of the project that make it particularly attractive for the District include:

- No District funds would be expended (a No-Cash-In deal);
- Construction of the stadium would be funded through private investment ($160 million by JKCSI);
- Revenue bonds issued by the District would be paid for by private investment to cover debt service and interest (up to $46 million by JKCSI);
- Minority Business Enterprise (MBE) contracts and/or subcontracts awarded to a dollar value of at least 35% of the total cost of the new stadium construction;
- District residents constituting at least 51% of all new hires for full-time and part-time new jobs in connection with the design, planning and operation of the new stadium.

Compared to other cities that are currently vying for an expansion or existing NFL franchise, this project is extremely attractive for the District. For example,

- Maryland, which is seeking to replace the franchise Baltimore lost in 1984, would publicly finance a new football stadium in Camden Yards with lottery revenues as they did with their baseball stadium (the site for both stadiums was obtained through eminent domain);
- St. Louis, which has not been awarded a franchise, is well under way in the construction of a publicly financed $258 million dollar domed stadium downtown;
- Charlotte, a city that was recently awarded an NFL expansion franchise, will finance their stadium with a seat licensing program in which wealthy fans pay for the right to purchase season tickets;

- The Georgia Dome, which was recently constructed in Atlanta, was publicly financed with revenue bonds and Atlanta pledged hotel tax revenues to secure the bonds.

- In Miami, the team owner paid for the stadium and retained 100% ownership; the State of Florida absorbed the entire $40 million cost of infrastructure.

Overall, the financial arrangement negotiated by the District as represented in the MOU is more favorable for the District Government and our residents, relative to those of other cities.

Economic Benefits

As a consequence of this most significant project, the new stadium is expected to add millions of dollars to the D.C. Treasury, create hundreds of new jobs and have far reaching impacts on the District's economy.

- The construction of the stadium and infrastructure would create over 1,500 full-time one-year jobs;

- A goal of 51 percent of these jobs would be filled by District residents;

- The construction of the stadium and associated infrastructure would represent approximately $206 million in private investment in the District;

- A goal of 35 percent of the $206 million in construction contracts would go to minority and District-based businesses;

- The construction of the stadium and infrastructure would also indirectly create approximately 1,815 full-time jobs; and

- About $23 million in annual on-going income would be generated in the Washington economy through on-site, off-site, and spin-off expenditures.

There are also substantial indirect benefits to Washington that are a result of the team's home facility being located within the District. These less-tangible benefits are clear to city leaders across the country that are without an NFL franchise but are difficult to quantify. They include:

- Civic pride and a shared sense of community;

- Positive national television exposure to potential visitors investors; and

- Recognition as a major league city (loss of a team is an indication of market weakness);

Other Opportunities for RFK Stadium

Although we feel strongly that a new football stadium is necessary to retain our professional football franchise, RFK Stadium is a viable and attractive facility for professional soccer and baseball. RFK Stadium also has an appropriate seating capacity for many non-football events.

In terms of soccer, the District of Columbia has been selected as one of the sites for the World Cup soccer matches in 1994. RFK Stadium will host four first-round matches and one round-of-16 match. The D.C. Armory Board also submitted a bid to be one of the host cities for soccer during the 1996 Olympics and we were recently selected for early round matches. We would host a total number of 16 matches over an eight-day period.

The District will also host a Women's World Cup soccer match in early 1994 and is seeking the Women's World Cup Soccer Championships in 1996. These World Cup matches will continue the tradition of international soccer at RFK Stadium. Earlier this year, RFK Stadium hosted three U.S. Cup matches sponsored by the U.S. Soccer Federation. The Italian Cup Soccer match to decide the professional soccer championship of Italy was held outside of that country for the first time when RFK Stadium hosted the event on August 21, 1993.

In addition, a Professional Soccer League is now being formed in the United States. The D.C. Armory Board has learned that this league will be operational in 1996 and that the District of Columbia is under primary consideration for a franchise.

In terms of baseball, when the Major League Baseball Expansion Committee made site visits to RFK Stadium only two years ago, it was decided that "no major modifications to RFK Stadium are needed for the Stadium to accommodate a professional baseball team." As RFK Stadium was designed primarily for baseball with the capacity to be reconfigured for football, it can be readily converted from its current configuration as a football stadium back to its original configuration as a baseball stadium.

Based on population demographics and market studies conducted as recently as 1991, we are encouraged that the District of Columbia's chances for a major league team are excellent. The National League's most recent expansion did not include the District of Columbia, primarily because the local ownership group did not have sufficient funds as required by the National League at the time of its expansion deliberations. Thus, Washington's desirable population demographics and RFK Stadium's attractiveness as a baseball facility could not overcome the financial condition of the local ownership group. While it is less likely that the American League will expand into the District as opposed to the National League, our preference is to seek a National League expansion team to complement the American League team in Baltimore.

For non-sporting events, RFK Stadium has a more attractive seating capacity than the proposed stadium. The new stadium facility would be used primarily for football and would not likely compete with RFK Stadium for the majority of other events. Even if this were not the case, the D.C. Armory Board believes that it will be able to successfully compete with the new stadium for concerts and other athletic and entertainment events given the more desirable capacity of RFK Stadium. Most promoters prefer booking events at smaller facilities. This is because performing before capacity and near-capacity crowds is preferable to performing in partially filled facilities. As the new stadium will accommodate 78,600 persons, there are very few events that can fill a facility of this size.

The D.C. Armory Board is launching extensive advertising and promotional campaigns to generate additional revenues from concerts and other such events to achieve greater operational success and recognition for RFK Stadium. The D.C. Armory Board has been limited in its ability to market RFK Stadium because of its long-standing lease arrangement with Washington's professional football team.

For example, under the above commitment, the D.C. Armory Board does not pursue concerts and other events that are held in the late summer and fall, because the football season begins in August and continues through December (and January, in the event there are post-season games). In addition, July is not available for stadium activities because the D.C. Armory Board begins preparing the field for the football season.

We are pleased that RFK Stadium is ideal for most events which are available in this country but which are denied to it now because of its lease arrangement with Washington's professional football team and its commitment to a grass playing field that meets with NFL standards. Although the potential departure of the franchise would result in the loss of a source of revenue, the D.C. Armory Board would be in a better position to market RFK Stadium and compete with similar facilities for other revenue generating events. In the opinion of the D.C. Armory Board, creative marketing efforts and the number of available events would prevent RFK Stadium from becoming a "white elephant."

Environmental Review Process

The Environmental Impact Statement (EIS) that we co-sponsored with the National Park Service is a thorough and comprehensive document that examined all aspects of the proposed project. It was prepared by an objective, inter-disciplinary team of environmental specialists. The EIS complies with and fulfills all relevant federal and local environmental laws and procedures. The EIS is being prepared in accordance with the procedural and substantive requirements of the National Environmental Policy Act of 1969 (NEPA). The EIS also complies with the D.C. Environmental Policy Act of 1989.

Public participation was sought throughout the environmental review process. In fact, we included the public to a greater extent than is required by law. Methods utilized to encourage public participation included two (2) public scoping meetings held in April 1993, meetings with communities in the area, meetings with local Advisory Neighborhood Commissions (ANC), meetings with the business community, briefings with City Council members, requests for written comments from all of the above during the scoping process, and requests for written and oral comments from federal and local government agencies, interested environmental and civic groups, and individual citizens during the 60-day public review period of the Draft EIS that included a public review meeting held on June 14, 1993.

This extensive public participation during the environmental review process continued the tradition of citizen involvement related to the proposed stadium project. Previously, the city had added environmental specialists to the advisory committee, and distributed informational newsletters (2) to every registered District voter as well as numerous other business and citizen organizations in the metropolitan area.

As a result of the environmental review process that included extensive citizen input and scientific analysis, the construction and operation of a new stadium would have no significant long-term environmental impacts, primarily because the stadium would be

located within an area that is currently used for an existing stadium and stadium-related parking. The potential for impacts on the local community are reduced or eliminated with the implementation of recommended mitigation measures.

Conclusion

In summary, the District of Columbia is firmly in favor of passage of HR 2176 and construction of a new football stadium. The bill maintains the basic relationship between the federal government and the District of Columbia. It provides for a 99-year lease of the property that was specifically set aside for stadium purposes in 1957. There is no transfer of the property to a private entity, merely a long-term lease which is the arrangement made under the 1957 Act. Under the new authority granted by HR 2176, a new stadium would be constructed, financed and operated entirely with private funds. This is consistent with the original intent of Congress "to provide the people of the District of Columbia with a stadium suitable for holding athletic events."

In passing this legislation, the District of Columbia:

- will create 1500 new full-time jobs
- will benefit from $206 million of private investment in the city
- will benefit from approximately $23 million in annual revenue generated by on-site, off-site and spin-off expenditures
- will retain Washington's **only** professional sports franchise in the city.

Based on the results of the required environmental and public review process, District and Federal Agency evaluation and a rigorous analysis of the three alternative actions, there exists no long-term unmitigatable environmental impacts. This is due principally because the location is currently used for stadium and stadium-related uses. By implementing the prescribed mitigation measures, the identified and potential impacts on the local community will be reduced or eliminated. All the conclusions presented in the analysis are substantiated by the scientific data or based on the analysis of qualified experts.

The District of Columbia looks forward to timely passage of HR 2176. In so doing, Congress will permit the District to:

- Undergo review of the EIS and the site plan by the National Capital Planning Commission (NCPC);
- Obtain City Council approval of the final lease terms between the District and JKCSI.

At this time, with the assistance of the National Park Service and the District's environmental consultant Joe Brown, President of the firm EDAW, I am prepared to answer any questions you may have. Thank you.

Mr. VENTO. Well, thank you, Mr. Mallett. I have a series of questions. One of the questions that came to me is, why is it that you seek a 99-year lease in this particular instance, as opposed to something less than that, when the extent of the negotiations—which are your purview, not ours—really do not seem to necessitate that?

Mr. MALLETT. Well, Mr. Chairman, in negotiating the deal with Mr. Cooke, our representatives from the Office of the Corporation Counsel, the Cooke organization, Mr. Wilson, then chairman of the Council of the District of Columbia, it was their considered wisdom that a 99-year lease would be more appropriate. It gives more stability to the professional sports franchise, a business executive putting up a considerable sum of money, and we agreed it would be a fair and equitable arrangement to urge a 99-year lease.

Mr. VENTO. Well, I cannot help but note that in the agreement, which, as I said, is your purview not mine, there is a 30-year agreement, there is a buyout provision, there are all sorts of other matters that are concerned. I was kind of concerned. The extent of the existing lease, which is 50 years, how do they relate to one another?

Do you want to introduce your associate again?

Mr. MALLETT. Ms. Vanessa Ruiz, the Principal Deputy Corporation Counsel.

Ms. RUIZ. Chairman Vento, the Memorandum of Understanding that has been negotiated with the Jack Kent Cooke organization provides for a lease with a basic term of 30 years and consecutive options of 60 years, which would make that a 90-year lease.

However, the original term does not begin until substantial completion of the project. So the provision of a 99-year lease is just to make sure that the potential 90-year term of the lease of the Cooke organization could be accommodated under the legislation. I note, however, that the legislation is framed in terms of not to exceed 99 years.

Mr. VENTO. How does that work with the existing lease on land, which is 50 years now, which has been, I guess, 36 years in age—46 years remaining on it; is that correct?

Ms. RUIZ. That is correct. This extends it.

Mr. VENTO. So it is 114 years, or does it extinguish the other?

Ms. RUIZ. No, no, I am sorry. It would extend, in terms of being a total of 50, it would be a total of 99.

Mr. VENTO. Ninety-nine. So it is actually, basically 36 subtracted from 99?

Ms. RUIZ. No, no, no, I am sorry, I misspoke there. It would be 99 years from the date of this legislation. So it would add onto the term of the current 50-year lease that already has lapsed.

Mr. VENTO. So it would be a 114-year lease?

Ms. RUIZ. Yes.

Mr. VENTO. I think it is an issue that, technically, is what you are asking us to do. There should be a reason for it. It was not necessary in the first instance to have this long a lease.

Ms. RUIZ. Well, the original lease was in connection with RFK. Now what we are talking about is a lease to accommodate the new stadium.

Mr. MALLETT. Second, Mr. Vento, I am advised that the lease term of 99 years is consistent with private-public partnership business practices throughout the United States.

Mr. VENTO. If a new stadium, Mr. Mallett, is built, what are the specific plans for RFK?

Mr. MALLETT. Mr. Chairman, Mr. Dalrymple is here, who is the general manager of the RFK Stadium. We already have bookings for the RFK Stadium through 1996, including, I believe, eight Olympic games of soccer. We will also have international soccer on slate for RFK.

There are, of course, other opportunities for RFK Stadium. As you know, Washington, DC has for some time been interested in a national baseball franchise, and we continue to be interested in such a franchise. And RFK, as stated by the major league baseball expansion committee, is ideal for a baseball team, and no major modifications to RFK would be needed.

In addition, and based on some other nonsporting events, but there are certainly other entertainment events which would be welcomed by RFK Stadium.

Mr. Dalrymple, do you want to expand on that point?

Mr. VENTO. Please introduce yourself for the record if you are going to expand on that.

Mr. DALRYMPLE. I am Jim Dalrymple, the general manager of the D.C. Armory Board.

We have, for years, been planning just what we can do at RFK Stadium, as Mr. Mallett just told you. We have already contracted Olympic games for 1996. We have the World Cup soccer, which we are contracted for through 1994. We have also been talking and are in discussions for a professional soccer league, which is to fire up and start up in 1995. We feel that this is a good basis for us to continue the stadium.

As was also mentioned to you, we have an awful lot of downtime at the stadium, due to it being a natural turf field, meaning that we must put down a new turf to get ready for football season. So we have downtime that we cannot contract events. If a new stadium is next door to us, it gives us the opportunity to utilize RFK Stadium for many more days, and especially through the late summer when the major concerts are available, all through early fall when the major concerts are available. We cannot entertain them at this time.

So it does give us a great deal of latitude in the stadium rentals.

Mr. VENTO. Well, it seems to me that the other new stadium that is being built alongside of this might be more attractive to someone who wants to have an event, especially if the option is that the other facility would not be used at that time. The common denominator in terms of price would not be a factor.

Mr. DALRYMPLE. I would say the construction and the design of the new stadium is not really conducive to some of the events we are talking about. When you become a football-owning stadium, it is very hard to have a soccer configuration that we can offer.

RFK Stadium is probably the leading stadium in the United States at this time, throughout not only the United States but throughout the world, as far as the FIFA, the World Cup organiz-

ing committee. They love RFK Stadium. They think it is very warm and it is a great soccer stadium.

I think, with the success that we have had—and our bids prove this—a football stadium does not necessarily do that. International soccer is much larger than a standard football stadium. The Meadowlands, for one, if the Jack Kent Cooke stadium is designed like the Meadowlands, you have a problem with international soccer because of size.

Mr. VENTO. But there are no agreements that the owners of the Washington business sports group that are building this would not make efforts to compete or would not compete against them; is that correct?

Mr. DALRYMPLE. That is correct.

Mr. VENTO. You are probably right about soccer, but it seems there are a lot of other events. I note that in my sister city, in Minneapolis, the Hubert Humphrey Metrodome is used for a lot of other things. Amazing.

So I just think it would have an impact with this new stadium there. I don't want to blow away your optimism, but it seems to me many of the activities could be done as easily with the new stadium. You might be right with regard to the stadium and overhead costs, but obviously, if there is a conflict during the times it is being used for football.

What further steps would the city need to undertake after passage of the national legislation to make a new stadium a reality? Outline what you expect, Mr. Mallett. We would do this and then what would the city have to do?

Mr. MALLETT. We are in continuing dialogue and discussion with Mr. Cooke regarding some of the remaining issues trying to nail down a precise contract. That is a set of ongoing discussions that we are continuing to have; as well we would have to bring that final document to the attention of the Council of the District of Columbia and seek its approval of that lease arrangement.

Mr. VENTO. Well, do you have some other work with the Park Service or anything else you have to do? They were talking about permits. Who is going to intervene in terms of these permits? Are they going to be District of Columbia permits?

Mr. MALLETT. You have the commissioner of the National Capital Planning Commission following. However we would probably have to acquire any necessary permits because we would be responsible for doing the infrastructure and Mr. Cooke as the builder of the stadium would be required to go through our regulatory process to acquire any additional permits that might be needed.

Mr. VENTO. In reading the Memorandum, it seems those duties are assigned to you. I know the Memorandum may not be binding now, but I assume it is still a good-faith document.

Mr. MALLETT. It is. We are pledged to do it because we want to see the building of the stadium.

Mr. VENTO. I understand that, but I think it is important to recognize, it isn't in the legislation. It has to be dealt with in the administration.

Mr. MALLETT. Yes.

Mr. VENTO. Mr. Mallett, you talked about the impact of the city being minuscule in terms of financial drain, which I think is inter-

esting, but there are a number of aspects that do relate to city funding issues which are obviously important to our sister committee on the District of Columbia.

One of the staff members has done a lot of work on this and pointed out that city obligations are $61 million, obtain the necessary property, including a 150-acre stadium site, parking lots, infrastructure related to the new stadium, including sewage, grading, surface and sub-surface utility conduits, pay up to $7.12 million for construction of the foundation. This infrastructure cost that I mentioned is $46 million, according to the reports that we have received. Defend any challenge to the Jack Kent Cooke minority best-effort promises, so you would defend any challenge to that. Pay-off lease security during the games. That is not something that occurs now.

In fact, you pay up to $8 billion for litter removal and safety steps. That is an issue you said you couldn't talk about.

I just think it is important for the record, not for my purpose. If you are paying $100 million, that is your business, but we need to understand that there is a reasonable assumption of at least $61 million and millions of dollars on an annual basis that will have to be ongoing.

You are not just obligated to pay these initially. You are obligated to pay operation and maintenance on an annual basis such as police and law enforcement as well as infrastructure maintenance.

Mr. MALLETT. There are obviously some costs associated with having the new facility. However, on balance, we have $206 million being pumped into our local economy, $160 million of which will be used to pay for the stadium itself. Anytime you increase the capacity of a stadium by 20,000 you would have to do some improved infrastructure.

We are committed to do that so as to minimize any additional impact on the surrounding community.

Mr. VENTO. I don't know how you are going to finance this—I suppose through a bond issue. This doesn't deal with the infrastructure. It is the change in terms of what the agreements are. For example, the most obvious one is in terms of the stream of parking revenue that had been going to DC Armory and that is being used for public purpose.

When we transferred the lands to be used by the District of Columbia in the 1979 Act and amendment thereto, the premise was it has to be used for the public so we have to agree that the transfer and revenue flow meets the test of being in the public interest.

So we have to be satisfied with that particular concern in this committee. Others may ask you about what it does to District of Columbia finances. You say in the transfer, that is necessary in order to transfer the revenue to Jack Kent Cooke Football, Inc. It is necessary in order to get him to build this; but this is a substantial part of revenue.

It is not just for parking. If you get a baseball team to come here, you would have 90 percent of that revenue also?

Mr. MALLETT. It provides for a buy-back of the city for parking revenues.

Mr. VENTO. You can buy back the right to collect the parking in parking areas?

Mr. MALLETT. That is correct.

Mr. VENTO. But what is the cost for that? Is that the $46 million?

Ms. REEVES. Yes. The cost of the parking, which although it is being financed by the District is being guaranteed by payments from the Jack Kent Cooke Organization, that during the time that he is financing those improvements, the revenues from the parking as a result of events at the new stadium should properly go to the Jack Kent Cooke Organization. If, however there is, for example a new baseball franchise at RFK, in which case the city would then enter into negotiations with that franchise and I assume would also want to have a certain stream of revenue from parking operations, we would then be in a position to buy back control of and the revenue stream from the parking operations for the benefit of non-new stadium events, say a baseball franchise at RFK.

Mr. VENTO. My understanding is the $46 million is being financed by Mr. Cooke; is that correct?

Mr. MALLETT. Yes.

Mr. VENTO. Revenue is anticipated to be 10 percent, $4.6 million—in the Memorandum of Understanding, is the revenue from that $4.6 million a year?

Ms. REEVES. That is the amount of the guarantee that goes to pay the debt service on the bonds.

Mr. VENTO. Ten percent, and that is being paid by whom, by the parking revenues?

Ms. REEVES. It is being guaranteed by the Jack Kent Cooke Organization.

Mr. VENTO. They are paying the interest on it?

Ms. REEVES. Yes, they are.

Mr. VENTO. There is no principal being paid?

Ms. REEVES. He will amortize both over time; yes.

Mr. VENTO. In the end, do you get the parking back?

Ms. REEVES. In the end, we can buy it back since we are in essence saying that he will have paid for the parking improvements.

Mr. VENTO. I am not savvy to what is necessary to get someone to the table to do this. If they are holding out the other stadium, that is how I got into this issue and why I am asking these questions—because you have a 30-year-old stadium that has 50,000 seats for baseball. I look at it as frankly being a potential for a drag on the city and something on public lands where there is a responsibility that we have here in this instance.

That is why I think that it would be inappropriate to suggest that you are foreclosing on the option for baseball, but I think there is a strong possibility that you are making threshold questions. For instance, you have to face up to $46 million. I don't think a baseball franchise will come to Washington if they don't have incentives in terms of parking and other things that are going to be made by somebody else.

Mr. MALLETT. I appreciate the questions. But viewing a totality of the circumstances and viewing the deal looking at what happens in other cities, we continue to believe we have an excellent deal. For example, Maryland is now seeking to replace the franchise Bal-

timore lost in 1984, its football franchise. Maryland says it will publicly finance a new football stadium in Camden Yards with lottery revenues as they did with their baseball stadium. St. Louis—that doesn't even have a franchise yet—is well under way in the construction of a publicly-funded $258-million, domed stadium downtown.

Charlotte, a city recently awarded an NFL expansion franchise, will finance its stadium with a licensing program in which wealthy fans purchase the right to season tickets. The Georgia Dome in Atlanta was publicly financed with revenue bonds, and Atlanta pledged tax revenues to secure the bonds. In Miami, the team owner paid for the stadium and retained 100 percent ownership and the State of Florida absorbed the e..tire $40 million cost of infrastructure.

So the financial arrangement negotiated by the District as represented in the MOU is more favorable to the District of Columbia and its citizens relative to those of other cities.

I do appreciate that these are costly enterprises to the jurisdiction.

Mr. VENTO. A major contribution is the park land that it is being constructed upon. Our concern is that there is appropriate consideration provided for public benefit for that particular purpose. A lot of people are for the freer enterprise in theory. They don't like to practice it so much. That is really what some of this is about.

For instance, how does the stadium proposal, in your view, fit with the Barney Circle Freeway and the Children's Island proposal? I am asking the same question of the Park Service in terms of the overall use of this area.

Mr. MALLETT. That is an entirely appropriate question and one that we don't take lightly. The environmental impact statement did an assessment of the cumulative impact of these projects as well as the National Capital Planning Commission did look at the cumulative impact of these projects and determined that the new stadium certainly fit into the arrangement and that it could be accommodated.

Obviously we do not take lightly the cumulative impact of a new stadium, a Children's Island project whenever it will be built and the Barney Circle project on the neighborhood. We believe that the three projects can coexist and in fact may well improve in many instances the area.

Mr. VENTO. Well, do you believe that the cumulative impact would be considerable from these projects? You are saying it may be positive?

Mr. MALLETT. I would say it would be positive.

This is Joe Brown. I will ask him to amplify.

Mr. BROWN. Mr. Chairman, if we do a very thorough cumulative analysis of many of the projects that are proposed, in some cases not official but proposed, in some cases official and approved. That involved the Hechinger development project, improvements potentially to Langston, Barney Circle, Children's Island, the stadium and additional use of RFK.

It is important to realize that these facilities are potentially complementary, not conflicting. What I mean is, they will use different times for their primary functions. For example, it is agreed that

Children's Island will not be operating on the same days as the major uses at the stadium, the game days. So these are a series of recreational enterprises that can use the stadium, alternate teams primarily for their peak demand.

It is a fundamental concept that you have shared parking for facilities that have complementary times because you wouldn't ever build all the parking for all those facilities. It would be an enormous waste of land and that land would be primarily vacant because these are very episodal-use facilities.

Mr. VENTO. I agree with the idea of not constructing a lot of parking, but you are asking for 4,000 parking spaces, which shows no greater utilization than there is today.

Mr. BROWN. I can address that.

First of all, the Washington Redskins team enjoys the highest modal split in the NFL, which is a funny calculation. That means more fans come to Redskins games by transit and buses than any games in the United States. We are expecting that to continue and possibly improve.

There have been discussions with Metro to ensure greater utilization of Metro. We see approximately 35 percent of the patrons coming to the stadium by Metro and buses, 56 percent walking, and 60 percent coming by car. Twenty percent of those patrons come in the District of Columbia which equals the population percentage they represent in the region. The remaining 80 percent is split fairly equally between Virginia and Maryland.

We are basically removing 15 acres to build this basically large barrel around the field, and what I would like to do is go to this map and point out a couple of things.

Mr. VENTO. You better have someone else do your pointing for you so you have the microphone.

Mr. BROWN. We are basically going to add parking as you say. We will go to 18,500 spaces from the current 14,600 and the way we are going to do that is through greater efficiency.

Paul, point at those wide aisles and the grass spaces. It is a very effective series of photographs. We are not taking park land to park cars in. We are redesigning the parking lots. If you look at the photos, you can see the tremendous waste by inefficient design, by no lines on the paving, by some of the grass-parking patterns.

The drawing with the original stadium on it reflects an actual counting of spaces. I would encourage anyone who is concerned about this to count those spaces. There are 18,000-plus spaces on that drawing. I have a staff that has counted that many times and it is automated. We can do it. It is just a function of good design.

Mr. VENTO. I know, but more importantly is whether or not there has to be that proportionate 20-some percent growth in terms of the amount of parking in that instance. There is no infrastructure, no decking. There is nothing else being done here, simply absorption and utilization of land devoted to that purpose. You are building no parking structures; is that correct?

Mr. BROWN. That is correct. We think parking on pavement and parking temporarily on grass for two or three times a year is a much better use of the resource——

Mr. VENTO. Two or three times—when did Washington start playing two or three games at home?

Mr. BROWN. Good question. We anticipate that grass parking will not be used for every game. There are 8–10 home games, but many of those games will not require all the grass parking that we show on the diagram.

Mr. VENTO. You are planning on the continued record of performance of the team?

Mr. BROWN. We are counting on a tremendously improved record. We are counting on a very efficient intensely managed parking facility much more so than today. But to answer your question about structure parking, it is not I believe good environmental or public policy to build parking structures for even 8 times a year much less what we view will be less than that number of events for full grass parking.

It is better to keep that impervious environmental material which drains better and improves the watershed.

Mr. VENTO. It is also cheaper for whoever needs the parking.

Mr. BROWN. Many times less cost is less environmental cost.

Mr. VENTO. Sometimes. It depends how much oil they are leaking. One of the questions of course is that I am told that the Cooke Football, Inc. has guaranteed $4.5 million a year maximum. That is a maximum figure. If the city costs are more, the city can't raise properties taxes on the stadium, ticket taxes or parking taxes; is that correct?

Mr. MALLETT. That is correct.

Mr. VENTO. So therefore that has to be made up from other sources of existing revenue?

Mr. MALLETT. That is correct.

Mr. VENTO. There would be substantially less dollars coming to the DC Armory Board for expenditure on programs.

Mr. MALLETT. That is correct.

Mr. VENTO. How much money goes to the DC Armory at this time?

Mr. MALLETT. $1.34 million.

Mr. VENTO. So that will no longer occur?

Mr. MALLETT. Not coming from events at the new stadium certainly.

Mr. VENTO. From this public land that is being utilized for public benefit.

Mr. MALLETT. That is correct. We would still anticipate the use of RFK Stadium and those funds would come to go to the Starplex funds for events that are had there.

Mr. VENTO. Except I think the RFK Stadium itself takes a certain amount of money to maintain and with another stadium built alongside of it and while it isn't appropriate for soccer it might be appropriate for other activities. How much revenue, Mr. Dalrimple?

Mr. DALRIMPLE. Right now we have $300,000 to $400,000 per year on maintenance that we put out. If Mr. Cooke is receiving the 90 percent parking revenue, he would also be picking up all the maintenance costs associated with that.

Mr. VENTO. That is only RFK parking. He gets 90 percent of all?

Mr. DALRIMPLE. Yes. Other events that we have at the stadium would continue to raise our revenues which we would use for our operation.

Mr. VENTO. How much is that?

Mr. DALRIMPLE. This past budget year we did approximately $7 million. Of that for the RFK Stadium and the DC Armory our profit was approximately $924,000 which we use for future budget years and to use for——

Mr. VENTO. But that is obviously ongoing revenue so that may or may not be reduced depending upon whether your marketing of the stadium remains constant or accelerates with regard to the competition you face in the new stadium.

The shutting off of parking—it is pretty significant. You get the 10 percent, I guess.

Mr. Abercrombie.

Mr. ABERCROMBIE. I am sorry I had to miss some of the questions and answers, Mr. Chairman. I hope I am not reiterating. If I am, just say so.

Mr. Mallett, I don't necessarily have any objection to the parking being on the grass inasmuch as it is only going to be used intermittently. I am interested in a couple of questions however aside from that.

Will the old stadium be in competition with the new stadium? This goes to the last parts of what Mr. Vento was discussing with you and I wasn't clear on that. Is the old stadium going to be competing with the new stadium for events, say, like the Grateful Dead coming in? They put 60,000 people there and they can do it probably 4 or 5 times a year. I have an idea that the Grateful Dead does at least as well as Jack Kent Cooke and they are not asking you for an arm and a leg in the process.

As a matter of fact, they let people come in and record their concert on their own as opposed to saying "Anybody who takes a picture we are going to throw in football jail." You bring in somebody like the Grateful Dead, you are bringing a hell of a lot of money into town.

I want to know whether or not Mr. Cooke is going to compete with the present stadium for events like that.

Mr. MALLETT. We believe that RFK will continue to be a more attractive property for non-football events than the proposed Jack Kent Cooke Stadium because a 50,000-seat, 58,000-seat capacity at RFK is a far more attractive capacity for non-athletic events than would be practically an 80,000-seat stadium.

Mr. Dalrimple, who is an expert in marketing stadiums around the country can amplify.

Mr. DALRIMPLE. I appreciate your earlier remarks about the stadium. It is always great to be able to answer someone who has been at the stadium. We are proud of RFK. We have put a lot of money into refurbishing it and feel at 30 years old it is a fairly young stadium. Last year the Grateful Dead played two dates. We made $220,000 net on the 2 days.

As to the stadium, it would be fun to compete against a large stadium when you have RFK. When you have a stadium built for football, all your seats face the football configuration, which is a rectangle, so when you put a concert at one end, you are sitting sideways looking down.

Mr. ABERCROMBIE. You put people on the ground.

Mr. DALRIMPLE. But you also put them up in the seating section.

Mr. ABERCROMBIE. I don't want to debate that. I want to know has Mr. Cooke, inasmuch as I am able to determine, he is not here, so I can't ask him, I can just try to deal with him through his various methods of dealing with the press, for example, closing off land that isn't his and saying that he wants it anyway from the city. I have an idea of what his attitude is and I am not trying to be sarcastic. I have to deal with the way people communicate.

If he is interested and he says he is putting the money up, he is taking the revenues from the parking to pay this off, it is not as if he is reaching into his pocket and saying, "I am going to finance the cost of this stadium and never expect to get my money back." He is expecting to get his money back.

I don't object to that, but this is not out of charity. Why wouldn't he want to compete with the RFK Stadium and say whether it is the Grateful Dead or any other—you could appeal to people with the Grateful Dead and they would probably come to RFK just to screw Jack Kent Cooke.

Other organizations don't operate that way. What is to prevent him from making an offer to other groups and organizations coming to Washington who might want to use the RFK Stadium and simply offer a better deal and undercut you?

Mr. DALRIMPLE. I am sure that could happen. As far as Jack Kent Cooke offering a better deal, I think RFK could offer a much better deal.

Mr. ABERCROMBIE. So the Armory Board is not going to have control over use of the stadium?

Mr. DALRIMPLE. Not over the use of the Jack Kent Cooke Stadium, yes.

Mr. ABERCROMBIE. In effect that is going to be his private deal.

Mr. DALRIMPLE. For RFK to compete against, yes.

Mr. ABERCROMBIE. On public land.

Mr. DALRIMPLE. Yes.

Mr. ABERCROMBIE. I am not trying to give you guys a bad time because you are dealing with a difficult situation. You are trying to make the best thing that you can come out of this, but we have a certain responsibility here to try and make this work. I hate to see RFK with all of the effort that has been put into it now then slip into the back water.

When Mr. Vento first brought it up, I hoped this hearing would give me a lot more information. He pointed out that, or at least took the position that it is arguable that the EIS did not take into account fully the possibility of expanding the present stadium.

You heard Senator Campbell, for example, indicate that he would be willing to try and help the District out. I certainly would be. I can't speak for every Member of Congress obviously, but has that been thoroughly explored?

Your view about expanding the present stadium to accommodate the needs of the District especially if you could get some financing help from us?

Mr. MALLETT. I appreciate the offer of assistance. On our list of priorities with assistance from the Congress, we could advance a few other projects more than the stadium with respect to financing help to the tune of $216 million. However, I believe the issue of

renovation may be more thoroughly answered by Mr. Brown because I think that option was explored in the EIS.

Mr. VENTO. I think your insights with regard to the Grateful Dead were extremely useful in determining the way the stadium is going to be used. This is an issue I raised with the past panel, but not this panel, so I think it is appropriate that Mr. Brown respond.

Mr. BROWN. I believe the renovation alternatives have thoroughly examined.

Mr. ABERCROMBIE. Did you use alternatives in the plural? I understand there is more than one alternative proposal.

Mr. BROWN. There is more than one renovation alternative proposal and we examined more than one. There were two examined in the draft. There is one associated with The Weihe Partnership local architectural firm in Washington and there is one associated with the City Commission. That study was a comprehensive study that dealt with fairly detailed drawings and cost estimates.

The Weihe analysis was a conceptual study where there were no costs or details developed. The fundamental concept of a renovation alternative requires basically putting a level of 30,000 seats in a donut structured independently above the current stadium so it is a fairly innovative structure problem. You have to restructure 30,000 seats that will float above the current stadium and structure that down to new foundations.

At the same time, you need to provide access to this new donut of seats, provide a level of amenities for the team and revenue-generating patrons that will equal this new size, and that is difficult to do. We will analyze the environmental effects of this. In all probability, it will violate the Height Act so it will probably have a regulatory problem.

The proposed new stadium sitting down in the bowl comes within 7 feet of the Height Act so a stadium that would put a 30,000-seat donut on top of the current stadium would sit on the plateau in the alignment of East Capitol Street so he would have a 30,000-seat donut floating above the stadium——

Mr. VENTO. It would block out the Capitol?

Mr. BROWN. It would block certain views and sidelines and would be a very visible new element on the skyline. From a visual point of view, we think it better not to violate the Height Act and put it low into the ground.

Also the detailed configuration of the new stadium actually puts the field below grade so that that building can be as low as possible in that topography.

The draft analyzed two alternatives. An EIS can't analyze in any greater detail than the proposal detail puts forward. So we analyzed what was put forward and that analysis is in proportion to the concepts put forward.

Under advice of EPA, we were asked to look at the renovation alternative in greater detail. So we did that in great detail in the final, but we did it with the HNTV alternative that we had details to analyze. We came to the conclusion that there are slightly greater impacts, and I talked about those particularly the visual impact on the monumental core and the axis to the U.S. Capitol.

There are functional problems and a problem of the private-public partnership and the practical funding mechanics of that. You

can't have a public-private partnership in a financing point of view when you pit a 30,000-seat donut privately financed on top of an existing stadium financed publicly. That doesn't work financially.

Mr. ABERCROMBIE. I want to make sure I understand the object of the fees. Was there an effective price set for the parking? Lay aside all the arguments—is it going to be $5.00 or whatever—do you have any idea?

Mr. MALLETT. There are existing prices for parking, but I have no idea——

Mr. ABERCROMBIE. That money goes in substantial amounts to Mr. Cooke?

Mr. MALLETT. Yes.

Mr. ABERCROMBIE. Presumably that is going to help pay off the initial expenditure; right?

Mr. MALLETT. Yes.

Mr. ABERCROMBIE. So from that point of view then people who do drive in from the suburbs then would be helping to pay for the stadium, is that the idea, when you are doing your negotiating and justifying it to the Mayor and the Council?

Mr. MALLETT. What he derives as income may contribute to the cost that he puts upfront. That is part of getting the deal done.

Mr. ABERCROMBIE. You presume he is going to be using these numbers to offset or to justify getting the loan that he is going to get to build the stadium. He will have to tell his bankers where he is getting his revenue from, right? When you talk to the Mayor and the City Council and to Ms. Norton, I am certain you have certain presumptions about why you are telling them you are willing to go along with the revenue going to Mr. Cooke. I presume that his representatives had to tell you that one of the reasons we want this revenue is that will help us get the loan and pay off the stadium.

I am trying to ask you whether or not I am making common sense—I am talking to you like a City Councilman, like I was. That is a question I would ask the Mayor in Honolulu. Is the reason you are doing this that it will help the party pay off the loan?

Mr. MALLETT. It would be an appropriate presumption to say that.

Mr. ABERCROMBIE. Certainly, because that helps answer one of my questions. If you are not going to take any private property, if you address the question of the golf course, if you address the question of preserving the Children's Island and all of the other things aside—let's put the parking question aside as to whether people like it or not—there is a rational connection between having the parking and paying for the stadium. It is going to be temporary. The grass will grow again.

Coming from an area where it rains a lot and people do park on grass, it comes back. It is a question of taking care of it. You have to keep the drunks out, but that is an administrative detail that can be handled. If you are not taking private property, not disturbing the river or existing shoreline, if you have taken into account all the things that people wanted to do in the community with respect to golf or to the Children's Island or any of the other things, if there is no appreciable environmental impact, then why is there still this existing tension that I feel in the room right now and why are people still objecting to the stadium?

Mr. MALLETT. I would believe, Mr. Abercrombie, people live in a community. They care about it. They are worried about the impact on home values, about any structural impact on their homes. That is completely understandable tension.

Mr. ABERCROMBIE. I understand that part. Maybe I didn't state it clearly—I didn't mean to be cavalier about it and casual and say why should anybody care. I meant, is it merely a factor of the simple increase in numbers, because if what you say is true, the impact will be taking place in the same area within the same context in the same manner as it is taking place now except there are going to be a few thousand more people.

I don't mean to diminish that, but as far as I can tell, aside from the increase in numbers, if we are to accept your proposition that all is still within the realm of civil comity with one another, why is there still then the objection to the best of your ability to rent it?

Mr. MALLETT. To the best of my ability, I think they certainly will relay those in greater detail when they have an opportunity to speak here today. I believe the comments are based on some appropriate concerns about what in reality will be the impact. We believe we have examined the impacts in great detail in the environmental impact statement and are confident that the conclusions reached by the EIS will prove to be accurate ones.

If I were living in that immediate community—and I have family and friends who do—and they have expressed to me in no uncertain terms their concerns about the impact, it is appropriate and I believe if I lived there, a justified fear. We believe that in time we will be able to satisfy and demonstrate that the impacts are indeed what we say they are.

Mr. ABERCROMBIE. Mr. Mallett, would I be fair in concluding that people—this is what I am trying to get at. You say in your testimony that the questions that have been raised in the Anacostia community, the Children's Island and the golf course have been satisfied. Maybe some would say they haven't been, but that is your testimony?

Mr. MALLETT. Yes, sir.

Mr. ABERCROMBIE. When you say the impact, I am driven to the conclusion that if there is still argument about it in the community inasmuch as it is going to be paid for privately that it has to be from the extra numbers of people coming in. I am not saying that is the sole thing——

Mr. MALLETT. That is a component.

Mr. ABERCROMBIE. If you had to come up with a conclusion, if you had to cite a single factor, would I be incorrect in assuming that the sheer extra numbers coming in are regarded with some trepidation by the people in the surrounding area?

Mr. MALLETT. I think I have the permission of the community to say that part of their angst is the sheer numbers.

Mr. ABERCROMBIE. Thank you.

Mr. VENTO. One of the points that comes out in terms of revenue flow, in terms of public benefit in examining this, is the additional revenue flow that comes from additions like sky boxes and luxury suites. One thesis on the matter points out that the type of Washington team sky boxes bring in $21 million annually for 300 sky

boxes with an additional $37 million from other luxury seating for a total of $58 million annually just from that. This is a real money-maker.

The issue of course is that these are matters that are not within your purview, attracting or trying to attract or maintain a team in the area and that there were only so many franchises and that these types of revenues are probably speculative in nature, but are very, very substantial. You obviously would like to get at least the minimal impact and do this properly.

I guess you try to squeeze as hard as you can. We have an interest in terms of public benefits. In my view, public benefit isn't served by luxury sky seats and boxes.

Mr. ABERCROMBIE. Would you yield? I forgot to ask one thing in connection with public benefits.

I take a different view from the chairman with respect to the sky boxes. That can be a revenue producer and it doesn't bother me that that is there. Is there any arrangement in your agreement that once the stadium or the ability to meet the mortgage, meet the yearly requirements, the interest requirements, either are being paid, is there some kind of revenue-sharing agreement once you have—I am going to say profitability—I don't want to get into a long argument about what constitutes profitability.

In order to have the public benefits, I would be more inclined to accept this if I knew that you had an agreement with Mr. Cooke that once vendors and banks are paid and the jobs are ongoing, which I am in favor of. That is why I am not opposed to the sky-box concept. Do you have something where the public benefits could come in?

Instead of us looking at the worst consequence that you get less revenue and thus have to make it up, what happens if there is more than enough revenue being made? Is the largesse from the profits going to be shared so you can increase the amount of activities?

Mr. MALLETT. After the first 30 years, the District of Columbia will fully own the stadium and all tax abatements would be ended. So there is a benefit to the District of Columbia after 30 years. Before that time, the District would not share in that largesse.

Mr. ABERCROMBIE. Is that because Mr. Cooke in his negotiation with you anticipated it would take that long to be able to make up all that was needed to pay off the stadium and ancillary costs?

Mr. MALLETT. I would assume that may have been part of his thinking.

Mr. ABERCROMBIE. I am asking what is part of your thinking?

Mr. MALLETT. With respect to how long it will take Mr. Cooke to make up for his expenditure of money, I would have no way of knowing that directly.

Mr. ABERCROMBIE. I think that is a pertinent issue because this is public land supposed to be for public benefit. I can understand trying to pay off the private investment and I want him to make a decent wage for his old age, but nonetheless it seems to me if money is going to be made on the thing, there should be a sharing agreement as part of that so there should be——

Mr. VENTO. It is actually 114 years we have discovered this morning. My concern is not that sky boxes and luxury suites will

lose money. I understand that. Some suggest that this figure could be as much as $58 million a year. You would probably get a payback pretty quick in terms of whatever is ingested. The proposition is you have basically robber barons in football uniforms in terms of what is going on.

We are sort of strapped in terms of community pride and development and a lot of other things. The problem that you are facing is no different than anyone else that has this franchise. You think that you probably got a better negotiation than Atlanta or some of the other communities, but one of the persistent questions is what happens, what guarantee or assurance do you have that the Washington team will stay in Washington even if this new stadium is constructed?

When I was a young person, this football thing wasn't as big. Sometimes I think that we will look back on the 1980s or 1990s or 1970s as being a time when this hit an interest peak and sometime in the future this may change again. I am concerned with what happens with these properties.

We set up the parks and public lands in perpetuity—tough words. What remedies do you have if he all of a sudden decides not to continue? Part of the interest in going to these games is if you see a successful contest and a lot of that is predicated on whether you are willing to invest money and pay the salaries. Our concern is that we have one stadium where a fellow by the name of Bob Short left town and came to Minneapolis. He didn't get elected to the Senate, but he caused a lot of mischief.

You have that stadium sitting there because the best plans of the District of Columbia at that time didn't deliver back. Now we have another being constructed. He is putting some money in, but as indicated by the revenue flow in some sources, that could be paid back pretty quickly. Things could change.

What are the remedies that you have from your counsel or from others——

Mr. MALLETT. Part of the agreement is that Mr. Cooke would stay here with the football team. If he chose to violate that part of the agreement, we would take all appropriate remedies available to us to retain the football team here, including legal action if necessary.

Mr. VENTO. I think legal action would be necessary, but the contract or the Memorandum of Agreement or the intention to contain binding agreements are those a predicate in the Memorandum of Understanding.

Mr. MALLETT. Part of the agreement encompasses that the Jack Kent Cooke organization will continue to play its pre-season and regular and post-season games in the stadium.

Mr. VENTO. During the terms of the lease, 30 years?

Mr. MALLETT. Yes.

Mr. VENTO. There are no other clauses, provisions there. They lost the Senators—was that at the conclusion of a lease or Baltimore or others that have lost teams?

Mr. MALLETT. I can't comment on that.

Mr. VENTO. I think it is a really important question to get nailed down because after we go through this and do what we are doing here and devote the public resources and land and the District of

Columbia does the infrastructure, I think it is important that that question be answered in terms of the public interest and the use of this public land.

Mr. MALLETT. As we pursue discussions with Mr. Cooke, we are well advised to take your advice.

Mr. VENTO. On the Barney Circle connector, a lot of the money would come from Federal financing. What is the relationship between the Barney Circle connector and the improvement and modifications to parking spaces at the stadium?

Mr. MALLETT. There is no automatic linkage between the two. We finalized our Memorandum of Understanding with Mr. Cooke prior to making a decision about whether or not to proceed with respect to Barney Circle. The impact, however, obviously as we proceed we will be receiving Federal funding to complete the Barney Circle connector project.

With respect to its impact on parking, I defer to Mr. Brown.

Mr. VENTO. I have a publication that came out from the Department of Public Works. It says this is what the connector will and will not do. It will pay much of the cost of new parking at the new stadium, provide improved access to the stadium helping to keep the game day traffic off residential streets. It might also increase the number of people that are willing to drive, which is of concern.

Mr. BROWN. We can always improve the record. On the Barney Circle project and the Federal Highway Administration funding, I think the best way to explain it is that there is no automatic connection. The proposed transportation improvements are improving local and regional access and whatever impacts they make such as on park land or parking lots or ramps as they make these improvements they are supposed to fix.

Basically they will impact the access roads and parking lots of the stadium. So in the process of impacting those, they fix the impact that the project causes and if timed well those remediated impacts can be coordinated with the new plan. So there is no automatic connection.

They are improving the situation much like they will improve the park situation and accommodate impacts they make to the parks.

Mr. VENTO. I certainly think it all ought to work together. If you are going to do this, you ought to take into consideration the major construction of the footprint of the stadium and the flow of traffic and exiting and entrancing to it. It is a question of whether or not the National Government through a freeway expense, 90 percent Federal portion, would be picking up a substantial portion of the stadium parking costs.

This is especially relevant in light of the beneficiary who is going to get 90 percent of the benefits in the parking, which is the District of Columbia's to negotiate away. I think it gets back to public benefit provisions of the law. I hope we can look at those in more detail. It is a sign of the times in terms of where we are with these types of franchises.

Under the law we have created, the franchise is an exemption from antitrust. These are robber barons in football uniforms. They are big business, football sports, incorporated. That is not to be solely the burdens of the District of Columbia to solve that sticky problem.

Congresswoman Norton, you have been very patient while I have peppered away at your colleagues on the City Council. Do you have any comments or questions for them before they leave?

Ms. NORTON. I would like to ask just a few questions because in the District of Columbia there are really two major reasons why this project has been controversial. One has to do with the impact on the surrounding community, and the other has to do with the impact on the environment in the larger context.

It seems to me that there would have been less controversy if the EIS had dealt more extensively with the effects on the local communities rather than to postpone investigation of some of those effects; the soil—lead contamination—for example, is not dealt with. If you have people still living in the community who remember the vibrations to their homes when the first stadium was built, it is natural that they would have wanted some kind of mention in the EIS.

You have matters that might seem minor in the overall context but that would have been important in the surrounding community—such as movement of a playground which exists there now to another spot. These are not dealt with in the EIS. You almost invite controversy from the community.

Are you prepared to say something that would reassure the community on issues of that kind?

Mr. MALLETT. That certainly contributed to the angst and concern of the local community.

Mr. Brown?

Mr. BROWN. There are definitely I believe problems that have been found from the very beginning. The effects on the community and on the environment were dealt with very directly in the draft and subsequently in greater detail, as should be the case, in the final. This information was provided to the community very early on. There were more than the minimum required scoping meetings. They were held in several locations.

There were also meetings to discuss the draft findings. The EIS is fundamentally a disclosure document that provides information to everyone all the time. That is what this process did. Many times that information is then used to either support or oppose the projects. That is not something we are concerned with——

Ms. NORTON. Are you saying that the EIS dealt, for example, with lead soil contamination?

Mr. BROWN. Absolutely. In fact the draft EIS identified the initial soil problems, the lead contamination and then did greater soil testing to determine how serious it was, also developed a mitigation plan and provided all of that information to the community.

Ms. NORTON. What is the study that the EIS promises will be done after the EIS is completed? Has that study been done?

Mr. BROWN. That is the soil management program. Because of the levels of lead that have been found—and there were approximately 73 soil tests done, only one of which—and it turns out that the first one was found to be hazardous. Ten others were found to be contaminated. Because the soil condition is primarily a random and somewhat unpredictable condition, the mitigation program will be to test as the construction goes along, to test further, and that is the appropriate scientific procedure.

You will test and dispose as you find because it is a random and fairly modest level of contamination, and most money that has been talked about in the mitigation program is for that safety and testing procedure. If the District is lucky, they may find there is little contamination and also money will be needed for the safety and securing of that soil, but in no case do we predict any more than the dollars have been stated.

Those tests are part of the mitigation program to ensure safety and enclosure of that soil if it turns out to be found in the ranges that we have described. I don't want to sound defensive, but some of this information has been misused and it was provided early on and frequently.

Ms. NORTON. This information came from the EIS reports and not from the community. I think when you speak about the EIS being a disclosure document you are right, and matters like vibrations of homes and what is going to be done about it are best dealt with in the enviromental impact statement

A good place to deal with them is in the environmental impact statement, because that is the only document the community has to go by.

Mr. BROWN. We agree with that and the program associated with structural mitigation is any home within 1,000 feet will be surveyed before construction starts so the base condition will be documented. The traditional plan is for fragile or non-sturdy construction, you document within 100 feet. For sturdy, you usually document within 20 feet.

The Mayor and Deputy have been very aggressive about this mitigation program and want all documentation within 1,000 feet and that any damage that occurs will be clearly discernible and corrected.

Ms. NORTON. Similarly, there was great concern when it appeared that an exemption to the Building Heights Act of 1910 was being requested. Is that still being requested?

Mr. BROWN. No.

Ms. NORTON. I have taken the Anacostia River as my special concern in the environment and am myself putting in an urban watershed bill which I expect to be adopted as part of the Clean Water Act. I therefore have a special concern about any activity on or near the site which would be in conflict with the ongoing work that so many of us in the region are involved in to clean up the Anacostia.

What assurances can you give those of us with those concerns that further contamination of the Anacostia will not occur as a result of building the stadium?

Mr. BROWN. Our position through scientific analysis is that this will improve the water quality condition of the Anacostia and it really is a question of storm water runoff analysis. Most people don't realize that if you took a test of the water quality from rainwater that traversed a parking lot it is almost equal in deterioration to secondary treatment effluents.

The crap that collects on parking lots is pretty grim. What the EPA is proposing is slowly but surely trapping all runoff and treating it. So the opportunity here is to take this vast area that is now very random in some cases, broken parking lots, in some cases just

direct runoff into the river, trapping that, leaching it through sand pits and releasing no water to the river that hasn't been treated.

It should be a distinct improvement and I think that proposing this kind of treatment throughout the Anacostia watershed would be a very important and good public policy.

Ms. NORTON. One of the reasons that the notion of rebuilding a stadium—not leaving RFK there—has come forward, I think, is because of the perception from many of the pictures that one is squeezing a very large structure into a very small site that was never meant to contain a structure of this size. I wish you would discuss from an environmental point of view the relationship between the size of the structure and the site on which it is to be placed and how you justify placing a structure of that size on a site of that size?

Mr. BROWN. That is a very good question. I think I would approach that from three points of view. One is a policy point of view, one a horizontal dimensional point of view, and one is a vertical. There were plans for the Anacostia going back 20 or 30 years. There was an effort that recognized the environmental and park quality of this watershed and said there should be venues, recreational, regional and national, provided that would have private funding to enrich visitor opportunities.

From a policy point of view, I think the new stadium is consistent with that. What has happened just in the horizontal dimensioning of the area is that the Metro line is a little tight there. It would be nice if we could have moved that line over a little bit. Sometimes problems become solutions and if you can see from that diagram what happened is the stadium has been placed very tightly between the Metro line, the river, and the relocated C Street. Then what is proposed there in the plan is that you will then, you have a small lid over the Metro trench. So what was a barrier now becomes an element of bridging and you enter that side of the stadium.

There is no excess space there, but it can work with engineering and it becomes a kind of building on the river, on the waterfront. If you look at the opera house that is right on the river and its profile is a signature for the city. So these facilities, if well designed, you can take a tight site and turn it into a real signature asset.

With Children's Island across the little lake, you would have fundamentally a landscape solution, so there will be a nice contrast between the profile of the building, the Waterfront and Children's Island. Vertically you have a nice opportunity here to take a big building and put it down in the topography.

Although it looks tight horizontally, it is a good site, a very, very good site vertically, because it absorbs the bulk and height of the building away from Oklahoma Avenue.

Ms. NORTON. I would like to get clear a factual matter that I have never quite understood. The decision to go with two stadiums was a decision of whom? Whose preference was that—the District of Columbia's or the Cooke organization's?

Mr. MALLETT. In working with Mr. Cooke, we had several discussions about whether or not we would reconfigure or renovate the stadium. We concluded that a better opportunity would be to build

a new stadium. It was a consensus decision that we were able to come to.

Ms. NORTON. The earlier answers had to do with income from RFK Stadium, which would seem to indicate the District of Columbia wants to maintain that stadium. Your answer now resonates in logistics and not income. I am confused and I think there has been confusion generally on that question.

Mr. MALLETT. Once the decision was made that we would have two stadiums, it was incumbent upon us that we would continue to make RFK work. We are finding ways to continue to make RFK a viable stadium in the city for us to continue to receive revenue from it.

Ms. NORTON. I don't understand that. It seems to me in deciding upon two stadiums, one ought to have all the factors on the table and say, "Here are the factors." You said we made a decision and once we made it, we have to find that we can use the new stadium.

I want to say as a Member of Congress from the District of Columbia who has felt that there were two values here and that the important thing was to try to address both of the values equally, that this notion, which continues to resonate in the city, may have a majority of the City Council by now for all I know. It certainly has many people still believing that there was a viable alternative and not understanding why the alternative chosen was chosen.

Now surely if you had two stadiums, you had better back up and find some use for them. There is a cost to every decision in life, although public officials are always faced with the free lunch decision. Everybody really wants you to make the decision that costs them nothing.

I don't approach issues that way. We have to make the decision and accept the costs that justify them. It seems to me the rebuild notion comes from an inadequate explanation as to why two stadiums was the chosen alternative. In public life and in public policy, one has to be willing to step up and say, "This is why we are doing what we are doing. These are the costs, but we must do it this way. These are the benefits. There was no solution that didn't cost anyone something and we come out this way for this reason."

You are, it seems to me, handicapped now that you have people running for the City Council who, as I recall, all say they were for the other alternative. You have the local Council member for the other alternative. You have community people saying they are for the other alternative because they want to keep the Redskins here and yet the issue remains muddled and you haven't helped me by saying we figured out afterwards, after we looked and had a consensus agreement, as if somehow that decision floated in the air and a consensus was reached naturally to maintain two stadiums without configuring who won or who lost and we backed into, "Well, we had better find a use for RFK Stadium."

A clear explanation it seems to me would help eliminate some of the confusion and controversy on this issue and I ask you after this hearing to approach that issue head on and try to get a consensus that we can go forward on, either eliminate it or find some way to deal with it so that we don't have continuing controversy in this city on that basis.

Mr. MALLETT. I appreciate that. Perhaps I did not speak with enough clarity. What I said and certainly what I meant was that after we looked at the alternative of reconfiguring a preliminary assessment dictated to us that that was not a viable option and it was rejected and the decision for a freestanding new stadium was made and decided upon.

Ms. NORTON. With all due respect, the notion that it was a completely unviable option is very hard to accept. I can accept the problem-solving mode that there was this option and it had pluses and minuses and there was the option of one stadium and it had pluses and minuses, but it is very hard for me to accept the notion that the only option that was available was build, leaving two stadiums in. That is not a credible response.

Mr. VENTO. Well, I thank the gentlewoman. I had the impression that there was only one vote in this particular process that counted and that was that of J.K.C. Stadium, Incorporated.

Ms. NORTON. Mr. Chairman, I am not sure that Jack Kent Cooke insisted upon a configuration that left two stadiums.

Mr. VENTO. That is the impression I am left with, nevertheless, in terms of looking at what I have seen. I appreciate your trying to temper my view of that.

Ms. NORTON. The District of Columbia testified that it wants some revenue from that. I made an attempt to find out—when John Wilson was alive and many of us tried to approach this recognizing that there might be some way in which we could get greater consensus here—and I was not able to ascertain; and in the letter that Mr. Cooke sent us, it is not clear in his responses to questions that you asked that he said, "It was my decision that we needed to have only one stadium."

For Mr. Cooke not to be here to illuminate the record, for him to take the criticism that I think he has justifiably taken in this hearing today——

Mr. VENTO. The option is there. We don't want to waste anyone's time.

Thank you, Mr. Mallett, for your generous time that you have devoted to this effort and for your presence and that of your staff. You said that you have to leave, but you related that Mr. Brown and others would be in attendance to offer further information down the line and to others that are in attendance as to the decision that was made.

Thank you very much. Thank all of your associates as well. We have a number of letters to put into the record to the City Administrator from Walter Lynch & Company, that goes in the record, without objection; a letter from the District of Columbia from the Deputy Mayor for Economic Development. We will put that in the record; Mr. Jack Kent Cooke's letter to myself and my letter to Mr. Cooke concerning his participation this morning. A letter from Mayor Kelly to myself; a letter from the National Parks and Conservation Association, Friends of the Earth for the record, and finally a letter from Mr. Stark that he had submitted to me.

Without objection all those will be placed in the record, hearing no objection.

[EDITOR'S NOTE.—See appendix.]

PANEL CONSISTING OF MELVYN J. ESTRIN, COMMISSIONER, NATIONAL CAPITAL PLANNING COMMISSION (NCPC), ACCOMPANIED BY BOB GRESHAM, NCPC STAFF; HERBERT HARRIS, JR., PRESIDENT, KINGMAN PARK CIVIC ASSOCIATION; VERONICA RAGLIN, CHAIR, CAMPAIGN AGAINST COOKE STADIUM; AND DORN C. McGRATH, JR., CHAIRMAN, COMMITTEE OF 100 ON THE FEDERAL CITY, AND DIRECTOR, INSTITUTE FOR URBAN DEVELOPMENT RESEARCH, THE GEORGE WASHINGTON UNIVERSITY

Mr. VENTO. We are pleased to welcome the next panel, Mr. Melvyn Estrin, the commissioner of the National Capital Planning Commission; Mr. Herb Harris, Jr., the president of Kingman Park Civic Association; Veronica Raglin, the Chair of the Campaign Against the Cooke Stadium; and Mr. Dorn McGrath, Jr., the chairman of the Committee of 100 and director of the Institute for Urban Development Research at George Washington University.

We are pleased to welcome the panel. We know that many of you have put in considerable efforts on this matter and the committee needs the type of expertise and guidance from some of you that have worked professionally on this and certainly needs to hear the community input on this important question.

The statements have been made part of the record so you can feel free to summarize.

STATEMENT OF MELVYN J. ESTRIN

Mr. ESTRIN. I will introduce myself. I am Melvyn J. Estrin, a commissioner of the National Capital Planning Commission and acting chairman for the issue of the stadium.

I think it is important to make the statement that the National Capital Planning Commission is chartered for the purpose to approve the location, type, bulk, number of stories and size and the provisions for open space in and around all Federal buildings in the District of Columbia.

Therefore in an attempt to summarize, we are very supportive and appreciate that the present legislation calls for keeping those approval authorities in the bill to be kept with the National Capital Planning Commission.

The other comments that are in my remarks that we want to emphasize is that we do not see or seek or desire any change in the height limitation that is already existing in the legislation, but we want to be very clear that those two are tied together in the same passage which will refer to the oversight authority and approval authority of NCPC and is in the same section with the height limitation issue.

So we would support removal of any exception to the height limitation while we appreciate the authority being kept with NCPC.

The only other issue we want to make sure is recognized is that the Commission has put forth its preliminary concerns on the EIS based on the draft submitted to us. A number of those items have been addressed, but the Commission has not yet addressed the full proposal and would not be able to until this legislation is passed by the Congress and then a full submission is presented to us.

We gave input based on the documents presented to us and what occurred in the final EIS as presented to you is the ultimate result

of some of our comments. We have not gotten complete satisfaction on the parking issue. We understand the problems but that is one of the areas we anticipate to press very much. That was a point that the full Commission wanted to be sure that was put forth here today.

Mr. VENTO. Thank you for your testimony. I assume that that concludes your testimony?

Mr. ESTRIN. Yes.

Mr. VENTO. You are trying to respond to the issues without prejudging, unlike some of us.

Mr. ESTRIN. Yes, sir.

Mr. VENTO. You have a regulatory responsibility here I understand through the National Capital Planning Commission. I will get back with a few questions to draw on your expertise in a few minutes.

[Prepared statement of Mr. Estrin follows:]

NATIONAL CAPITAL PLANNING COMMISSION
801 PENNSYLVANIA AVENUE, N.W., SUITE 301
WASHINGTON, D.C. 20576

STATEMENT OF

MELVYN J. ESTRIN

before the

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

on

THE PROPOSAL TO AMEND THE DISTRICT OF COLUMBIA
STADIUM ACT OF 1957 TO AUTHORIZE THE
CONSTRUCTION, MAINTENANCE, AND OPERATION OF A NEW STADIUM
IN THE DISTRICT OF COLUMBIA
(H.R. 2176 and H.R. 2702)

November 5, 1993

Mr. Chairman, and members of the subcommittee, my name is Melvyn J. Estrin. I am a presidentially appointed Commissioner of the National Capital Planning Commission. I appear before you today as Acting Chairman of the Commission for the stadium project. Thank you for the opportunity to present the Commission's views on the proposal to authorize the construction of a new stadium in the District of Columbia adjacent to Robert F. Kennedy Memorial (RFK) Stadium.

The Planning Commission is mandated by the National Capital Planning Act of 1952 to serve as the central planning agency for the Federal government in the National Capital. Congress has charged the Commission with the responsibilities, among others, to prepare the Federal elements of the Comprehensive Plan for the National Capital (Comprehensive Plan) and to approve the location, height, bulk, number of stories, size, and the provisions for open

space in and around all Federal buildings in the District of Columbia. This latter responsibility includes approval of all buildings constructed on Federal lands in the District of Columbia regardless of their sources of funding. The Commission is pleased that H.R. 2176 and H.R. 2702 include an identical provision requiring Commission review and approval of the stadium prior to construction, consistent with its longstanding plan review responsibility.

The Commission is, however, very concerned about the proposed waiver of the provisions of the "Act to regulate the height of buildings in the District of Columbia", approved June 1, 1910 (Height of Buildings Act), contained in the two bills. The Commission has consistently strived to preserve the horizontal character of the Nation's Capital and, along with the District Government, incorporated a policy in the jointly adopted Preservation and Historic Features element of the Comprehensive Plan to limit building heights in accordance with the Height of Buildings Act. The Commission has taken no position on the view of the District of Columbia that the proposed stadium will not require a waiver of the Height of Buildings Act. In any event, in view of our longstanding opposition to the granting of waivers, we strongly recommend that the waiver provision be eliminated from the proposed legislation.

The Commission commented on the draft Environmental Impact Statement (EIS) for the proposed stadium at its June 24, 1993

meeting. We understand that the final EIS responds to many of the issues the Commission raised in its comments. We have not, however, formally reviewed the final document at this time. It will, of course, be fully considered as part of the documentation and submission materials whenever the stadium project is submitted to the Commission for formal action.

The Commission continues to be concerned about the extensive surface parking areas that we understand are still under consideration for the new stadium. We recommended in our comments on the draft EIS that the alternative of some terraced parking be seriously explored to minimize the area that would have to be covered with paved surface parking. Although we understand the problems associated with the operation of parking decks, as well as the additional expense, the Commission would expect to have further discussions on this point. We continue to believe that limited terraced parking decks that take advantage of the sloping terrain of portions of the site could be developed in a way that would overcome the problems of access, safety, and operations associated with more conventional multi-decked facilities. The accommodation of even a limited amount of parking in such terraced facilities could eliminate the need for parking so close to the shoreline of the Anacostia River and could also allow for more generous buffering and landscaping of the stadium parking from the residential area along Oklahoma Avenue.

Finally, Mr. Chairman, if Congress authorizes the new stadium to proceed, the Commission will work with the lead agencies in an effort to resolve the design issues most appropriately addressed in the review process. Mr. Robert E. Gresham, Assistant Executive Director for Operations of the Commission, is with me today. We appreciate the opportunity to testify before you and would be pleased to answer any questions you may have.

Mr. VENTO. Mr. Harris is the president of the Kingman Park Civic Association. If you could summarize your comments.

STATEMENT OF HERBERT HARRIS, JR.

Mr. HARRIS. Mr. Chairman, I ask the indulgence of the committee with regard to my voice. I suffer from a bad cold.

I really appreciate the committee's opportunity to testify on behalf of the residents of the Kingman Park area on bills H.R. 2702 and H.R. 2170, the D.C. Stadium Amendment Act of 1993.

The full scope of the Jack Kent Cooke Stadium project has no greater reality than on the lives of the residents of Kingman Park. The natural boundaries of Kingman Park are the primary impact area for this project. For over 67 years, Kingman Park has been recognized as one of the most stable communities in the District of Columbia.

Data collected during the 1990 census indicated Kingman Park had a normal homeowner occupancy rate higher than the District of Columbia and witnessed higher increases in median home value and household income than the District's average. But the real strength of our community is its African-American families and our relationship with the upper Anacostia region, including Children's Island, the golf course and the Heritage Island.

The pending legislation is not simply about the issue of constructing a new football stadium. It is also about the inability of the Department of Interior and the National Park Service to maintain and plan for the enhanced uses of the Federal park lands in the Anacostia region.

It is about the ability of Congress to protect our National Heritage park land for future generations. The 1957 Stadium Act was done in another era, at a time in the history of the District of Columbia when many of our public facilities had yet to be desegregated. So a decision was made by the Congress that a stadium would be built on the current site.

A lot of proponents of this project argue that that predetermined that this area would be the location for an additional stadium. We don't share that argument. In 1957, the 180 acres surrounding RFK Stadium was assessed at $2 million. The question is what is the assessed value of the land in 1993 dollars?

It is fair to remember that under the Memorandum of Agreement signed by the District of Columbia and the Jack Kent Cooke Organization it would be leased for $1.00, the value of a Metro ride from Capitol Hill to Kingman Park.

In 1986, congressional debate over the transfer of RFK Stadium to the District of Columbia centered around ownership of the land around it. I say that to say that the implications of this bill go far beyond the boundary of the District of Columbia. The two pieces of legislation before this committee will influence how Federal park land in every congressional district is evaluated.

Now, one of the arguments that you will get from some is that this is a local issue, that the issue should be decided by the City Council or the Mayor, with a casual passing over by Congress. The fundamental question at hand with this bill is the private use of public park land, which falls into the purview of the United States Congress.

The subcommittee's actions will establish a standard of measuring public park land, particularly public park land in minority communities. You have also an opportunity I think, Mr. Chairman, your comments have indicated, to redirect the focus of the Park Service, especially in the National Capital Region, and their behavior already is in question by another committee and another Member of Congress Michael Synar.

The environmental impact of the Jack Kent Cooke Stadium project is the greatest threat to the residents of Kingman Park. Kingman Park is located in a non-attainment area for carbon monoxide and ozone. An additional 18,000 cars will be attracted to the Jack Kent Cooke Stadium, quantitatively increasing pollutants such as carbon monoxide and ozone in the Kingman Park area.

The peak uses and periods for the stadium will coincide with the hazard level and high levels of pollution in the District. The stakes were raised tremendously with the identification of contaminated soil on the proposed test site. The older members of our community have told us there were times when trucks were doing things there that no one knew about.

There is a possibility things were dumped, but the discovery of this contaminated soil confirms that folklore. However the preliminary studies which were done in the draft and later put into the final EIS limited the soil contamination primarily to the proposed site of the stadium. However, further investigation has shown that these soil contaminants are randomly scattered throughout the proposed site, which indicates that the prevalence of lead contamination outside the site where the building would be located indicates that the entire area has a varying degree of contaminated soil which leads to the large amounts of soil disturbed during excavation, the greater public exposure, particularly for seniors and school-age population and greater health risk.

The Federal interest is recognized as stated in the EIS. Because the Federal Government owns the land, it will be expected to pay a significant cost of removal of that soil. The issue of a cumulative impact has to be addressed also.

The Anacostia region has been designated appropriately the zone of conflict. If the Jack Kent Cooke Stadium is built in that region, nine federally sponsored or initiated large tract facilities would be located, including the Jack Kent Cooke Stadium, National Children's Island theme park and Barney Circle Freeway in the Anacostia region.

Each project offers its own environmental issues and must be considered in conjunction with existing or planned facilities and their interrelationship. The final EIS failed to address thoroughly the cumulative impact question and its interrelationship especially to Barney Circle and Children's Island.

I will quote from the final EIS. The primary focus of the final environmental impact study as stated is the construction of a stadium and the determination of a cumulative impact was limited because of lack of data on other proposed projects in the area. However, the revenue sources and benefits derived from Children's Island and the Barney Circle Freeway by the Jack Kent Cooke Stadium have been easily documented.

Funds appropriated by the Federal Highway Administration would be used to build a feeder road to the project. Now, the Jack Kent Cooke Stadium project brings to the forefront an issue that this Congress is beginning to deal with which is the issue of environmental justice. The proposed Jack Kent Cooke Stadium would remove from public use or consume I should say from public use 190 acres of Federal park land in the Anacostia River region.

The loss of park land will alter the balance of green space in the District of Columbia, especially in a primarily African-American region.

The issues of environmental justice before have focused on location of hazardous wastes, toxic facilities near minority or disadvantaged community. The issue of the stadium adds a new element to this discussion: equal access to Federal property.

The goal of the McMillan plan was to provide equal access via Rock Creek Park and the Anacostia region. The District is composed of 6,200 acres of park land administered by the Park Service. Forty-seven percent is Rock Creek Park. A comparison of Rock Creek Park and Anacostia Park will show you that there are no commercial or industrial facilities located in Rock Creek Park, but these facilities are located in the Anacostia region.

The history of African–Americans in the United States is uniquely woven into the history of Kingman Park. We have one historical district, the golf course, one historic site, the Langston Terrace Dwellings, and could have two others located in our vicinity.

The question is asked, Why is this community not worth preserving? The issue I think that gets to the crux of this whole debate is the cost versus benefit question. The greatest expansion in real estate development in the 1980s did not occur in hotel, resort, or home construction, but in stadium construction.

Financial World Magazine in a recent report dubbed this development frenzy the Edifice Complex. You have asked what the tangible benefits are to residents. During the construction period of the project, the District residents are expected to get maybe 700 jobs which represents one-time or short-term employment.

The net benefits to the District of Columbia in terms of full-time employment is 20 full-time jobs, 20–24 full-time jobs, and they are in the area of support, maintenance and facility grounds keeping.

What this does is translate based on the District's conclusion to a cost to the District of $2.3 million to create one full-time job, one full-time job. You already addressed the parking revenue question.

The District will forgo tax benefits in lieu of a payment that is capped over 30 years. The one issue I think that is critical—and we need to go back to as Congresswoman Norton alluded to—is the question of the alternatives. Stadiums are not rendered obsolete based on esthetics or engineering but rather by owners that classify them as unprofitable.

The RFK Stadium is a victim of this phenomena. The economic and environmental feasibility for renovating RFK Stadium under the plan developed by The Weihe Partnership Group far exceeds the limited benefits of constructing Jack Kent Cooke Stadium.

In conclusion, Mr. Chairman, I would like to say that our community is gravely concerned about this project because it will permanently alter the quality of life and standard of life that we

fought to protect for some 67 years. Historically the Nacotchank Indians settled along the Anacostia River to form tribes because of the abundance of land and the bounty of crops and game.

My family settled in Kingman Park for many of the same reasons, the open space, the good families and good neighbors. The issue at hand is not passive recreation or the construction of a pyramid or monument, but the heritage of my community and the people that cherish the Anacostia River.

I urge you, Mr. Chairman and members of this committee, to oppose H.R. 2170 and H.R. 2702 the Stadium Amendment Act.

Mr. Chairman, I would be more than happy to answer any questions.

Mr. VENTO. Thank you, Mr. Harris.

[Prepared statement of Mr. Harris follows:]

Kingman Park Civic Association

TESTIMONY OF

HERBERT HARRIS, JR.
PRESIDENT
KINGMAN PARK CIVIC ASSOCIATION

on

H.R. 2170 / H.R. 2176
"THE D.C. STADIUM AMENDMENT ACT OF 1993"

before the

HOUSE COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

NOVEMBER 5, 1993

P.O. Box 48094, Washington, D.C. 20002-0094

Good Morning, Mr. Chairman, My name is Herbert Harris, Jr., President of the Kingman Park Civic Association.

I would like to thank you Mr. Chairman and members of this committee for granting me the opportunity to testify on Bills H.R. 2176 and H.R. 2170 "The DC Stadium Amendment Act of 1993:

The full scope of the proposed Cooke Stadium has no greater reality than in the lives of the residents of Kingman Park. For over seven years, the Cooke Stadium has been an ominous presence threatening the quality of life and future of Kingman Park.

The natural boundaries of Kingman Park, north to M Street, south to East Capitol Street, east to the Anacostia River, and west to 15th Street, N.E. is the primary impact area for the proposed JKC Stadium.

For over sixty-seven years, Kingman Park has been recognized as one of the Districts' most respected and well maintained communities. Based on census data, Kingman Park exceeds the norm for the District of Columbia in owner occupied homes, and witnessed higher increases in median housing value, and household income than the District average.

The true strength of Kingman Park is its proud African American families and relationship with the treasures of the upper Anacostia Region including Childrens Island, Heritage Island, and the Langston Golf Course.

The pending legislation is not simply an issue of constructing a new football stadium it is also about the inability of the Department of Interior and National Park Service to maintain and plan for enhanced uses of the federal parkland in the Anacostia Region. At best, it is about the ability of the US Congress to protect our national heritage and public parklands for future generations.

1957 STADIUM ACT

The 1957 Stadium Act, Federal Law 85-300, was approved by the Congress authorized the Armory Board to construct and operate A single stadium in the District of Columbia. Proponents of the Cooke Stadium argue this federal action pre-determined this area as the site for another stadium. We do not agree !

In 1957, the 180 acres of federal parkland affected by proposed DC Stadium had a estimated value of $2 million dollars. What is the estimated value of this same 180 acres in 1993 dollars? Under the MOU agreement between the District of Columbia and JKCSI, this land will be leased for $1.00 dollar. The value of a metro ride from Kingman Park to the US Capital.

In 1986, congressional debate over the transfer of RFK Stadium to the District of Columbia centered around ownership of the land around RFK Stadium. On 1993, the Congress is faced with the issue of a stadium and the use of federal parkland.

The implications of H.R. 2176 and H.R. 2170 go beyond the District of Columbia. These two pieces of legislation will influence how federal park is evaluated in every congressional district.

LOCAL VS FEDERAL

The proponents of the JKC Stadium have used the argument that this is a local issue and should not be questioned by Congress. Congress is the appropriate forum because the fundamentally issue is the private use of federal parklands. This subcommittee's action will establish a standard for measuring public parkland particularly parkland in minority communities. You also have an opportunity to redirect the focus and priorities of the National Park Service especially within the National Capitol Region.

In a letter dated September 27, 1993, Congressman Michael Synor, Chairman, Subcommittee on Environment, Energy and Natural Resources Committee questioned the transfer of jurisdiction over National Park Service (NPS) land in the Anacostia Park to the DC for development of a $120 Million commercial theme park.

ENVIRONMENTAL IMPACTS

The environmental impact on the residents of Kingman Park is the greatest threat of the JKC Stadium. Kingman Park is located in an EPA non-attainment area for carbon monoxide and ozone. The additional 18,200 cars attracted to the Cooke Stadium will quantitatively increase pollutants such as carbon monoxide and ozone in the Kingman Park area. The peak periods of usage for the Cooke Stadium will coincide with the highest levels of pollution and air hazards in the District of Columbia.

HAZARDOUS WASTE

The environmental risk and hazards from the JKC Stadium escalated tremendously with the discovery of lead contaminated soil on the proposed site. Although preliminary studies limited soil contamination to the proposed site of the stadium, soil test containments appear randomly scattered throughout the proposed site area.

The prevalence of lead contamination outside the proposed site area delineate that the entire area has varying degrees of contaminated soil. The larger the amount of soil disturbed during excavation the greater public exposure and health risk. The FEIS indicates that the Federal government would be responsible for the cost of removal since it owns the land.

Cumulative Impacts

The Anacostia region designated for the proposed Cooke Stadium has been appropriately name the "zone of conflict." If the JKC Stadium is developed, nine federally sponsored or initiated large tract facilities including the Cooke Stadium, National Childrens Island Theme Park, and proposed Barney Circle Freeway would be located in the Anacostia region. Each project or facility posses a variety of different environmental issues that must be considered in the conjunction with existing or planned facilities and their inter-relationships.

The final environmental impact study fails to address the cumulative impacts of the JKC Stadium and its inter-relationship with Barney Circle Freeway or National Childrens Island. The primary focus of the FEIS as stated is the construction of a 78,600 seat stadium and that the determination of cumulative impacts was limited because of the lack of data on the other proposed projects in the area.

However, the revenue sources and benefits derived from Childrens Island and Barney Circle Freeway by the JKC Stadium have been easily documented. For example, a portion of the funding for the Barney Circle Freeway Modification will be used to construct a feeder road to the new JKC Stadium and reconfiguration of two parking lots. The FEIS failed to view the macro impact of the project because its primary mission was the micro issue - build JKC Stadium.

ENVIRONMENTAL JUSTICE

The JKC Stadium brings to the forefront the issue of environmental justice. The proposed JKC Stadium will remove from public use 190 acres of federal parkland in the Anacostia River region. The loss of parkland in the Anacostia Region will alter the balance of open space in the District of Columbia in primarily of Afro-American region.

The issue of environmental justice has primarily focused on the location of hazardous and toxic facilities near minority or disadvantaged areas. The issue of the JKC Stadium adds a new element to the discussion - equal access to federal parkland.

The goal of the McMillan Plan was to provide residents equal access to parks for recreation through Rock Creek Park on the west side and Anacostia Park on the east side.

The District of Columbia is comprised of over 7,200 acres of federal parkland excluding the federal conclave and mall area. Forty seven percent 47% is Rock Creek Park the balance is in the Anacostia Region and spread throughout the city.

A comparison of the Anacostia Region and Rock Creek Park clearly shows that there are no large scale commercial developments or industrial projects proposed or located in Rock Creek Park. Why is only the federal parkland in the Anacostia region designated for large scale commercial development?

The history of African-Americans in the United States and our progress is uniquely woven into the history of Kingman Park. One historical district, Langston Golf Course Historic District, and one historical site, Langston Terrace Dwellings, are located in Kingman Park. Potentially, one additional historical district, and two additional historical sites could be located in Kingman Park. The relationship between our natural parklands and the history of Africans-Americans has never been more evident than in Kingman Park. Why is this not worth preserving?

COMPREHENSIVE PLAN

The proposed JKC Stadium does not meet land use guidelines established by the Comprehensive Plan, and Federal Elements for the District of Columbia.

The Comprehensive Plan for the Capital - District of Columbia Elements, dated 1985, sec. 1136, Adoption of Generalized Land Use Maps, sec. 74, designates that the areas around Robert F. Kennedy Stadium are included in the National Open Space System established in the parks, recreation and open space land use category.

The design of the Anacostia Park is so that its natural character, especially to the upper parks and Kingman Island should be for recreational uses especially boating and fishing. All recreation facilities should be compatible to carefully tie them in with the shorelines and open meadows, and avoid negative impacts on the wildlife and refuges.

Section 721 of the Comprehensive Plan states that the stable character objectives are to maintain those areas of the District that have a positive physical image and to provide that new development within or adjacent to these areas is complementary in scale and character. A football stadium is not in scale or complimentary to a stable residential community.

The H.R. 2176 / H.R. 2170 would also grant a waiver for the JKC Stadium to exceed the District of Columbia Building Heights Act of 1910. This important Federal legislation limits the height on any building to a maximum 160 feet has protecting the skyline of the Nations Capital and our views and vistas throughout the city.

COST VS BENEFIT

The greatest expansion in real estate development during the decade of the 80's did not occur in hotel, resort, or home construction/but stadium construction. Financial World Magazine in a recent report dubbed this development frenzy - The Edifice Complex. The question is what are the true economic benefits versus cost of these projects.

An analysis of JKC Stadium project proves that the tangible benefits are limited to the District of Columbia. The proposed project would cost a total of $206 million dollars, $160 million, private funds, $46 million from the District.

During the construction period, a projected total of 756 jobs will be created for District residents. This represents a one time injection in the local economy or term employment. The net in terms of net new full time employment, only 20 full time jobs to provide facility and grounds maintenance, and security will be generated from the project. The average cost to create one job is $2.3 million.

One hundred percent of all on site revenue and 90% of all parking revenue would be retained by the JKC Stadium. The District looses parking income, sales tax revenue, and stadium user fees. A fixed maximum payment of $46 million will be made over 30 years by JKCSI to retire the industrial revenue bonds issues to finance infracture improvements for the proposed stadium. The District will incur a public safety cost, for police, fire and ambulance services at an estimated cost of $276,750 per year. Net overall benefit is to the District of Columbia is ZERO.

Stadiums are not rendered obsolete based on aesthetics or engineering but rather by owners that classify them as unprofitable. RFK Stadium is a victim of this phenomena. The economic and environmental feasibility of renovating RFK Stadium under the plan developed by the Wielhe Partnership far exceed the limited benefits of constructing the proposed JKC Stadium.

CONCLUSION

The Nacotchank Indians settled along the banks of the river and forms tribes because the abundance of land and bounty of crops and game. My family settle in Kingman Park for many of the same reasons the the quality of good neighbors and the abundance of open land.

The issue at hand is not passive recreation or the construction of pyramid or monmument but the heritage of my commnity and people that cherish the Anacostia River past and present.

I urge you Mr. Chairman and members of this committee not to approve H.R. 2170 / H.R. 2176 "The D.C. Stadium Amendment Act".

Mr. VENTO. We have Veronica Raglin, the chairperson of the Campaign Against Cooke Stadium.

STATEMENT OF VERONICA RAGLIN

Ms. RAGLIN. Good morning.

I would like to thank you for this opportunity to come before you today to discuss our concerns on the proposed Cooke Stadium project. I agree with the other members of the panel on many issues and I do not want to duplicate those here today.

In order to expedite time, I will try to elucidate three points that we feel are important. One, that we do grieve that the Cooke Stadium is tied to two other projects, Children's Island and the Barney Circle project.

Two, we ask that this committee seriously consider not building the stadium because it will reduce the green space in our area. We don't have Rock Creek Park or Dupont Circle in Kingman Park. The green space around the stadium is the only green space available to our community, so please consider keeping that space so that we may use it as well.

We talked about the dangerous lead levels to the community, but equally important in the EIS is the dangerous level found in the soil as noted in the report and the failure of the report to adequately address potential damage to construction workers and to the neighborhood residents and to the community at large. This also needs to be looked at carefully.

My other point which I feel was probably not covered well enough is the cumulative impact. Again the committee has to look at all of the things that are going to affect the community over a long period of time.

We are looking at the health aspects which will affect everyone who was born in that area to the time that they die, as well as people coming to visit or work. Cumulative effects of traffic, construction, all should be extended in the EIS report, which it failed to do.

I would be happy to take questions from the committee.

Mr. VENTO. Thank you.

[Prepared statement of Ms. Raglin and attachment follow:]

TESTIMONY BEFORE THE HOUSE NATURAL RESOURCE SUBCOMMITTEE
ON NATIONAL PARKS, FOREST AND PUBLIC LANDS

TOPIC: THE PROPOSED COOKE STADIUM

Good Morning, Mr. Chairman, members of the subcommittee on national parks and public lands, ladies and gentlemen.

Thank you for the opportunity to come before you today to discuss our concerns on the proposed Cooke Stadium project.

My name is Veronica Raglin and I am speaking on behalf of the Campaign Against Cooke Stadium.

Before I begin my testimony, I would like the record to show that the D.C. Armory Board failed to send a copy of the Environmental Impact Statement to me despite the fact that we were included on the list of organizations to receive the study. I also made repeated phone calls to the Office of the General Counsel of the Armory Board which was charged with the responsibility to disseminate the report. Consequently, my testimony does not fully reflect the contents of the final report.

As the chair of the Campaign Against Cooke Stadium, I am officially registering our opposition to (1) building of a new stadium in parking lots 6 and 7, (2) the construction of the Barney Circle Freeway, and (3) the Children's Island theme park in conjunction with the proposed Cooke stadium project. We are opposed to all three projects by the Cooke organization and the District of Columbia government for the following reasons:

First, we are concerned about the Anacostia River and the surrounding parklands. The proposed construction of a stadium approximately 25 feet from the shore of the Anacostia River is in violation of the District's Comprehensive Plan, which calls for a buffer zone of 150-200 feet from the shoreline, to be planted with trees and vegetation. The increase in toxic runoff and erosion into the river would undermine efforts at its restoration. Add to these the increase in air pollutants from extra vehicles driving in to football games, the loss of parklands, and the synergistic effects of the proposed Children's Island theme park and the recently approved Barney Circle Freeway is a violation of the civil rights of the residents of the adjacent African-American neighborhood. Equally important is the dangerous levels of lead contamination found in the soil as noted in the report and the failure of the report to adequately address potential damage to not only construction workers but to the neighborhood residents and the community at large.

The cumulative impacts of these projects on the community should be addressed. It is impossible to build these projects to accommodate 22,000 more people for the stadium and 3.3 million visitors yearly to Children's Island without affecting the surrounding neighborhoods and the Anacostia Watershed region. With seven (7) major municipal facilities (D.C. General Hospital, D.C. Armory, RFK, D.C. Jail, D.C. Incinerator, Pepco Power Plant) in Ward 6, the cumulative impact of these projects on the

community will decrease the standard of living and endanger the lives of all who live, work and visit in the nation's capital.

Second, we are concerned that the proposed Cooke Stadium and its parking lots will be constructed on federally-owned land that is not only used for RFK Stadium parking but also provides green space, an auxiliary playing field and a children's playground. We believe that these public lands should continue to be used for public good, not to line the pockets of a few wealthy individuals. To approve this project will set a dangerous precedent on federal lands use and open the floodgates for federal land grabbing schemes for profit.

Third, we feel that one stadium is enough. Washington, D.C. should lead the nation in the conservation of resources. We support the renovation of RFK if the cumulative environmental impacts on the neighborhood and the Anacostia River Watershed region are adequately addressed.

Fourth, the Anacostia River area deserves careful planning. Animal and plant life are slowly returning to the watershed area, thus improving the ecology of the river. The agreement to transfer Kingman Islands and Heritage Island to the District of Columbia for the Children's Island theme park and the failure to conduct an adequate environmental impact study leaves another American treasure at risk. The construction of the proposed Cooke stadium is incompatible with the clean-up efforts of many who want to preserve and protect America's waterways. These waterways are used by those who enjoy water sports.

Fifth, we are concerned that the proposed Barney Circle Freeway project will take 17 acres of riverfront park land and use $200 million dollars of Federal Highway funds to create a shortcut through D.C. and support the construction of Cooke stadium and the Children's Island theme park. Meanwhile, the freeway will provide no significant improvement to traffic flow on local streets but will increase noise and air pollution from cars and trucks.

Further, the freeway will also limit the use of the river by recreational and commercial boaters. The boating communities along the river will feel the impacts of the freeway as boats attempt to navigate the Anacostia River waterways with the low height restrictions during low and mean tide. Also, the Barney Circle freeways will impact the railway system in its daily commercial activities.

Moreover, we opposed the derogatory term, "Redskins" as the official name of the Washington football team. For team owners and the National Football League (NFL), the names and symbols create excitement and generates revenues from the sale of merchandise. To Native Americans, the term represents a painful era in American History in which the Native American was the object of destruction and scorn, and racism was a part of daily life. The use of this name is derogatory and an insult to their pride and heritage. Therefore, these derogatory terms should be eliminated in all aspects of American life and culture.

The Cooke stadium project is by far one of the most environmentally damaging projects ever proposed in the Washington D.C. area. This multimillion dollar project will not only damage the use of Americans waterways, river basins, neighborhoods and railways but continue to demoralize an important ethnic group and erode the diversity on which the nation was founded.

We hope you will consider these matters carefully and we encourage you the to support the preservation of the adjacent neighborhoods and parklands, the restoration of the river, and the improvement of public health and safety in the region.

Thank you for your time and attention.

Veronica E. Raglin
Chair, Campaign Against Cooke Stadium

LIST OF ORGANIZATIONS IN THE

CAMPAIGN AGAINST COOKE STADIUM

Auto Free D.C.

Anacostia Rolling and Sculling Society

Capitol Hill Restoration Society

Clean Water Action

Committee to Stop Barney Circle Freeway

Concerned Citizens of Kingman Park

Coalition for Community Self-Reliance

D.C. Greens

D.C. Republican Committee

Earth First!

Electric Vehicle Association of Greater Washington

Friends of the Earth

Lincoln Park Neighborhood Association

Save America's Forest

Sousa Neighborhood Association

Southeast Neighborhood Association

River Terrace Civic Association

Ward 6 Democrats

Washington Peace Center

Women's International League of Peace and Freedom

Mr. VENTO. We are going to hear from Mr. McGrath, Chairman of the Committee of 100.

STATEMENT OF DORN C. McGRATH, JR.

Mr. MCGRATH. Thank you Mr. Chairman, Mr. Abercrombie, and Ms. Norton.

I am Dorn McGrath, a resident of the District of Columbia and a taxpayer here. Today I testify in my capacity as chairman of the Committee of 100 on the Federal City. This committee has served for more than 70 years as the principal advocate of comprehensive city and regional planning in the Nation's Capital. We are an all-volunteer organization. We continue to provide a forum for public debate on important issues, and we continue to campaign for high standards in public decision-making.

We have had a deep commitment to the values supported by the L'Enfant Plan and the City Building Height Act ever since that Act was enacted.

I would like to deviate from my prepared remarks. We object to the notion that the proposed stadium conforms to the Building Height Act except to recognize that by the merest technical reasoning could it be considered to conform.

The lighting structures which are described as possibly ancillary in such buildings are finessed in this treatment. These structures rise to 206 feet above the designated playing surface. They therefore rise 31 feet higher than the Building Height Act would permit and it is a bit fatuous in my view to begin to conclude that therefore they are not to be taken as more than an ancillary structure.

This ancillary structure is 470 feet long. It holds 1,000 heavy fixtures. This is a major building. It is bigger than many buildings in the city and affects the skyline. I think we should be honest in reflecting that fact.

The stadium alternative renovation would affect the skylines so we have to compare skylines and skylines as we look at alternatives. It is a bit misleading to fall back upon the notion that because we can eliminate the lights we need not consider the congressional intent in establishing the Building Height Act of 1910.

By that same reasoning, the Statue of Liberty would conform if we left off her torch.

I would like to say today that we are especially grateful to the subcommittee for holding this hearing. We think it is time for our citizens to regain a much needed perspective on some of the critical resources of the Nation's Capital, especially the parks and open spaces. These define our city and they are part of the Nation's historic heritage as well.

In recent years they have lacked adequate stewardship. Increasingly the parks have become targets for casual often impulsive public and commercial development proposals in open conflict with policies established by Congress. In earlier years, these policies were honored and pursued by Federal agencies. There was confidence in the reliability of public policy.

Future use and development of the public park lands and an open space system was predictable. Not any more. Facile reasoning has replaced rigorous analysis and debate in future use of public park land so carefully assembled over so many years.

Plans adopted and published by public agencies seem to have little meaning. In effect, the public park lands are up for grabs. We support Washington's professional sports teams, win or lose. We suffer when they lose. But they are important to the city's sense of community and to some degree to its economy.

We believe the importance to the city economy has been grossly overstated in the EIS. We have never questioned the fact the city's teams need modern facilities of sufficient size and elegance to compete in this world of today. But we are opposed to building a new commercial stadium on public land that comprise an important part of the Anacostia River Park.

We already have one large stadium on the same tract of public land.

If I may invite the committee's attention to this large aerial photograph, this is simply a 200-scale photograph of the area. It shows RFK Stadium in the center and we might add to it the new stadium. This template is called a cookie. That is indeed the way the new stadium would affect that tract of land.

So you begin to see the relative size of this and the proximity of the river, 28 feet from the edge of this high-rising structure to the edge of the river.

In addition, as recently as 1988, the National Capital Planning Commission had a different plan and their plan was quite detailed. It was a plan sent to the regional director of the National Park Service and it was approved by the National Capital Planning Commission and forwarded to the Mayor of the District of Columbia pointing out this is what they had in mind and pointing out the Park Service——

Mr. VENTO. Could your associate bring the map up so we could see it?

Mr. MCGRATH. This plan in June——

Mr. VENTO. This is being proposed——

Mr. ABERCROMBIE. Can you go over who was making the proposal that you are referring to?

Mr. MCGRATH. Yes, sir. This is a plan approved by the National Capital Planning Commission in June of 1988 and of course the Secretary of Interior sits ex officio on the Commission. This was then sent to the National Park Service as a plan approved and ultimately to the Mayor of the District of Columbia as their idea of what might be done with the great resource represented by Anacostia River Park.

There you see the RFK Stadium and all of that green acreage woven together by bicycle trails and hiking trails and interspersed with small community-serving recreation facilities is what the plan was in 1988. This we thought was a good idea and many in the city did and this was approved by the DC City Council in adopting the comprehensive plan for the city in the following year.

So we had some belief that this would happen. Then we have to superimpose on this the new stadium, and this is a little smaller scale than the large map on the easels but you can see the stadium and about one half of the associated parking. That parking expunges all of the green space about which my colleagues have spoken, expunges the buffer, the auxiliary field for RFK Stadium and converts this to paved parking area.

We don't understand why we suddenly have to have a commercial stadium of 78,600 seats and 18,500 parking spaces in what was planned only 5 years ago and adopted as public policy as an open natural park.

Is that sufficient, Mr. Chairman?

Mr. VENTO. Yes. We will ask some questions about it. Why don't you conclude your testimony?

Mr. MCGRATH. We oppose the new stadium beside the present stadium for three other major reasons. As the hearing has suggested earlier, it has not been demonstrated that RFK could not be expanded and renovated to provide the facilities the team needs.

The EIS recently released on the proposed new stadium is in our view another misleading report that rejects an already discredited alternative. The discredited alternative to which I refer was the original RFK renovation proposal developed in 1988 by the same consultants and discredited because it only provided for 180-some sky boxes, not the minimum number, 164 actually, that Mr. Cooke seemed then to require.

So we question whether this straw man was really an adequate way to assess an alternative to the new stadium beside the old one. We don't believe it has had an objective analysis.

We believe the new stadium would have long-term degrading effects on the adjacent Kingman Park neighborhood and the two larger plans on the left is the way things are today. On the right is the same area at the same scale, but with the two stadiums and the parking. So it is a before-and-after view.

One need not be a horticulturist to understand what has happened. The green space is essentially gone and the parking area and the new space have invaded this open land. These effects on the neighborhood are obvious, and this is a neighborhood of a special quality in the city.

I am familiar with the demographics in Washington from my professional work and I know that homeownership is a very delicate and important factor in stability of neighborhoods. Here is a neighborhood where homeownership is higher and it is more or less written off as not likely to be affected by this kind of cataclysmic change. I think this runs against the grain of common sense and that is why we object to the EIS treating it in that fashion.

Three, we believe there are immense costs to the city, relatively few demonstrated financial benefits involved in the proposed exploitative use of the river public land for this commercial stadium and vast parking lots.

I would like to change my direction slightly, Mr. Chairman, because the Committee of 100 has been for seven years concerned with planning in this city and we have watched and aided development of the institutions through which planning is accomplished.

We are concerned about our National Capital Planning Commission and its role in this matter. The Commission has decided to wait until the matter is a fait accompli to judge its adequacy. They have looked at the EIS in preliminary form, made certain findings, but it sounds as though they don't believe they can look at it again until the Congress directs that the land be used for a stadium.

Maybe I misunderstood the testimony, but that is how it sounded to me. By accepting that rigid framework, the NCPC sidesteps ad-

dressing consequences in a timely fashion most of the long-term costs of this project. If you defer consideration of major consequences until too late to object, the Commission becomes a party to setting back the process of planning by at least the term of the 30-year lease.

Many citizens were offended also by the fact that the Commission took the unusual extraordinary step of scheduling a special meeting, tentatively in August of this year, that became the moment in Washington's annual cycle to approve the EIS for the stadium project, they probably come through mechanically. We are pleased that that meeting never took place.

Until recently, National Capital Planning Commission had been regarded as the last bastion of progress in the city. It serves as the interpreter of the Federal interest in major public works and private development projects. Its review authority for many years has been cited as the main reason why the Park Service, and was cited today also, has not needed a long-range plan for management of its own vast management of parks and public lands; that is, all the NCPC review that would be covering that.

But unfortunately NCPC has become on the record seemingly predisposed to give rubber-stamp approval to projects presented by the city administration, even against the professional recommendations of its own staff.

If NCPC has become little more than an extension of the city administration in its office of economic development, especially on projects that involve the Nation's heritage of public lands and parks, then the Federal interest may need a new and impartial advocate. And it may be time now, at last, for the National Park Service to develop that much-needed, long-range management plan for parks, open spaces and public lands.

We urge the subcommittee to address this need. About 20 years ago in the NCPC's own words, the Commission has clear and unmistakable planning responsibilities both to assure the efficiency and to preserve the amenities of the Nation's Capital. This has persisted through the era of home rule. It is an important principle today.

Well, this project, proposed stadium project, brings into sharp focus some of the most important responses of the commission: the Building Height Act of 1910; Public Parks and Open Space System of the National Capital; multi-modal transportation planning; and the integrity of the planning process itself as amended, as mandated by the National Capital Planning Act of 1952 and later amendments.

We urge the subcommittee to observe carefully how these responsibilities are carried out in the course of the Commission's review of the proposed stadium project.

Now, in concluding I would like to say that the committee should be aware this new stadium proposal is only the latest in a series of disjointed proposals to preempt public park lands. And my colleague has another map mounted for your consideration. That is a map, the National Park Service map of all the public lands in the area.

These 11 orange disks represent city projects proposed to use up public park land for sometimes unusual purposes. Some of those

have been a sewage treatment swirl facility, Anacostia Park. We can't debate the need for pollution treatment, but there it is. A commercial theme park on Kingman Island and Heritage Island and Anacostia River, we question this project and that is on the record.

A commercial marina and a retail center at Anacostia Park, part of it on the floodplain. Parking lots and a landscaped golf course at Anacostia Park, neighbors stopped that. Public housing on the floodplain in the Anacostia Park, a series of unsponsored museums in Anacostia Park, and most recently, a bus maintenance and repair facility on the floodplain in Anacostia Park. That would be 200 buses and the employees who work elsewhere in the city transferred out there in what has been called Buzzard Point East.

Only the swirl facility urgently needed to correct pollution has been built, but the record is clear, public parks lands are perceived to be up for grabs by nearly any local agency or entrepreneur. The absence of any long-term management plan for these fragile public lands encourages this kind of opportunistic exploitation of that part of our national heritage.

We respectfully suggest the committee needs to address this problem and recognize the new stadium in this context. I have attached technical memoranda illuminating what we believe are errors and misrepresentations and other deficiencies of the EIS. We are very grateful for you giving us the opportunity to come before this subcommittee and I certainly am available for any questions that you may have. Thank you, sir.

[Prepared statement of Mr. McGrath and attachment follow:]

COMMITTEE OF 100 ON THE FEDERAL CITY
THE YOST HOUSE, 1002 PENNSYLVANIA AVENUE, S.E., WASHINGTON, D.C. 20003

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STATEMENT ON BILL H.R 2176

CONCERNING AUTHORIZATION FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PROPOSED ADDITIONAL STADIUM ON PUBLIC LANDS IN THE DISTRICT OF COLUMBIA

before the

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

NOVEMBER 5, 1993

Mr. Chairman and Members of the Subcommittee:

Good Morning. I am Dorn C. McGrath, Jr., AICP. I testify here today in my capacity as chairman of the Committee of 100 on the Federal City. The Committee has served for more than seventy (70) years as the principal advocate of comprehensive city and regional planning in the Nation's Capital. We are an all-volunteer, non-profit organization. Our membership includes leading professionals in many fields ranging from architecture and civil engineering through history, law, and transportation planning. We continue to provide a forum for public debate on important public issues inherent in the development of our city, and we continue to campaign for high standards in public decision-making.

The Committee has a deep commitment to the values afforded by the heritage of the L'Enfant Plan and the city's building height

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limitation as enacted by the U.S. Congress in 1910.

My testimony today reflects the views of several other groups with which we have collaborated to illuminate issues inherent in the proposed stadium project. These include the National Parks and Conservation Association, the Capitol Hill Restoration Society, the Kingman Park Civic Association, and the Sierra Club of Washington, D.C.

We are grateful to the Subcommittee on National Parks, Forests, and Public Lands for holding this hearing. It is time for our citizens to regain much-needed perspective on some of the critical resources of our Nation's Capital, especially the city's splendid system of public parks and related open spaces. These are part of the Nation's historic heritage as well, but in recent years they have lacked adequate stewardship. Increasingly, the city's parks have become targets for casual, often impulsive, public and commercial development proposals in open conflict with policies established by the Congress. In earlier years, these policies were honored and pursued by Federal agencies. There was confidence in the reliability of public policy. The future use and development of the public park lands and open space system was predictable. Not now. Facile reasoning has replaced rigorous analysis and debate about the future use of the public park lands so carefully assembled over the years. Plans adopted and published by public agencies seem to have little meaning. The public park lands are up for grabs.

We support Washington's professional sports teams, win or

lose. They are important to the city's sense of community and, to some degree, to its economy. We have never questioned the fact that the city's teams need modern facilities of sufficient size and elegance to compete in today's world.

But we are opposed to building a new commercial stadium on public lands that comprise an important part of the Anacostia River Park. We already have one large stadium on the same tract of public land.

As recently as 1988 the National Capital Planning Commission approved and sent to the Regional Director of the National Park Service detailed plans for the Anacostia River Park. These plans, covering the entire shoreline between Benning Road and the 11th Street Bridge, clearly show the types of community-serving recreation facilities described in the published Comprehensive Plan for the National Capital, both Federal and District Elements, adopted by the City Council in 1989. They do NOT include an additional sports stadium. The proposed authorization to use these public lands for the purpose of building another stadium --a commercial stadium of 78,600 seats and 18,500 parking spaces-- would destroy entirely the credibility of the city's and the Federal government's own official plans for a "Natural Park of special riverside scenic quality and character."

We oppose building a new commercial stadium beside the present RFK Stadium for three other major reasons:

1. It has not been demonstrated that RFK Stadium could not be expanded and renovated to provide the improved

facilities that the professional football team needs. The recently released Final Environmental Impact Statement on the proposed new stadium is yet another tendentious and misleading report that rejects an already discredited RFK Stadium rehabilitation proposal in favor of building the new stadium in the RFK parking lot. The RFK renovation/expansion alternative has not had objective analysis by the city.

2. We believe that the proposed new stadium would have long-term degrading effects on the adjacent Kingman Park neighborhood and other sensitive residential areas of the city. These neighborhoods, where home ownership is already higher than in many other parts of the city, cannot be "written off" or "written down in value" simply for the sake of a new commercial sports facility. It goes against the grain of common sense to claim that they would suffer no great losses under the impact of the proposed new stadium.
3. There are immense costs to the city and relatively few demonstrated financial benefits involved in the proposed exploitative use of the Anacostia River Park's public lands for a commercial stadium and vast parking lots.

The Committee of 100 and other civic groups are concerned about the National Capital Planning Commission and its role in this matter. By confining its analysis to the artificially narrow

framework imposed by the Draft EIS this past summer, the NCPC sidestepped addressing in timely fashion most of the long-term costs and consequences of the proposed stadium project. Deferring consideration of major consequences of the stadium project until too late to object, the Commission becomes a party to setting back the process of planning for the Nation's capital by at least thirty years. Many citizens were offended by the fact that the Commission took the extraordinary step of scheduling a special meeting, tentatively in August of this year, to approve the EIS for the stadium project.

The Commission, until recently, has been regarded as the last bastion of comprehensive planning in the city. It serves as the interpreter of the Federal interest in major public works and private development projects. The Commission's project review authority has been cited for years as the reason why the National Park Service has not needed a long-range plan for the management of its own vast system of parks and public lands. But the National Capital Planning Commission has become predisposed to give rubber-stamp approval to projects presented by the city administration, even against the professional recommendations of its own staff. If the NCPC has become little more than an extension of the city administration and its office of economic development, especially on projects that involve the Nation's heritage of public lands and parks, then the Federal interest may need a new and more impartial advocate. And it may be time now, at last, for the National Park Service to develop the much-needed long-range management plan for

the parks, open spaces and public lands that have become so vulnerable in the Nation's Capital. We urge the Subcommittee to address this emergent need.

Nearly twenty years ago, in the NCPC's own words, it was stated that "The Commission has clear and unmistakable planning responsibilities, both to assure the efficiency and to preserve the amenities of the Nation's Capital." The proposed stadium project brings into sharp focus some of the most important responsibilities of the Commission: the Building Height Act of 1910, the Public Parks and Open Space System of the National Capital, multi-modal transportation planning, and the integrity of the planning process itself as mandated by the National Capital Planning Act of 1952 and later amendments by the U.S. Congress. We urge the Subcommittee to observe carefully how these responsibilities are carried out in the course of the Commission's review of the proposed stadium project.

The Subcommittee should be aware that the proposed new stadium project is only the latest in a series of disjointed proposals to pre-empt public park lands and open space in the Nation's Capital. The past two decades have included sudden proposals for a floating restaurant in the Potomac moored to its proposed parking lot on public land near the Key Bridge; a sewage treatment "swirl facility" in Anacostia Park; a commercial theme park on Kingman Island and Heritage Island in the Anacostia River; a commercial marina and retail center in Anacostia Park; parking lots on Langston Golf Course in Anacostia Park; public housing on the flood

plain in Anacostia Park; a series of unsponsored museums in Anacostia Park; and, most recently, a bus maintenance and repair facility on the flood plain in Anacostia Park. Only the swirl facility, urgently needed to correct polluting conditions, has been built, but the record is clear: the public park lands are perceived to be up for grabs by nearly any local agency or entrepreneur. The absence of any long-term management plan for these fragile public lands encourages opportunistic exploitation of this part of our National heritage. We respectfully suggest that the Subcommittee needs to address this problem and to recognize the proposed new stadium in this context.

Appended to my testimony are selected memoranda prepared by the Committee of 100 to illuminate errors, misrepresentations, and other deficiencies in the Final EIS.

Thank you for the opportunity to present our views on this proposed legislation.

COMMITTEE OF 100 ON THE FEDERAL CITY
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NOTES ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE CONSTRUCTION AND OPERATION OF A PROPOSED STADIUM FOR WASHINGTON, D.C.: COMMITTEE OF 100 ON THE FEDERAL CITY

* The Draft EIS for the proposed stadium was a tendentious report, and was widely recognized as such. The Final version of the same report is even more so. It seeks to "sell" the new stadium and to justify its construction, The report was designed to sell, not inform objectively, and therefore blatantly violates the spirit and intent of the entire EIS process.

* The Final EIS is deceptive from its front cover on through both volumes. The cover photograph, an aerial oblique view repeated sixteen times (at the beginning of each major section of the report) in the two volumes, conveniently omits any representation of the proposed stadium, which is the reason for the entire EIS. Instead, the theme photo for the report shows only the existing RFK Stadium and the nearby D.C. Armory as the major physical features in the view. IN FACT, the Proposed Stadium and its vast new parking areas would dominate the entire area shown in the photo if they were depicted in the same manner as the existing facilities. Such depiction is well within the reach of available graphics technology, but the preparers of the EIS chose not to show the proposed new stadium at all. The reader of the report is left with a subliminal message that the proposed new facility would somehow simply blend into the riverfront landscape.

  The EIS is not about the effects of a semi-vacant parking lot and parklands on the river's edge and the surrounding neighborhoods -- it is about the effects of a new stadium; omitting the proposed stadium from the theme photographs of the entire project is an egregious attempt to mislead.

* Executive Summary, p.iv. The rationalization offered for the selection of the "preferred" site is misleading:

  1) The site is not "well-served by Metrorail," despite the assertion that it is. Actually, the present RFK Stadium is well-served, and indeed much better served, by Metrorail than the proposed new stadium, a fact which the Final EIS later concedes. The very costly public Metrorail system was designed to provide service to the RFK Stadium, and the awkward placement of the proposed new stadium farther north along the Metrorail line poses very expensive problems of modifying the existing station or forcing riders on the system to walk at least three football fields farther to reach the proposed new stadium.

2) The proposed new stadium is not "consistent with land use plans for the site."

- Building the proposed new stadium is in direct conflict with the officially adopted plans of the District of Columbia (D.C. Law 8-129) and with a long line of plans carefully considered, adopted and published by the District and the Federal Government since at least 1957. Most recently, the Council of the District of Columbia enacted D.C. Law 8-129, known as "The District of Columbia Comprehensive Plan Amendments Act of 1989." This law contains numerous specific provisions, enacted after lengthy public debate, to protect citizens in Wards 6 and 7 against exactly the kinds of environmental and land use burdens that the proposed new stadium would create. The applicable provisions of adopted D.C. Law 8-129 are the following: Section 1200.606 (1); Section 1200.607 (2); Section 1200.608 (3) & (8); Section 1200.609 (a), (b), (c) & (e); Section 1200.610 (1), (2) & (3); Section 1200.611 (3); Section 1200.612 (3), (4), (9) & (10); Section 1200.613 (d); Section 1200.614 (1), (3) & (4); Section 1200.615 (2); Section 1200.617 (b); Section 1200.618 (1); Section 1200.619 (2); Section 1201.620 (9), (10), (11), (12), (13) (A), (B), (C), ((1)), ((2)); Section 1200.635 (3); Section 1200.636 (8), (21). The proposed stadium, which is the focus of the Final EIS makes a mockery, explicitly, of each of these sections of the District's adopted law.

  If the adopted Comprehensive Plan of the city means so little, after nearly five years of citizen participation and thoughtful debate, it should be admitted that there is no effective planning function in the District of Columbia.

  The Final EIS, (Sec. 7., p. 41) seeks to rationalize use of the open area along the Anacostia River for a 78,600-seat commercial stadium as "consistent with the parks, recreation and open space land use category" [of the D.C. Comprehensive Plan (D.C. Law 8-129]. The EIS actually suggests that the free public museums on the Mall are comparable with the commercial sports stadium and commercial parking lots proposed for the public lands along the Anacostia River's edge. This is pure sophistry.

3) The site is not of adequate size to "accommodate the proposed program," as the Final EIS asserts, nor is it "vacant." Actually, the proposed stadium structure is wedged tightly between the rising grade of the METRO line at on end and the river's edge on the other. The structure rises vertically from grade only twenty-eight (28) feet from the river's edge (Exec. Summary, pg. v), and it is confined by the Metrorail Orange Line

structure at the opposite end. Later in the EIS, (SEE Volume II, Pg. 45, Comment 7.7) it is stated that the riveredge end of the stadium requires the stacking of the stadium's pedestrian access on a cantilevered platform above the service road/emergency access roadway that would border the river. This is at best an inelegant crowding of the natural open space. The EIS offers, gratuitously, that "In plan view, the access road is not visible." NO ONE BUT AN ARCHITECT WOULD EVER SEE THIS PLAN VIEW. IF THE STADIUM WERE SQUEEZED ONTO THIS UNDERSIZED SITE, HOWEVER, ALL USERS OF THE PUBLIC OPEN SPACE WOULD SEE THE SERVICE ROAD, THE EMERGENCY ACCESS, AND THE AWKWARD RESTRICTION OF THE NATURAL OPEN SPACE AT THE STADIUM/RIVER EDGE.

The parking areas dictated by the proposed program would overflood all of the present parks, recreation facilities, landscaping, and buffer space now associated with RFK Stadium. These lands are not vacant -- they are only considered to be "vacant" in the self-serving frame of reference of the Final EIS and the proposed stadium project.

* The Final EIS asserts that the proposed site plan would "Expand and Enhance open space along the edge of the Anacostia River," and at the same time the site plan proposes the use of this same area for parking lots -- on the grass. It is not credible to claim that such areas, sufficiently paved to hold vehicles as many as 18 times each year, will be considered "enhancements" of the river's edge. (SEE Plan of Proposed Stadium Parking, Fig.4.5.6-1, pg.4-237).

* Where in the already densely developed Kingman Park neighborhood would the existing playground now functioning in Parking Area 7 be relocated? Who would pay the cost of acquiring a suitable site, relocating and maintaining this relocated facility? (Exec. Summary, pg. v)

* The DRAFT EIS was strongly criticized for failing to give serious consideration to the RFK Rehabilitation/Expansion Alternative. THE FINAL EIS IS WORSE. The FINAL EIS consultants dismiss the RFK Rehabilitation/Expansion Alternative prepared pro bono publico by the Wiehe Partnership/Pier

Luigi Nervi Associates as "conceptual" and proceed to compare a previously discredited study, one on which they also worked as consultants to the Armory Board, with the proposed new stadium. The Final EIS systematically provides unfavorable comparisons between the "Proposed Action" (new

stadium) and the previously discredited (not enough luxury suites, or skyboxes) study of RFK that was prepared by the same consultants and their professional collaborators. (SEE Volume II, Final EIS, Section A., Synthesis, 1.8 Comment and Response, pg. 4).

This treatment of the Rehabilitation/Expansion Alternative for RFK cannot be considered objective, and it creates the unmistakable appearance of a conflict of interest.

* The Final EIS states that "Improved stadium and parking area lighting and year-round 24-hour security would contribute to improved safety conditions at the stadium and in the proposed site area." Who will pay the costs of lighting and patrolling the increased area?

* The Final EIS is misleading in its responses to many comments made by citizens and public agencies reviewing the Draft EIS. For example, SEE Comment/Response 7.14, Vol. II., pg. 47. It is absurd to suggest that both the Proposed Action and the RFK Stadium Expansion/Renovation Alternative would "increase the opportunity for recreational activities along the riverfront in the proposed site area." Actually, the Proposed Action would eliminate existing recreational opportunities and substitute inferior facilities along the river at the edge of a vast parking lot.

* References are made regularly in the Final EIS to the **"HU/GWU/UDC Consortium"** as a source of socio-economic and economic impact information. Inquiries confirm that this entity is not affiliated with the Washington Consortium of Universities nor is it an extension of the indicated institutions. The "HU/GWU/UDC" reference seems to imply endorsement of the proposed action by the institutions or to invoke their academic detachment. This is misleading.

* **Visual simulations** of the "Expansion/Renovation" have been exaggerated or inaccurately drawn to misrepresent the actual height and width of the "Expansion/Renovation" structure; accordingly it appears to be less appealing and provides a more useful basis for a finding in favor of the Proposed Action. Architectural analysis of Figure 4.2.3-30 (Viewpoint 19, pg.4-98) confirms that the structure's height is exaggerated or misdrawn by about 40 feet. All of the other visual "simulations" must be considered suspect.

* **Economic Impact Assertions.** A review of Section 4.1.4 of the Final EIS by an experienced economist calls into question the slipshod, perhaps self-serving, manner in which standard employment and payroll multipliers developed by the Bureau of Economic Analysis have been used to assert the economic benefits of the Proposed Action. In sum, the estimates of direct and indirect jobs and payroll accruing to the D.C. appear to be greatly overstated. Elsewhere, ix, it is simply asserted that the Proposed Action would have no

effect on the values of nearby housing. No evidence to support this assertion, which defies common sense, is offered. Additional questions concerning ambiguities and questionable assumptions used in the Section will be submitted as a separate memorandum.

* **Inconsistencies/Errors in Assessment of Traffic/Transportation Aspects of Proposed Action.** The favorable assessment of traffic impacts of the Proposed Action included in the Final EIS is highly questionable, particularly in its treatment of the interactive aspects of the new stadium and the proposed Barney Circle Improvements. Many of the assertions made concerning traffic flow cannot be validated because of the lack of an integrated traffic analysis for the three interrelated projects: Children's Island Commercial Theme Park, the Barney Circle Improvements, and the proposed new stadium. A separate technical memorandum prepared by the Chairman of the Transportation Subcommittee of the Committee of 100 is attached.

From: Gary G. Nelson, 2620 Lemontree Lane, Vienna, VA 22181 (W) 703-883-5795

To: Ted Zukoski, Sierra Club Legal Defense Fund, cc. Dorn McGrath

Date: 1 November 1993

Subject: Review of Transport Assessment in Revised Stadium EIS

I have given an initial review of the transport impact material in the FEIS (FES-93-21) for the "Proposed Stadium, Washington DC", October, 1993. The comments here follow comments submitted earlier on the DEIS. I proceed by noting FEIS contents of interest.

1. Stadium and Commuter Traffic.

The FEIS focuses on weekend home games and fairly dismisses the rare Monday night games (par. 2, pg. 4-198). However, it is not clear that a Monday interaction can be dismissed, and it may be the critical traffic overlay case.

On pg. 4-214 (par. 2) the Monday night event is again dismissed based on starting at 9 PM. Yet at par. 5, it is stated that there is a three-hour dispersal of arrivals. This period well overlaps peak traffic periods. The FEIS is deficient in failing to examine this case more closely to determine whether or not it is the peak traffic overlay case. While the case is infrequent, given the similar infrequency of other stadium events, the Monday night case may be a close approximation to the "design hour" (typically within the 30th highest annual hourly volume) used in highway planning.

2. Characterization of Barney Circle

Pg. 4-198, par. 6 characterizes the Barney Circle EIS as "completed in 1983", with an approved updated review in September, 1993. It has to be emphasized that Significant new analysis and change in conditions (including the Stadium proposal) have occurred since 1983 and almost simultaneously with the Barney Circle re-analysis. For the first time, detailed network assignment impacts of the Barney Circle project were released as part of the July 1993 Barton-Aschman traffic analysis ("2010 Traffic Forecasts"). However, neither the DPW/FHWA 1993 Re-Evaluation of Barney Circle nor the Stadium FEIS have used these network assignments. Instead, the FEIS has made general and misleading statements about the Barney Circle impacts absent any traffic analysis that combines the two projects comprehensively. Thus, the FEIS should not imply that it is building cumulatively on analysis for a project already completed, but rather only raises issues that require integrated analysis. Some of these issues will be described further.

3. Barney Circle and Parkway Access to Stadium Alternatives

The FEIS scatters references to the relation of the Barney Circle project and access to the stadium sites at present or new location. As a result, it is difficult to perceive what appear to be several and cumulatively significant entanglements of the two projects.

On pg. 4-201, par. 2, it is stated that "Access to and from stadium parking lots would not be possible to or from the Barney Circle Bridge...". Rather, "the parkway component would allow for a direct connection from the Whitney A. Young Bridge to the parking areas south of RFK Stadium (lot 8)" [pg. 4-239, par. 6]. The implication, that is not – deduced in the FEIS, is that the claimed effects of the Barney Circle project, to divert traffic from bridges and routes to the Barney Circle Bridge, will be counteracted by the necessary traffic patterns for the stadium traffic.

Elsewhere [pg. 4-204, par. 1 and 2] there is a juxtaposition of statement that the Parkway will be closed to other than Stadium traffic during events but that the Bridge "would not improve access to the site" due to the orientation of the Parkway/Bridge ramps (that are oriented for the connection to and from the southwest to the Parkway). The implication, that the FEIS does not examine is that the combination of freeway traffic from the west (as touted by the Barney Circle analyses) well-served by the bridge, and the service provided by the Parkway will lead to circuitous back-routing through the Capital Hill area. This effect is admitted in the Barney Circle analyses. It is unclear whether the FEIS traffic analysis accounts for this, because an integrated analysis is lacking.

The effect of the Parkway is to delete some parking capacity from the lots south of RFK Stadium. This an other changes, especially for the new-stadium alternative [see pg. 4-238, par. 1] has the net effect of diverting parking-traffic from the area best served by the Parkway to the areas to the west of RFK and onto Oklahoma Avenue. Thus, the very traffic diversions that the Barney Circle project promises to Capitol Hill are partly nullified by the combination of Stadium and Barney Circle activities (induced traffic by stadium, changes in circulation patterns due to stadium, shifting of parking mass by Parkway, and encouragement of circuitous stadium-access by the Barney Circle Bridge/Parkway combination).

The FEIS admits additional pressure for parking "on Capitol Hill residential streets that are outside the current residential permit parking areas" [pg. 4-238, par. 3]. This effect relates to deletion of space both by the relocated stadium and the Parkway.

It is supposed [pg. 4-204, par. 1] that "The Barney Circle Bridge would route non-stadium (through) traffic away from the stadium environs and the Capitol Hill street network during stadium events." This statement is unsupported, and probably unsupportable. The traffic Barton-Aschman traffic analysis shows that diversions from the "Capitol Hill street network" (not defined by the FEIS) are not generally true. Further, the "stadium environs" are ill-defined in the FEIS but it is obvious that there will be interactions between Bridge traffic and stadium traffic at some points in the network where stadium traffic is significant.

4. Parkway Closure for Stadium Events

It is the postulated policy that the Parkway will be closed to non-stadium traffic during stadium events [pg. 4-201, par. 3]. This further implies that Children's Island must be closed during stadium events [pg. 4-224, par. 4].

What fails to be said is that the access provided by the Parkway has in fact been expropriated by the stadium. That, on weekends, access to the waterfront park, highly touted as a mitigating benefit of the Barney Circle project, will be precluded by stadium events, and that the probably-significant investment in the Childrens Island park will be nullified on prime weekends by the stadium.

The FEIS is silent on the exact mode of access from the Parkway to stadium parking lots south of RFK. How will the parkland by the waterfront be buffered from the lots? Will the Parkway in fact be one continuous curb cut?

5. Integrated Traffic Analysis

It is stated on pg. 4-220, par. 5, that: "Future traffic projections for weekends...cannot be directly produced by the transportation travel demand forecasting models that are currently available."

This admission shows the immense gap between analyses for related projects that has not been closed. Because of the prior assumption that Barney Circle deals with weekday commuting traffic, and the stadium(s) with weekend game traffic,, there has been no integrated traffic analysis. This deficiency is amplified by the fact that the stadium(s) also create numerous network changes that will be of significance to the network modeling of Barney Circle, at the level of detail where "diversions" from Capitol Hill streets must be shown as the major justification of Barney Circle.

Among the most significant changes by the relocated stadium is the alteration in the ring road system (pg. 4-202, par. 3). It is admitted that this "inhibits major weekday commuter travel patterns". Yet the FEIS is negligent in specifying the impacts on the network, again because of an undue emphasis on the weekend, stadium-oriented, traffic. It is these permanent network alterations that require integration of analyses. The Barney Circle analyses are, in turn, uninformed by specifics of the stadium alterations.

6. Irreversible and Irretrievable Commitment of Resources

A primary duty of an EIS is to cite any irreversible and irretrievable commitment of resources [Title I, NEPA]. With respect to transport opportunities in particular, the FEIS is deficient in this important aspect.

The relocated stadium clearly blocks riverside access to any transport corridor, or enjoyment of the waterfront. It will permanently block any extension of access from the northern end of the Parkway to Benning Road. While such an extension is odious, as much so as the presently proposed Parkway, the same logic as applied to Parkway would

promote this connection. On the basis of traffic arguments, we do not see any analysis in either the FEIS or the Barney Circle analyses that examines the cost of losing this option.

Further, the FEIS makes it unclear whether there is adequate clearance even for the proposed bike trail along the river by the relocated stadium [pg. 4-244, par. under 4.5.7.1]. It is notable that the FEIS eschews plans of a resolution necessary for design and rather refers to the error (of up to 10% in parking capacity) between EIS and design-level planning [pg. 4-239, par. 1]. As such, there is nowhere shown any plan to indicate what clearance exists by the river. We must then go by plans seen elsewhere that indicate the absence of any such clearance. It is impossible to verify bike trail plans as at Fig. 4.5.7-1 at the resolution of the FEIS. It may well be that the stadium relocation is an irretrievable commitment of resources with respect to continuous access along the waterfront. If so, the fact must be plainly analyzed and admitted, or equally plainly refuted by guarantee.

7. Metro and Pedestrian Service

The FEIS is entirely deficient in analyzing the impacts of the stadium relocation on Metro rail use.

Incidentally, the Table 4.5.3-1 on pg. 4-213 is patently incorrect. The percentage of persons supposed for the new stadiums from lot parking is an incorrect percentage (it will in fact be a majority of persons). Further, it is unclear where the range in such persons (51,800-19,000) is coming from, and footnote 6 is unused.

Regardless of the error, the key number is that the second largest stadium group, Metrorail, postulates from 21% up to 23.4% of total compared to current 22.1%. This close comparison has to be reconciled with the fact that the relocated stadium will in fact by 2,500 feet from the Stadium-Armory station, requiring a 14 minute walk compared to the present 9 minute walk [pg. 4-234, par. 3 and 4] (and through a different environment of more parking space). It is typically known in transit planning that transit usage drops off sharply after access distances if one-quarter mile. The FEIS lacks any analysis to show what is likely to be a decrease of transit usage for the relocated stadium. The approach of the FEIS that this effect is negligible, and in fact there is a benefit from reducing the number of people arriving simultaneously at the station upon game end (one imagines those struggling along behind!), is a totally inadequate analysis of the impact.

The effect of the stadium proposals will be to increase total patronage, and the increase in parking (plus the supposed spillovers beyond lot capacity) will mean more cars interfering with pedestrians. Addressing this conflict is pretty much reduced to the hopeful mitigation that [pg. 4-235, last par.]: "The District of Columbia and JKCSI will improve human comfort for pedestrians...". This seems like an empty statement. Elsewhere, it is noted [pg. 4-208, last par.] that the relocated stadium will eliminate a pedestrian tunnel linking lot 8 to RFK. The FEIS has not come to grips with the decrease in pedestrian and Metrorail amenity in terms of its impact on traffic or on the measures needed to mitigate it.

8. Cumulative Impacts

Cumulative Impacts are supposed to have been cited in 4.5.1.4, 4.5.2.4, 4.5.5.3, 4.5.6.5 and 4.5.7.4. It appears that the intent of cumulative impact has not been met absent a unified analysis of projects. The cumulative impacts should refer to summed and synergistic impacts on resources due to the existence of multiple projects in the area. Of these, cutting off the waterfront, increasing the total runoff from paved area, compounding dual traffic peaks, noise exposure from traffic and stadium activities, increased movement of soils and mutual interactions of changed traffic networks are representative of cumulative impacts. None of these, at least of those relevant to transport, are adequately addressed.

9. Characterization of Barney Circle

On pg. 4-223, first bullet, the FEIS characterizes as "minimal" the increase in vehicles crossing the Anacostia because of Barney Circle. The relevant number is an increase in 25,000 ADT in 2010 of build over no-build [pg. 5 of Barton Aschman study]. This cannot be called "minimal" absent analysis of the impact of this significant volume on the network. Indeed, even the percentage of change is comparable to the screenline changes cited in the Barney Circle analyses as indicatibve of project benefits. DPW and FHWA are even quick to note that such aggregates hide larger variations on specific links.

The same section of the FEIS cites reductions on existing bridges due to Barney Circle and cites only an increase in traffic on Pennsylvania Avenue. In fact, the 11th St. Bridge also receives an increase in traffic [op. cit.] But moreover, the superficial characterization of the Barney Circle project as it "...would reduce traffic on Capitol Hill during weekday commuter hours" [pg. 4-224] is a repetition of a distortion contained in the DPW/FHWA Re-Analysis of the project. The supporting network diagrams [Figs. 4-6 of the Barton Aschman analysis] that DPW/FHWA chose not to publish show a very mixed effect of increases on some links on both sides of the Anacostia. The FEIS fails to recognize this and therefore is unable to give a cogent analysis of the interference of traffic where it is increased by the stadium as well as increased by the altered traffic patterns due to the concentration of access to Barney Circle. This is the key cumulative effect.

10. LOS Analysis

As was commented previously, all LOS analyses [e.g., sec. 4.5.4 of the FEIS] are very sensitive when LOS D is approached. Only about a 7% change in traffic affects a letter-level change, and delay impacts (and any associated emissions) are very strong with increased volume. Several links at LOS F are cited. This listing does not represent the problem well because LOS D is a "standard" and any flow at marginal LOS D should be considered indicative given inaccuracies and errors in the forecasts and assignments.

It is merely stated here that the sensitivity of the analysis is such that it will be affected by changes in network configuration. The results cannot be considered useful until a joint

analysis of the stadium and Barney Circle, at least, is performed with consistent assumptions and equal scope of analysis. This has not occurred and so there is no reliable baseline that the stadium analysis can work from, and the Barney Circle analysis cannot reliably show its supposed effects of diverting from local arterials on Capitol Hill.

Particularly interesting is the statement on pg. 4-227, 2nd par. from end, where "overflow traffic projected for East Capitol Street would shift to C Street and Independence Avenue where there is available capacity." This effect has been mooted as part of a general criticism of the Barney Circle analysis. When such analyses themselves claim that access to DC is capacity limited, it follows that available capacity will be re-filled and the benefits of paving the waterfront not realized. The stadium is just a mechanism of shifting traffic to such "available capacity".

11. Increased Metrorail

Increased Metrorail service is alluded to [pg. 4-232 bottom and 4-211 under last bullet]. The question unanswered is "who pays". Have these adduced "mitigations" been included in the fiscal impact?

Mr. VENTO. Thank you for your testimony. It is very interesting.

Mr. Estrin, one of the questions that comes to mind is the height limitation issue. We have, I saw from Chairman Stark, a rather interesting analysis of how the height of the proposed new stadium actually conforms with the height restriction requirements of law, based on this theory that C Street extension is really a cart path.

Do you subscribe to that or have you no view of it?

Mr. ESTRIN. I want to be very clear not to in any way be evasive, and what I am presenting to you is the Commission's position and not any personal opinions at this point. We are very clear that the height issue and the preservation of the skyline of the District is one of our primary functions. It is something that we have held true to. If you remember in my opening comments to you that we felt that the provision in the bill to give an exception to the height limitation was not something we were supportive of, but we have not had detailed plans to address, so we can only go from the standpoint of discussions that are going on.

That is the District's position. We have not formed an opinion as to whether the point that they are using to measure from is appropriate, inappropriate, and whether it is something we could accept.

Mr. VENTO. What has the Capital Planning Commission utilized other than regular roads for the measurement of height restrictions before? Is there any precedent for use of anything like this?

Mr. ESTRIN. I have Bob Gresham here from the NCPC staff, and since I am an appointed member, haven't been there, I would like to defer to him for a moment, if I might.

Mr. VENTO. Yes, Mr. Gresham.

Mr. GRESHAM. Mr. Chairman, we do not know of any situation that we have found. We have been looking at this issue, but we, frankly, have not had time to do a totally exhaustive study, but we do not know of any situation where a nonplatted street, in other words, where a street that did not exist as a legal right-of-way, has been used as the measuring frontage street.

Mr. VENTO. Yes, Mr. Gresham, while you are there, if Mr. Estrin wants to yield again, what about the issue with the auxiliary structures such as lights? The team lights, the lights that would be used for observation purposes, how would they be treated?

Mr. GRESHAM. Mr. Chairman, I am not probably the best expert in the city on this. I think the zoning administrator probably has the best view as to established practice in this area. I guess normally understand that appurtenances that are not habitable are not considered to be part of the structure for measuring purposes. But again, this is an unusual structure in the sense that I have not seen one like it before such as spires, domes, church spires, domes and other type structures. And we, I think, are certainly going to need some more consultation on this.

Mr. VENTO. Mr. Estrin, Mr. Brown was describing this in very interesting terms. This barrel-like structure, as he referred to it, would be 20 feet, 25 feet, 28 feet according to Mr. McGrath, from the river, built on a floodplain, and would contrast with Kingman Island, which is highly vegetated in the water.

Do you look at any of these particular esthetic qualities? I mean, this is really why you are appointed to this particular board, is it not?

Mr. ESTRIN. Yes, we would examine every bit of that. And that is clearly something that is important to us. One of the issues we talked about was the terracing of some of the parking, which we feel needs a lot more looking at. It needs to be addressed, which would affect the parking and potentially the building up against the water's edge.

Mr. VENTO. I don't know the history of the existing RFK Stadium, but on a sight line that is in line with the Capitol. I am told so. There is a relationship in terms of anchoring these together in terms of sight lines. What would be the sight lines with regards to the new proposed stadium?

Mr. ESTRIN. From the Capitol.

Mr. VENTO. It would be off, wouldn't it?

Mr. ESTRIN. If you looked at the other original line, it would be somewhat off to the side of the line. But I want to be very clear. I don't want to be in a position here of defending or not defending or anything. Yes, I mean the obvious answer is it would be off line.

Mr. VENTO. I understand it doesn't preclude your regulatory role. I don't want you to make a decision here today under this particular torture.

Mr. ESTRIN. I will have to be very careful and go back.

Mr. VENTO. I am interested in what the perspective is with regards to this particular issue. Do you believe also, Mr. Estrin, that the cumulative affects of all these particular projects, at least in this area that seems viable, including the freeway entrance we referred to as the Barney project, and the Kingman Island project and this, should be looked at together or do you think that you should discuss these in isolation?

Mr. ESTRIN. Well, I think we have to discuss them in the realm of the authority that we are given. In some cases we are given review authority. In some cases we are given approval authority. So we can only do our job according to what the different parameters are. In the case of these particular items, when we recently gave our approval of the review process of the Barney Circle extension, it was looked at from our standpoint of the existing flow of traffic, and of course, we obviously anticipated the potential of this stadium being a possibility. And, therefore, we as a Commission looked at what the potential impact could be from the additional cars. But we did not commission a study.

Our staff did not do an in-depth study because we did not have the stadium before us. So I don't want to get too technically oriented here, but yes, we thought about the issue as it was coming to us. And the net effect of possibly 26 to 28, I think it is, additional seats generating the 4,000 more cars, there was some issue that that would be alleviated further by Barney Circle.

It is my understanding that Children's Island impact would not come into play because I believe that there is an understanding that on game days or event days that Children's Island would be closed. This is what I have been informed of, so that the interplay of a conflict between those two would not be the case. So we have addressed it as best we can with the information provided to us at this time. We do not think it will be a negative impact.

Mr. VENTO. Mr. Estrin, in 1988, Mr. McGrath pointed out that you had a plan here that you are following that was apparently ap-

proved by the National Capital Planning Commission, by the Park Service, and so what is the meaning of that particular plan? Do the National Capital Planning Commission and others actually follow these plans or are they simply existing for a period until the next best proposal comes along or the next best idea comes along?

Mr. ESTRIN. Well, first of all, let me clarify for the record, for the period of time I have been there, I have a great deal of respect for Mr. McGrath, but his charts always substantiate the facts he is putting forth and the facts always substantiate his position.

It is my understanding and I would like to be very clear about it that the document that was showed to you as an NCPC plan I believe was something else. And I would like to turn to Bob to give you specifics, if I may.

Mr. GRESHAM. Mr. Chairman, this was a plan that was submitted for the Barney Circle project that the Commission had advisory review responsibility over and acted on under its advisory review responsibility. This was not a Commission-generated proposal for the Anacostia basin. And, of course, it was simply a plan that preceded the proposal for the new stadium.

Mr. VENTO. Yes, so I understand it preceded it, and you are saying it was just a review aspect. You weren't actually into your planning responsibility, simply having review responsibility, and it wasn't yours, it came from somebody else; is that right?

Mr. ESTRIN. That is correct.

Mr. VENTO. So there is a technical point here, a very important one. Mr. Estrin, what is the plan of the National Capital Planning Commission for this area? Does this actually represent a variation or variance to that particular plan?

Mr. ESTRIN. Well, again, I want to be very careful. We operate under the, I believe at this time, the McMillan plan that exists and our authority to oversee the Federal lands. When different proposals are presented, we evaluate them in terms of the appropriate use for those lands or the suggested use.

Mr. VENTO. So that the benchmark is something called a McMillan plan?

Mr. ESTRIN. Yes, the Lafayette plan was succeeded by the McMillan plan, with parameters on which is the monumental core plan which for the next 70 years or beyond is what is being worked on by the NCPC now, to set guidelines in areas for various use. Then as proposals dictate or come before the NCPC, to address the realities of the change of time and what may or may not have to be addressed. We do it within the confines of those designated areas. And try to do it in that kind of capacity, to stay with what the plan was or to stay with the character of the plan.

Mr. VENTO. I don't know much about landscape architecture, but it would seem to me that having one stadium built alongside another would present some special problems or special variance to any type of a landscape plan, whether it was drawn by Lafayette or by McMillan or by Vento. In terms of if you are looking at a landscape from a standpoint of a landscape architect and having two stadiums, one alongside the other, I don't want you to make a judgment on this, but I just want to know what your benchmark is for making the judgment, the National Capital Planning Commission has that, or it just has the same problem that the city has.

Mr. ESTRIN. No, we look at it from the standpoint of the landscape, bulk, the size, the height, all of those. And ultimately the appropriateness of the suggested project when it is presented to us. And if we do not think that something is appropriate, then we do not approve it, we hold it up and don't approve it or reject it. So from that standpoint, I can't put forth an opinion. We will certainly look at whether the bulk is an issue there and inappropriate.

Mr. VENTO. I am just trying to look at what the relative factors are. Some of these areas are open space and available for recreation. You mentioned the Kingman Island didn't represent a conflict, because at those times the stadium was being used, Kingman Island wouldn't be used, although you are not making an opinion.

Mr. ESTRIN. No, I want to be very careful, not an opinion. This is what I understand is in the agreement with the District.

Mr. VENTO. I understand that. But the other areas here would be open space areas, but for the fact just as the case with the parking matter here we mentioned the issue of terracing and so forth. So during the process of EIS, the Capital Planning group was contacted here; is that right?

Mr. ESTRIN. That is correct.

Mr. VENTO. So you were asked for your input and guidance. You haven't read the EIS yet completely or analyzed it, but as you do, can we obtain some information from you as to whether or not you think it adequately reflects the input or the basic information that is necessary?

Mr. ESTRIN. Absolutely.

Mr. VENTO. There are mitigation measures promised in the EIS. Mr. Estrin, do you have any role, the Commission have any role in terms of the enforcement of those?

Mr. ESTRIN. Absolutely. I mean if they become a part of the approval process and if they are approved with those specific facts in place, then it will be like any other project that would be built anywhere. If you violated the terms of your agreement, then all remedies that would be available would be available in this case.

Mr. VENTO. But you don't have any such agreement at this particular time in place with regards to when they would be. Do you have such mitigation monitoring that the National Capital Planning Commission now does with regards to any projects?

Mr. ESTRIN. My answer to that is, yes, but I want to be very specific.

Mr. VENTO. Can you give us some examples, Mr. Gresham?

Mr. GRESHAM. Mr. Chairman, the mitigation measures are normally incorporated in the submission of a project to the Commission. I believe my reading as staff person of the final EIS indicates that the mitigation measures, and this was an issue that the Commission raised at the time of its review, the draft EIS, the commitments would be made at the time of the record of decision.

The Commission would expect for those commitments to be very clearly spelled out in the submission of all the materials, the plans, the drawings, the maps, the narrative materials and so forth that accompany any submission if the project is authorized to proceed. And thus, when the Commission gives its approval, those commitments would be incorporated as part of the project approval just as the plans themselves are recorded for the record.

Mr. VENTO. Do you enforce such mitigation steps?

Mr. GRESHAM. The Commission has no enforcement mechanisms, other than resort to the usual remedies under law.

Mr. VENTO. So have you, in fact, ever taken any?

Mr. GRESHAM. I have been with the Commission for 24 years, and in general we have had very good relationships with the Federal organizations that we work with. And we have had two or three situations, I guess, over this period that have arisen in which the Commission has gone to the agencies and has worked out problems that have arisen as an agency proceeded with implementation of a project. We, to my knowledge, have never had to resort to going to Justice or any other outside party to attempt to intervene for us.

Mr. VENTO. Mr. Estrin, one of the problems here is that we haven't had a very good evaluation of the alternative in terms of the existing use of the current stadium. Were you asked questions about that by the contractors for the EIS?

Mr. ESTRIN. No, we weren't, but in this particular case I was specifically the one that asked for a further explanation of the alternatives to be presented to the NCPC. And that, of course, came in the final EIS which we have not yet had the opportunity to review. But no, that is something that we would certainly be looking at further as the continued use of this public land here.

Mr. VENTO. I don't know of any instances where a site has been put on a floodplain, 25 feet from the river, of this particular magnitude that somehow would pass muster with regards to a planning. The plan hasn't been for this in this particular area. So in any case, Mr. Abercrombie, did you have questions of the panel?

Mr. ABERCROMBIE. Thank you, Mr. Chairman. Mr. Harris, if you will, would you mind telling me a little bit more about the Kingman Park Civic Association, a little bit about its membership, how often do you meet, the election process? The reason I am asking this question is not to imply anything about your capacity to be here, but I found in my own city council work that it is good to know exactly what an association is all about.

Sometimes people make up a title for themselves and you find out it is just that person, really. I don't believe that is the case here, but so for the record I would like you to give us a little background.

Mr. HARRIS. Yes, Mr. Abercrombie, I would be more than happy to. The Kingman Park Civic Association is one of the original associations configured in the District of Columbia defined by the DC Federation of Civic Associations. We are one of the original communities. The Kingman Park Civic Association was formed some 40-plus years ago or better by residents who settled in that community, many of them for the reasons I have outlined in my testimony.

What evolved from the development of that community was a spirit and a theme that the neighborhood and its residents would look out and take care of one another. My predecessor by a number of years, Mr. Alan Greer, who was 90-some odd plus, 93 years old now, who was the original president of our association, still resides in Kingman Park.

Our organization meets monthly in Kingman Park at a centrally located facility, St. Benedict de Moore. Our organization holds elections. We are scheduled to do that soon, so that we have the optimum amount of input from the residents in our community. We have a duly constituted organization with all——

Mr. ABERCROMBIE. How do you get in touch with the people in the area?

Mr. HARRIS. I am sorry?

Mr. ABERCROMBIE. How do you get in touch with the people in the area? Fliers, newsletter?

Mr. HARRIS. Our primary mode, telephone chains, telephone trees, fliers. Because of the demographic makeup of Kingman Park, we have a lot of retirees, and during the day many of them have activities where they interact. Information is shared that way. For those of us that are active professionals, often we run into one another at the Metro, en route to work or shopping late at night at the Safeway when we only can find time to do it. So we have an ongoing different kind of lines of communication, mainly drawn along gender.

Mr. ABERCROMBIE. What is the background personally of your own?

Mr. HARRIS. I am a meeting and convention planner personally. I do that for a living. So a lot of the information espoused about the tourism and travel impact of this project professionally I have some questions about also.

Mr. ABERCROMBIE. Thank you. I am going to ask, I think, Mr. McGrath, the Committee of 100, that is a volunteer organization, right?

Mr. MCGRATH. Yes, sir, it is.

Mr. ABERCROMBIE. And then, Mr. Estrin, are you appointed by the President or are you——

Mr. ESTRIN. Yes, that is correct.

Mr. ABERCROMBIE. Not by the Commission, by the Commission itself?

Mr. ESTRIN. I personally am a presidential appointee. There are three presidential appointees, two mayoral appointees, and a number of different Cabinet members and the GSA and Park Service.

Mr. ABERCROMBIE. Okay. The reason I want to make this clear in my mind is I was over at the National Building Museum and I went through the exhibit on the history of the District of Columbia, which was a real eye-opener for me. I had not realized previously how vicious the segregation laws and history has been in the District. And so I want to say to you, not just you personally, Mr. Harris, but to everybody representing District citizens and so on, it was a revelation to me to find out how, in terms of planning of the city, a deliberate policy of segregation and discrimination has been the overwhelming, I am sorry to say in the history of the District, has been the overwhelming majority of the years that has been the policy against which the citizenry has had to come to grips.

So, and I believe in that exhibit the National Capital Planning Commission and the Committee of 100 was prominently involved. Not all, as I might say, to the benefit of the citizenry, I believe. That is no reflection on either of you gentlemen. Quite the opposite.

But the reason I mention it is, is that in other words the effect of what the groups that you two folks represent has been profound and is profound today as opposed to, say, the city council itself by itself.

In other areas, in other words, in other cities I believe the city council or a board of supervisors or whatever the designation might be, pretty much has everything to say about zoning and so on. But as far as the District is concerned, am I correct in stating that, speaking to all three of you now, that both the National Capital Planning Commission and the Committee of 100 have strong influence and profound effect on what happens?

Mr. HARRIS. Are you addressing it to me?

Mr. ABERCROMBIE. I am addressing it to all three of you. Is that a correct assumption?

Mr. HARRIS. I think Mr. McGrath and Mr. Estrin would be best to address it from that capacity. However, as a representative of our community, their decisions and input on the significant projects related to the Federal park lands and activities in the District of Columbia do have a significant impact on the quality of life in and around the communities where those projects are located. So to the extent possible via public participation, open hearings and testimonies like these, my community and others try to have our voices heard.

However, because of how the unique relationship between the District of Columbia, because of the Federal land mass, often land use decisions which are locally regulated by zoning commissions are in a sense regulated by the National Capital Park.

Mr. ABERCROMBIE. So their views are very, very important in terms of what ultimately transpires in the District.

Mr. HARRIS. Especially when you are dealing with a city where somehow it is projected that 51-plus percent of the property is federally owned or operated. Their decisions have a major impact on the residential life, because we try to exist within the confines of the Federal definition.

Mr. ABERCROMBIE. Okay. And, Mr. McGrath, the Committee of 100, then, is constituted I presume by people then who have a similar interest. They understand that this is a unique area and needs unique and particular solutions and contemplation as to what should be done with respect to planning; is that a fair statement?

Mr. MCGRATH. Yes, sir, that is absolutely true. The Committee of 100 was formed in 1923, and a little before my time and yours and I think almost everyone here. Its purpose was to bring about a planning function for the National Capital, knowing that the government agencies tend to ride in their own directions.

Mr. ABERCROMBIE. Okay.

Mr. MCGRATH. And so the Committee of 100 worked with Congress and with a range of city officials to bring into being the predecessor agency, which is now the National Capital Planning Commission, and we have worked especially in the areas of interest that are a planning function for the city, historic preservation, natural resource conservation, and, obviously, zoning and planning as they relate to these matters.

Mr. ABERCROMBIE. Okay. That makes it clear to me because, again, this exhibit was historically accurate. The citizens in this

area have had less to say about what happens to them than a lot of other people in a lot of other cities have had with respect to zoning, where people get to live, not live, what gets imposed on them by way of public institutions, et cetera. So with that in mind, I am very, very interested because I had not realized it before this hearing.

In case anybody ever tells you that public hearings don't mean a whole hell of a lot, believe me I learned plenty today. I will just reiterate. It is too bad Mr. Cook isn't here because public hearings do mean a lot. We do pay close attention. It is important.

If I had known this before when the people from the city were on the stand, I would have asked them. Is the comprehensive plan for the city still in effect?

Mr. MCGRATH. May I respond to that, Mr. Abercrombie?

Mr. ABERCROMBIE. To the best of your knowledge. I realize you can't speak directly for the city.

Mr. MCGRATH. I can speak, I think, competently to that point. The Committee of 100 lobbied hard to get home rule prior to 1973. And with the advent of home rule, the Home Rule Act in 1973, the planning function for the city was split into two major segments, the National Capital aspects, which are under the purview of the National Capital Planning Commission, and then the rest of the city, about half the city, in which the mayor was established as the principal planning agency. And I quote from the statute, section 423, the mayor personally was stated as the principal planning agency for the city. That is the officer.

Various forms of agency organizations have followed with various mayors since that time, but it has always been the responsibility of the city to prepare what are called the District elements of the comprehensive plan for the National Capital, and in collaboration with the NCPC, the city has prepared the Federal elements.

So we have had a balance between these two elements. That was adopted by the city council after laborious effort by both agencies in DC Law 8129, in November of 1989. It has been amended slightly since that time. So we now have in effect an adopted plan for the city. In their concept was that there would be ward plans. We have eight wards. Closer to the people is where the planning should be done. And so the city's task was to prepare ward plans.

Well, we have three of those now prepared and adopted, Wards 1, 2 and 7.

Mr. ABERCROMBIE. Ward 6 is where I live.

Mr. MCGRATH. Yes, sir. The stadium rests in Ward 6, across the river from Ward 7.

Mr. ABERCROMBIE. Then that plan has been adopted and you have neighborhood boards there, too. You don't call them neighborhood commissions, we have neighborhood boards.

Mr. MCGRATH. ANCs.

Mr. ABERCROMBIE. And they complement your civic associations, is that not the case?

Mr. ESTRIN. Correct.

Mr. ABERCROMBIE. So this was decided in 1989?

Mr. MCGRATH. Yes, sir.

Mr. ABERCROMBIE. Well, I am a little nonplused at this stage then because this would violate your comprehensive plan that you just passed.

Mr. HARRIS. Mr. Abercrombie, if I can address that, I am in a unique position in that I am not only president of the civic association, I am also the advisory neighborhood commissioner for that area. The ward plan for Ward 6 was approved. However, modifications have been submitted because under the existing ward plan this facility cannot exist without a thorough assessment being done on its impacts and relationship to Wards 5, 6 and 7. However, amendments have been initiated from whatever quarters to amend the ward plan to accommodate the construction of the Children's Island facility and the Jack Kent Cook Stadium.

Mr. ABERCROMBIE. Have those initiatives come from the wards?

Mr. HARRIS. I would imagine they come from the advocates of the proposed projects, to amend the ward plan for the purpose of accommodating the construction of those facilities.

Mr. ABERCROMBIE. Okay, gotcha. Now, just indulge me here a little bit because I know where I want to go and I want to make sure I am on track. Did you want to say something?

Mr. ESTRIN. Yes, I don't want to leave this section without responding a little bit back to your further question that the NCPC was substantially changed, back to what you reviewed at the museum, substantially changed with the advent of home rule. There were a number of District constituencies represented, district government, so the complexion of the structure of NCPC was changed to address the changing environment which was that this was now a city with not only the Federal interest, but even the more specifically the individual interest.

Mr. ABERCROMBIE. Appreciate that. I didn't mean to imply that you still had that. I am just saying I did not realize previously in terms of the history of the District how much segregation and discrimination had played a public policy role. I am talking about overt public policy. I am not talking about covert discrimination or something of that nature.

I am talking about public policy being established openly and deliberately against particularly citizens of black African–American descent, and that neighborhoods and all kinds of decisions respecting how the city was dealt with under what I would call ordinary zoning issues, et cetera, were implemented on the basis of a top-down decision being made about people's lives in which they had very little or nothing to say.

Now, with the home rule thing, I am perfectly willing to accept that the basis for decisions has altered considerably. That is why I am so concerned about what I am driving at right now, what I am trying to get outright now. If that is the case, again speaking as someone who has had city council experience, I would be real reluctant. By the way, we have a home rule question in Hawaii, too, we have islands. You want to talk about islands, we got islands, and you don't get to them by bridge, either, although that may be the pork barrel project to end all pork barrel projects if we can work that out.

So I mean home rule is something with which I am very, very familiar and understand the implications of. Aside from those ele-

ments that the chairman has clearly pointed out, which have Federal implications that we have to deal with regardless, I am very reluctant to move until you get an absolute unequivocal decision made in the city about what is going to be done with respect to whether or not you alter the comprehensive plan. Because otherwise the old accusation that is—not the old, the current accusation—and accurate accusation that Congress constantly interferes with the city would have great currency, and I don't want to even inadvertently be accused of that even if my motives are pure and my intentions are good.

Mr. HARRIS. Well, Mr. Abercrombie, that is a very valid concern. On most of the issues that deal with the relationship between the District of Columbia and the Federal interest. However, the fundamental issue here is the disposition, the disposition of Federal park land.

The comprehensive plan amendments were initiated to facilitate these projects as a means of expediting their approval and hopefully getting the easements at the local level they would need, not necessarily need, but think important to have to move forward with the projects.

Mr. ABERCROMBIE. I understand.

Mr. HARRIS. It is, however, important in relationship to the home rule encroachment issue that the city council will have an opportunity to debate and deliberate this issue in relationship to the local issues. However, the fundamental questions that we are addressing this morning are definitely Federal issues and I think——

Mr. ABERCROMBIE. I agree. And I just simply want to say, and I will conclude, Mr. Chairman, thank you for your indulgence on letting me get through this, because as I say, I have learned an extraordinary amount here in this time today.

I understand that that is the issue, but I do not believe that we can go and make some decisions in respect of the Federal lands if as a result of what the National Capital Planning Commission has recommended, what the DC Council has adopted, what the Mayor has approved of, and what I am sure with the cooperation of the Committee of 100 and other interested citizens and groups, if you have gone through all of that, given the history of the city, to finally get to the point where people in the city are making their own decisions in this difficult context of Federal/District relations and you come up with a comprehensive plan, just have an amendment tossed in because it seems convenient at the moment, doesn't seem to me to be something that I, as a Member of Congress, let alone a citizen and a taxpayer in the District, should casually—I don't mean casually because it is not casual, but I don't think I can in good conscience just move right ahead and try to pretend that that issue with respect to the comprehensive plan has been resolved at the District level.

Because unless and until it has been, I am reluctant to make decisions about the use of Federal land which will have implications that might even force you to come to decisions that you might not necessarily really want to go ahead with, but you have to because of the decisions being made about the Federal land.

Now, as far as I am concerned, this is what I will conclude with, as far as I know now, somebody stop me if I am wrong, that there

is a plan out there for these Federal lands now, incorporated into a comprehensive plan that everybody, Federal and District, has agreed upon at this point.

Now, there are some amendments that have been brought up, but I think they have got to come up through the process and be dealt with before I am ready to vote to say, oh, yes, just change whatever was agreed to. Am I off on this, Mr. Estrin?

Mr. ESTRIN. I am not sure, but let me try to say that this is not off of what is presently interpreted to be the comprehensive plan for the Federal lands, that thus far, and it has not come before NCPC yet as an issue, I understand that this is the position that the Federal land under the comprehensive plan calls for Federal parks and open space and multiple sports activities.

Under those criteria, it is a position of some that that is the appropriate use of this land, bolstered by the fact of the existing stadium. Not going back——

Mr. ABERCROMBIE. I gotcha, I am with you, I understand.

Mr. ESTRIN. So that that has not yet been concurred with by the NCPC. Again, because it is not before us.

Mr. ABERCROMBIE. No, it is not, I understand that part. But you agree that the comprehensive plan is in place.

Mr. ESTRIN. We agree that there is a comprehensive plan in place both for the District and for the Federal——

Mr. ABERCROMBIE. Which has not yet been amended.

Mr. ESTRIN. That is correct, and it is questionable whether amendment is necessary. Let me clarify. I am saying it right.

Mr. ABERCROMBIE. Given the multiple sports idea and all that?

Mr. ESTRIN. That is correct.

Mr. ABERCROMBIE. Yes, but you have got a comprehensive plan if that drawing was correct or that rendering was correct that already shows a lot of this land being used for green space and I think it said ballpark and a few other things.

Mr. ESTRIN. I understand that that is not part of the comprehensive plan.

Mr. VENTO. Would the gentleman yield?

Mr. ABERCROMBIE. Okay. Maybe I had it wrong.

Mr. VENTO. If the gentleman will yield, Mr. McGrath has pointed out that the national parks and capital planning has apparently had before it proposed things for the parking lot on or near Key Bridge which are part of the public lands, a sewage treatment swirl facility in Anacostia, a commercial theme park in Kingman Island.

Now remember, this is a national park. Think of Yellowstone or Yosemite, and they are approving and considering doing these sorts of things. Would you consider doing these things at, for instance, at Haleakala, or in Hawaii volcanoes, you know? The commercial theme park——

Mr. ABERCROMBIE. In my dreams.

Mr. VENTO. A commercial marina retail center in Anacostia, parking lots in the Langston Golf Course in Anacostia Park, public housing, how about that on Hawaii volcanoes? On the floodplain, a series of unsponsored museums, Anacostia Park. And most recently, get this, a bus maintenance and repair facility on the floodplain at Anacostia Park.

Now, Mr. Estrin, these are the proposals that are coming to you, more importantly to me. They are coming to the Park Service, Mr. Parsons. These are national parks. This is what we are proposing to do with national parks. Now, if we don't want these to be national parks, we better make that decision, rather than going through this facade, because these are not activities that take place in national parks.

Mr. ESTRIN. Well, Mr. Chairman——

Mr. VENTO. In fact, quite the opposite, you remember, until Hazel wanted to do something with Manassas.

Mr. ESTRIN. Mr. Chairman, some have come before us, some have not come before us. Some we have approved; some we have not approved. We can only address them when they come, are present today. NCPC, that is number one. Number two, it isn't always just the park land. It is all Federal land and Federal uses that come——

Mr. VENTO. No, I know what your function is, because you do parking facilities at NIH and other types of matters like that. I am quite familiar with that.

Mr. ABERCROMBIE. Could I follow up then?

Mr. VENTO. You yielded to me.

Mr. ABERCROMBIE. Yes. Just with one thing, Mr. McGrath, when I did look at the map you showed, and Mr. Estrin, again I understand some things are before you, some are not, some are proposals, some that just might have appeared in the newspaper and then takes on a life of its own, but you did have one project there, one of those little yellow circles or gold circles was in Rock Creek Park, wasn't it? I am just interested what that proposal was.

Mr. VENTO. Tennis stadium.

Mr. MCGRATH. Well, no, sir, the tennis stadium is farther up in the east edge of Rock Creek Park. You are right. That is one of the 11 disks. And there is another one right at the Whitehurst Freeway where it joins Rock Creek in the little valley where K Street heads into Georgetown and intersects the Rock Creek Parkway.

Recently, after a year of discussion and we thought with the initial stimulation of the Park Service, major efforts were made, a lot of money was spent to try to find a design solution to dealing with those obsolete ramps and a complicated traffic problem to create 6 more acres of park land in that area.

Mr. ABERCROMBIE. So that is when the yellow——

Mr. MCGRATH. That is what the yellow dot was for.

Mr. ABERCROMBIE. So in the Anacostia area and in the area that Mr. Harris represents, we are trying to get in sewage plants and everything else, but Rock Creek Park gets more park space?

Mr. MCGRATH. Well, it was an attempt to salvage out of——

Mr. ABERCROMBIE. I am not against it, I am just saying it strikes me as a little bit coincidental given the history that I learned about the District, that all the difficult shots seem to come at certain groups of people and other groups of people seem to get off without anything.

Mr. MCGRATH. But, Mr. Abercrombie, I would like to point out that the attempt to regain the park land from those benighted ramps left over from an obsolete highway proposal, didn't work. It was voted against by the Commission, sadly.

And, unfortunately, as Mr. Harris has pointed out, the Anacostia River Valley has become a dumping ground. It has got jails, cemeteries, it has swirl facilities, treatment plants, DC General Hospital, and it has a lot of contaminated land. And it needs a lot of stewardship and a lot of work. And we feel very strongly that it should not become just exploited territory. And particularly when a fragile neighborhood is at stake and it is this horseback proposing of proposals that keep dumping things in Anacostia Park to which we take great exception.

And I know the neighbors and I speak for many neighbors there when I say this. I am trying to look at this from a citywide perspective over a period of years and it is clear. There has been an injustice in the accumulation of all of these facilities somehow as they say across the river. And it applies to many other kinds of facilities.

It applies to halfway houses and to many other facilities that sort of get dumped in that area.

Mr. ABERCROMBIE. Okay. I am familiar with it.

Mr. MCGRATH. That is an insidious problem.

Mr. ABERCROMBIE. This has been very helpful to me. Thank you, Mr. Chairman.

Mr. ESTRIN. Mr. Chairman, I don't want to make this a thing with Mr. McGrath and myself, but I cannot let it stand that the recent decision on the Whitehurst Freeway was to remove one of the ramps. We reclaimed 2½ acres. We just didn't do it all the way Mr. McGrath would have liked to have had it done.

Mr. ABERCROMBIE. I didn't mean to get in the whole routine. I just happened to notice the thing. As someone on a city council, if you got half of what you were trying to get when you were trying to do the right thing, you probably came up against a whole lot of difficulty. And I am sure that future users of that 2½ acres will be grateful.

Mr. VENTO. Congresswoman Norton, did you have any comments before we conclude our work with this panel?

Ms. NORTON. In light of the hour, Mr. Chairman, I wouldn't think of detaining these witnesses any longer. I would like to say to my constituents, especially to my constituents who have come forward to testify today, that they are all volunteers who have worked very hard and very creditably and very professionally.

It is an example of the civic mindedness that one sees throughout the District of Columbia and I simply want to thank them personally. Because wherever one comes out on these issues, one has to respect and admire the work you have done. Thank you very much.

Mr. VENTO. Well, thank you all. I know especially that Veronica Raglin, we didn't get much of a chance to get to you, and you did cooperatively summarize your statement. I did read it carefully. I think it is a very good statement, and you have done a lot of work in your community and raised a lot of very appropriate questions.

I just regret that the hearing didn't have more of a chance to ask you questions in this process. But thank you for being here. Thank you all for being here.

Ms. Raglin.

Ms. RAGLIN. Can I just mention one or two points that were mentioned earlier? There was talk about the use of RFK Stadium, and as I understand the Memorandum of Understanding, the District would have to ask Jack Kent Cook months in advance whether they could host certain events, which again would be a disadvantage in having a new stadium under Jack Kent Cook.

Also, Mr. Stanton, who was with the National Park Service when he was superintendent in the Virgin Islands, which I also lived in for quite a number of years, was very sympathetic to the local people retaining their community without the encumbrances of the national park. So I am really sort of concerned that now Mr. Stanton, who is in charge of national parks, does not have the same sympathy for our community.

And finally, I would like to say that this whole idea of Jack Kent Cook Stadium is just a bad deal. Economically, it is a bad deal for the city. Someone mentioned about the feeder connecting the Barney Circle Freeway. That feeder feeds directly into the parking lot. So again, it supports the idea that the Barney Circle Freeway is connected with the Jack Kent Cook project.

Mr. VENTO. Well, I appreciate that, and I think it is no accident that that has occurred that way, not just coincidence, and I think it is something to bear in mind. I was not aware of the time period that the occupant of the new stadium would have to be notified five months ahead before an event took place. This presumably would give them enough time to submit an alternative bid.

In any case, we do appreciate the work of this panel and the work of the National Capital Planning Commission, Mr. Estrin, and we look forward to your further decision and analysis of the EIS. Thank you all.

PANEL CONSISTING OF SUZAN SHOWN HARJO, PRESIDENT, THE MORNING STAR INSTITUTE, WASHINGTON, DC; C.R. GEORGE DOVE, ARCHITECT AND PRINCIPAL, THE WEIHE PARTNERSHIP, WASHINGTON, DC; JOHN P. O'CONNOR, SECRETARY-TREASURER, WASHINGTON, DC, BUILDING TRADES, ACCOMPANIED BY EDWARD L. NELSON, PRESIDENT, DISTRICT OF COLUMBIA CONTRACTORS ASSOCIATION; AND ROBERT G. DREHER, CO-MANAGING ATTORNEY, SIERRA CLUB LEGAL DEFENSE FUND, WASHINGTON, DC

Mr. VENTO. The last panel on today's hearing is Ms. Suzan Shown Harjo, the president of the Morningstar Institute; Mr. C. R. George Dove, the partner of The Weihe Partnership; Mr. John P. O'Connor, the Secretary-Treasurer of the Washington, DC, Building Trades, accompanied by Edward L. Nelson, president of the District of Columbia Contractors Association; and finally, Mr. Robert G. Dreher, the co-managing attorney of the Sierra Club Legal Defense Fund, Washington, DC.

Ms. NORTON. Mr. Chairman, I regret that I will not be able to stay for this last panel, because I am about a half hour late for another meeting. I just want to take the opportunity to thank you once again for the very extensive and comprehensive way in which you have dealt with this very complicated and controversial issue. And I want to apologize to the next panel that I am so overdue I will not be able to hear. But I shall read.

Mr. VENTO. Yes, well, I appreciate your presence. It is important that we get on the record the views of the individuals that have been pulling the weight. We appreciate their patience and yours as we have gone through and tried to learn and understand this very complex issue in a short time.

The statements of the witnesses before the committee today have been made part of the record. We will move immediately to Ms. Harjo, your statement, Suzan. Welcome.

STATEMENT OF SUZAN SHOWN HARJO

Ms. HARJO. Thank you, and thanks to both of you for your patience and staying power, especially for you, Mr. Chairman. I think this brings added dimension to the term "sitting chairman."

My name is Suzan Shown Harjo and I am Cheyenne and Muskogee. I am from Oklahoma, and you can't be from Oklahoma without having been born on or near a football. I am a sports fan. I am also a mother. My children, who are no longer children, they are aged 20 and 28, felt terrible about the activities and events associated with the Washington Redskins because of the very name and all of the unseemly, disrespectful and derogatory behavior that accompanied that name.

Because they felt uncomfortable and embarrassed and humiliated, and because I felt that they might even be endangered, we did not go to games, even though we had many chances to go to them, of this team that we very much like.

We all like football, we watch it on television, but we won't put ourselves through it physically. Many non-Indian people lose their sense of subtlety when it comes to Indian people and oftentimes in related events to the team and to its activities, people would come up to us and punch us or hold us or grab on to our clothing and say, oh, you are Indian, aren't you. And it wouldn't be meant negatively. It would never occur to me to go up to a white man and say, hey, you are a white man, aren't you? It is just an odd kind of way that people behave toward people who are objectified and dehumanized and mocked in the way that only Native American people are in the United States of America in the sports world.

Among all the human beings, we are the only ones singled out for this kind of treatment. I am one of seven Native American petitioners before the U.S. Patent and Trademark Board and have included with my prepared statement a statement about the filing of that petition on September 10, 1992. And would ask that those attachments be included as well.

Mr. VENTO. Yes, without objection, the attachments will be included in the record. Hearing no objection, so ordered. Please continue.

Ms. HARJO. Thank you. This is not a first amendment and commerce issue, our petition. We are saying that the Washington football team owners can call themselves any racist thing they feel like calling themselves, but the Federal Government should not approve it by granting the exclusive privilege of making money off that practice.

This, I think, is a similar approach to the one taken by H.R. 2702 which we support because it would simply say that there will be no official sanctioning of racist terms, of terms that characterize

any human beings. And that means, in American sports, only native people. We take very seriously this matter of mascoting.

Policymakers, the general public, do not take cartoons seriously. And, Mr. Chairman, I know that you have been involved with us over many, many years in this maturation of America and bringing Indians into the world community of human beings when it comes to Federal and international law and precepts, and we really appreciate that. The work is not done and won't be done until we eliminate this last most visible vestige of racism against Native Americans. And that is making mascots of us in the sports world, most especially with the name of Redskins.

This name was a gift of Western civilization, brought to us by the British and French along with the tradition and practice of commercial bounty hunting and scalping and skinning of native peoples. The practice once was, with the French and British fur trappers, to bring in gunnysacks filled with skulls of native people and wagon loads of dead bodies of native people. That became too cumbersome and the people paying the bounties to them permitted them at some point to bring in the scalps in lieu of the skulls and the red skins in lieu of the bodies; 80 cents for the men, 60 cents for the women and 40 cents for the children. This is the origin of that term redskins.

There is no way that anyone in their right mind can say that this began as honoring us. The simplest review of modern dictionaries will show what the term redskin equates to. In the *American Heritage Dictionary* of 1992, in the concise *Oxford Dictionary* of 1990, in *Webster's Ninth New Collegiate Dictionary* of 1990, redskins and nigger are defined in the same way, in precisely the same way. In the first, as offensive slang used as a disparaging term for a Native American, or in the case of the latter awful word, as offensive slang, used as a disparaging term for a black person.

Both common sense and history should lead anyone who is fair-minded to the conclusion that we have to eliminate this name. For native people, it is a matter of life and death literally for our people who have the highest rate of suicide in the country, our teenagers, who have the highest rate of teenage suicide in the country, four times the national average, eight times the national average for Alaskan Native people.

We believe that much of the low self-esteem that is the major contributing factor to teenage suicide comes from this constant bombardment of negative imaging in the sports world and in the advertising world. The messages are clear and simple that we do not count and that we are less than human and it is simply time for this to come to an end.

Mr. Cooke has not chosen to meet with us and might have avoided our litigation in the past if he had met with the National Congress of American Indians, which I headed for the better part of the 1980s. I persistently asked for a meeting with him on this subject and his only response was very highhanded. He did not accord us any personal or professional courtesy and was through the press saying there is not a chance in hell that the name is going to be changed. It would cost too much money and it is not derogatory.

This combination of ignorance and arrogance is dangerous and volatile and never comes to a good result. I hope we can make the

best that we can out of either the legislation route or the litigation route and perhaps Mr. Cooke will come to his senses, will listen to his players who have said either the name is offensive and should be changed or we don't know why the name offends some Native Americans, but because it does, it should be changed.

Maybe he will come around to the view that he will make a lot of money on the sale of memorabilia alone. If he changes the name, there will be an infusion of team spirit. He could have a name contest. My personal favorite is the wild hogs, and he would be in the mainstream of Washington and national thinking, not just the overwhelming majority of Native American people, but the overwhelming majority of council members in the District of Columbia, the *Washington Post*, WOL Radio station, whose policy it is never to use that term on the air.

I hope that you continue with this particular legislation and this particular approach. I truly appreciate the good words this morning of Representative Richardson and the two sponsors of this legislation, most particularly my Cheyenne brother, Ben Nighthorse Campbell.

Thank you.

Mr. VENTO. Thank you. I think most of you are talking about other issues here, but in any case, we are pleased you were able to remain.

[Prepared statement of Ms. Harjo and attachments follow:]

The Morning Star Institute

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STATEMENT OF SUZAN SHOWN HARJO, PRESIDENT, THE MORNING STAR INSTITUTE, SUPPORTING H.R. 2702 BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS OF THE COMMITTEE ON NATURAL RESOURCES, U.S. HOUSE OF REPRESENTATIVES, NOVEMBER 5, 1993, WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee, thank you for holding this hearing and for inviting me to testify. My name is Suzan Shown Harjo. I am Cheyenne and Hodulgee Muscogee, a citizen of the Cheyenne and Arapaho Tribes of Oklahoma, a resident of the District of Columbia and President of The Morning Star Institute. I am one of seven Native American petitioners who filed a federal legal action on September 10, 1992, with the United States Patent and Trademark Office against the Washington Redskins football organization, seeking to cancel federal registration and protection of the trademarked term "Redskins." This action is still pending before the Patent and Trademark Office, which has been considering a motion to strike affirmative defenses for some eight months.

Two of the petitioners -- noted historian, attorney, theologian and educator, Professor Vine Deloria, Jr. (Standing Rock Sioux), of the University of Colorado and myself -- also are past Executive Directors of the National Congress of American Indians (NCAI), the oldest and largest intertribal organization in the United States. A third petitioner, Raymond D. Apodaca, former Governor of the Pueblo of Ysleta del Sur, is a current NCAI Vice President and Chairman of its Committee on Human and Religious Rights. Together, we span four decades of leadership in that organization, which has consistently objected to mascotting of Native Peoples in the sports world generally, and to the name "Redskins" specifically, since NCAI's inception in 1944. In January of this year, the member tribes and nations of the NCAI Executive Council adopted a resolution supporting our federal legal action and subsequently retained the Native American Rights Fund, a national Indian legal organization, to represent NCAI as amicus curiae in the cancelation proceedings.

The Morning Star Institute has served as the sponsoring organization for The 1992 Alliance, whose Policy Circle of Native Peoples traditional, governmental and religious leaders spawned our federal legal action in October of 1990, with its call for "the sports and advertising worlds and all those with influence in shaping popular culture to forego the use of dehumanizing, stereotyping, cartooning images and information regarding our peoples, and to recognize their responsibility for the emotional violence their fields have perpetuated against our children." Native American young people have the highest rate of teenage suicide in the country. Congress itself has reported this rate to be four times the national average. As the vast majority of experts on suicide can confirm, teenage suicide results from low self-esteem. Among Native American teenagers, a major contributing factor to low self-esteem is the constant bombardment of negative images, including those in the sports world that demean our appearance, mock our religions, belittle our traditional clothing, songs and dances and call us names.

There is no more derogatory name in the English language for Native Peoples than the

term "redskin." The term originated with the British and French, who introduced it and commercial scalping and skinning of Indigenous People in this Hemisphere. When the gunnysacks of Indian skulls and wagons of Native bodies became too combersome for the business purposes of those paying and receiving bounties, the European furtrappers were allowed to cash in the scalps in lieu of the skulls and the "redskins" in lieu of the whole bodies. The Washington Redskins Owner, Jack Kent Cooke, in the 1980s when I asked to meet with him about changing the name of the team, declined to meet and responded through the media that there was not a "chance in hell" that the name would be changed, stating that "it would cost too much money" and that the "name is not derogatory." A name change would actually make money, with the publicity and sale of memorabilia, and the name is, of course, derogatory, as any school child with a dictionary can tell him. The American Heritage Dictionary of 1992 defines "redskin" as "Offensive Slang. Used as a disparaging term for a Native American." It also defines the term "nigger" in the same way: "Offensive Slang. Used as a disparaging term for a Black person." The Concise Oxford Dictionary of 1990 defines "redskin" as "colloq. offens., an American Indian" and "nigger" as "offens., a Black person or a dark-skinned person." Webster's Ninth New Collegiate Dictionary of 1990 defines "redskin" as "American Indian -- usu. taken to be offensive" and "nigger" as "Negro -- usu. taken to be offensive."

Our federal legal action would not stop the Washington football team from calling itself by any racist name it wants; neither would H.R. 2702. We are petitioning the federal government to withdraw its support of the name "Redskins" by eliminating the economic incentive to keep it. H.R. 2702 takes the same approach by allowing the use of federal lands for the new football stadium in the District, under a 99-year lease arrangement, as long as the District agrees that the stadium will not "be used by any person or organization exploiting any racial or ethnic group or using nomenclature that includes a reference to real or alleged physical characteristics of Native Americans or other group of human beings." Just as there could not in this enlightened era be a sports team anywhere in America called the "Niggers," there should not be a sports team called the "Redskins," especially in the Nation's Capitol.

H.R. 2702 serves the same purpose as kindred federal action served in 1957, when the Washington football team owners wanted federal lands for the existing stadium and was forced to allow African Americans to play on the team. The Washington team at that time was the last hold-out against integration. The social change that took place in 1957 was not one that would have been voluntarily embraced without federal pressure. Today, at the close of the century, the name of the Washington team stands as the most blatant example of federally-sanctioned racism in America. We applaud the efforts in Congress now to use the carrot and stick approach to achieve a good result for Native Peoples and for America generally, so that we all can enter the next century having eliminated the most prominent vestige of public racism in the Capitol.

A name change for the Washington football team is supported by an overwhelming majority of Native Peoples, most of the Council Members of the District of Columbia, The Washington Post, WOL Radio Station (whose policy it is to forego use of the offensive term when referring to the Washington team) and by team players themselves, some of whom even made their views known to the world on television during the Super Bowl. We urge the Subcommittee to add its voice to the growing call for social change and to provide leadership in discontinuing the use of this offensive term.

Aho.

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FOR IMMEDIATE RELEASE
September 10, 1992

NATIVE AMERICAN LEGAL ACTION SEEKS ABANDONMENT OF WASHINGTON REDSKINS NAME

Broad National Coalition Challenges Federal Trademark Registrations, Asserts "Redskins" Offensive To American Indians

WASHINGTON D.C. -- Seven prominent Native American leaders, representing a broad cross-section of American Indian life, today filed a federal administrative law action with the United States Patent and Trademark Office (PTO) against the Washington Redskins football organization, seeking to cancel federal registration -- and protection -- of the trademarked term "Redskins." Announced at simultaneous news conferences in Minneapolis, Minn., Santa Fe, N.M., and Washington, D.C., petitioners for the group said it is their hope to remove the federal government's imprimatur from the use of the name and to convince the organization to drop the name in favor of one that does not offend American Indian peoples.

Suzan Shown Harjo, one of the petitioners and President of The Morning Star Foundation, a non-profit American Indian advocacy group sponsoring the action, said she hopes attention given the filing and subsequent litigation will help mainstream America better understand that American Indian people are truly offended by the term "Redskins." "It is the most derogatory term that exists for Native American peoples. America -- and the Redskins -- have been on notice for some time," she said. "But it appears nobody has been listening. It's our hope that this legal action will convince the Redskins organization and others that terms like this are unacceptable and would never be tolerated if applied to other ethnic or racial groups, or to any other segment of American society."

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According to Stephen R. Baird, an attorney with the national law firm of Dorsey & Whitney, representing The Morning Star Foundation on a pro bono basis, the legal basis for the action is based on federal law prohibiting certain terms from federal registration. "Federal trademark law -- and related case law -- clearly prohibit trademark registration of words that are offensive or disparaging," he said. "Because the word 'redskin' has historically and is still commonly used as a pejorative, derogatory term, the challenged registrations of the Washington Redskins should not have been granted and are subject to cancellation."

The term "redskin" appears in each of the registered trademarks being challenged by the group.

Vine Deloria, Jr., Esq., a citizen of the Standing Rock Sioux Tribe, noted author and Professor of History at the University of Colorado, explained that he and the other petitioners represent a broad cross section of American Indian culture and politics. "This is not just a disenfranchised few calling for something only a handful would agree with," he said. "While American Indians, like other groups, are diverse in their views, most share a deep feeling of offense at terms like Redskins. Enough is enough. We don't want future generations of Indian children to bear this burden of discrimination."

Manley A. Begay, Jr., of the Navajo Nation said, "A society which permits discrimination in the sports arena is going to overlook it in the marketplace. That is precisely the situation of Native American people in society today. We should not be the poorest people in America, but we are. We should not be the only remaining targets of slurs in sports, but we are." Begay is Executive Director of the National Executive Education Program for Native American Leadership at Harvard University and of the Harvard Project on American Indian Economic Development of the John F. Kennedy School of Government.

Other tribal leaders not directly involved in the legal challenge offered their support as well. Gaiashkibos, Chairman of the Lac Courte Oreilles Chippewa Tribe in Wisconsin and President of the National Congress of American Indians (NCAI), the oldest and largest American Indian organization representing approximately 150 tribal governments said, "This action is needed to help end offensive stereotyping of Native Americans. If we could stop racial and cultural slurs in sports, then we'd have a better chance of stopping racism that keeps us in poverty and ill-health and keeps our treaty rights under attack," said Gaiashkibos. "NCAI and most of the tribes have called for an end to this kind of treatment in resolutions and public statements over many decades. This is a proper and effective forum to deal with this issue and to urge the federal government to say it's not okay for the Redskins to discriminate against us."

Norbert S. Hill, Jr., Oneida and Executive Director of the American Indian Science and Engineering Society, said that his Boulder-based national organization had "joined the NCAI, the National Indian Education Association, the United Indian Nations in Oklahoma and others in calling for this kind of action. We are all doing it to help the kids. They shouldn't have to adjust their lives and behavior to accommodate racism. That leads to low self-esteem, to alcoholism, to self-destructive and dysfunctional acts, sometimes even to suicide and suicide attempts. At worst, it's life threatening. At best, it's an unnecessary barrier to positive achievement and opportunities."

"The bottom line," said Harjo, "is that when someone tells you they are offended, you should listen. So we are saying it again, this time forcefully: the term 'Redskins' and similar expressions tending to stereotype us are offensive. It would be tolerated by no other group. And now, we won't tolerate it either."

The petition to cancel the Redskins' federal trademark registrations will be heard by a panel of the Patent and Trademark Office's Trademark Trial and Appeal Board (TTAB). The other petitioners filing the action include: Raymond D. Apodaca, Governor of the Ysleta del Sur Pueblo and Area Vice President and Chairman of the Human and Religious Rights Committee of the National Congress of American Indians; William A. Means of the Oglala Sioux Tribe of Pine Ridge, Executive Director of the American Indian Opportunity Industrialization Center and President of the International Indian Treaty Council; and, Mateo Romero of the Cochiti Pueblo, a noted American Indian artist, graduate of Dartmouth College, and Master of Fine Arts candidate at the University of New Mexico.

At a news conference in Santa Fe, N.M., Romero said, "It is time for the younger Indian people to join their elders in open opposition to racist names, images and mascots. We cannot project our own positive images through the generations and layers of stereotypes and negative images projected on us." Romero, who is a 25 year old painter and printmaker, was joined by other artists, students and teachers for his press conference.

Speaking at another simultaneous press conference at the Heart Of The Earth Survival School in Minneapolis, Minn., William Means, the school's former Executive Director said, "We've just got to stop the perpetuation of these stereotypes. Too many of our kids see that stuff and begin to believe it, begin to make fun of themselves as a defense mechanism, and begin to feel second rate or like they don't exist at all as real human beings."

In Washington, D.C., Apodaca, whose Pueblo is in the El Paso area of Texas, said, "If the 'Redskins' were doing this to any other ethnic or religious group or nationality, there would be a deafening outcry. Because we are Indians, with a small and invisible population and a small national voice, our outcry has not been heard. We are asking nothing more than every other group of people in America has demanded and gotten -- to be treated with dignity and respect."

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STATEMENT
of
SUZAN SHOWN HARJO
PRESIDENT & DIRECTOR, THE MORNING STAR FOUNDATION
ANNOUNCING LEGAL ACTION AGAINST THE WASHINGTON REDSKINS
WASHINGTON D.C., SEPTEMBER 10, 1992

Ladies and gentlemen of the press, thank you for joining us here today. My name is Suzan Shown Harjo. I am the President and Executive Director of The Morning Star Foundation, a non-profit foundation advocating Native American cultural and traditional rights, based here in Washington. I am also a citizen of the Cheyenne and Arapaho Tribes of Oklahoma, National Coordinator of The 1992 Alliance, and former Executive Director of the National Congress of American Indians (NCAI).

We've invited you here today to announce a legal action -- organized and supported by The Morning Star Foundation -- being taken for the benefit of American Indian peoples across the country. We believe this legal action has significant long-term national consequences and that by bringing this action we cannot only begin to correct an injustice and affront to American Indians but, at the same time, help mainstream Americans better understand this issue of fundamental importance to us all.

Today we have filed a petition before the Trademark Trial and Appeal Board (TTAB) of the United States Patent and Trademark Office (PTO) for the cancellation of seven federal service mark registrations for various nicknames and logos used by the Washington Redskins football organization. In essence, we are seeking removal of the federal government's imprimatur -- its sanction or approval if you will -- of the use of the name Redskins. We are taking this action because there is no more offensive name we can be called in the English language than "Redskins". The use of the term "redskins" is patently offensive to Native American people and, therefore under federal law, may not enjoy federal registration protection.

Joining me here today as co-petitioners in this legal action are four accomplished leaders in Indian country representing a broad cross-section of Native cultures and politics. With me are: Mr. Vine Deloria, Jr., of the Standing Rock Sioux Tribe and noted author, attorney and Professor of History at the University of Colorado; Mr. Norbert S. Hill, Jr., of the Oneida Tribe of Wisconsin and Executive Director of the American Indian Science & Engineering Society; Mr. Raymond D. Apodaca, Governor of the Ysleta del Sur Pueblo and Area Vice President and Chairman of the Human and Religious Rights Committee of the National Congress of American Indians; and, Mr. Manley A. Begay, Jr., of the Navajo Nation, Executive Director of both the National Executive Education Program for Native American Leadership at Harvard University and the Harvard Project on American Indian Economic Development of the John F. Kennedy School of Government.

Also joining in this action both as petitioners and at simultaneous news conferences in Minneapolis and Santa Fe are respectively: Mr.William A. Means of the Oglala Sioux Tribe of Pine Ridge, Executive Director of the American Indian Opportunity Industrialization Center and President of the International Indian Treaty Council; and, Mr. Mateo Romero of the Cochiti Pueblo, an award-winning artist and Master of Fine Arts candidate at the University of New Mexico.

Also with us here in Washington is legal counsel Mr. Stephen R. Baird of the national law firm of Dorsey & Whitney.

It is our hope that through this legal process the Washington Redskins organization -- and other fair-minded Americans -- will come to understand that the term "redskins" and other similar expressions are considered by most American Indian people to be deeply offensive and are clearly inappropriate in today's culturally diverse American society. Specifically, it is our hope that the Washington Redskins will abandon the Redskins nickname and select a new name that is not offensive to anyone. In any case, if the Washington Redskins football organization continues to ignore our objections by maintaining its use of the Redskins name and accompanying logos, it should do so without the implied approval of the federal government and the many benefits that result from federal registration.

With regard to the specifics of our action, we are challenging each of the registered marks that contain the term "Redskins." The legal basis for the action is a provision in federal trademark law stating that federal trademark registrations cannot be issued for words that are offensive or disparaging. It is our position that because the word "redskin" has been used throughout history as a derogatory term and, in fact, today is still commonly understood as a pejorative term for an American Indian, the challenged registrations never should have been granted and should be cancelled.

Finally, I'd like to note that American Indian and other fair-minded individuals have communicated to the Washington Redskins football organization our belief that the name is offensive and that it should be changed. Jack Kent Cooke, owner of the Washington Redskins has responded that he is "totally out of sympathy" with those concerns. Hence, we are compelled to bring this legal action to protect our rights, in order that our children and the coming generations do not bear the burden of being targets of racism. No other living group of people is subjected to the same abuse in the sports arena as that sustained daily by American Indians peoples. It is our hope that this national legal forum will provide an opportunity for all Americans to better understand the nature of the injustice done by use of terms like Redskins.

We welcome your questions.

Below are reproductions of the seven service marks used by the Washington Redskins and being challenged by The Morning Star Foundation.

WASHINGTON REDSKINS

REDSKINETTES

REDSKINS

WASHINGTON

SKINS

REDSKINS

news from
Senator DANIEL K. INOUYE

topic: INOUYE COMMENTS ON NATIVE AMERICAN LEGAL ACTION

date: September 9, 1992

release date: September 10, 1992

"Today, Native American leaders have taken what could prove to be the first step in eliminating offensive names and images from the sports world," said Senator Daniel K. Inouye (D-Hawaii) on the filing of a federal legal action regarding the Washington football team's name.

"The Native American people who have talked to me over the years about this problem of sports names, logos and mascots that stereotype their people have characterized it as a continuing injury," said Inouye, who is the Chairman of the Senate Select Committee on Indian Affairs. "This demeaning protrayal of American Indian people, their appearance, their traditional dress, their ceremonial dances serves as a constant reminder of the injustices they have suffered at the hands of the non-Indians throughout the past five centuries. As we prepare to enter a new century, it is time to leave this era behind with the symbolic and substantive evolutionary act of changing offensive names and negative images in sports."

Mateo Romero
Native American Artist
Press Release Statement
9-10-92

As a visual artist and a Native American, I am acutely aware of the nature of visual information and it's impact on us in our everyday lives. The nature of media informs us of our self images, racial identities, and attitudes of how we deal with others. Similarily, the nature of inherently racist labels such as Redskins, informs us of the negative impact of imaging and ignorance upon both ourselves and others it is to this end, the promotion of accurate and positive information ,that we seek to attack the ignorance of racism in both ourselves and others.

As you will have noticed by the distinguished nature of the petitioners in this case which I stand with, I am conspicuously young. In as far as I represent a younger generation of Native people, I feel that it is important that our youth stand up in support and solidarity with our respected elders in our movement towards a more enlightenned position in our world today

As a freshman student in the Ivy League, I can personally testify to the damaging and negative impact of racist symbols. The Indian symbol, while officially outlawed amongst the students and administration at Dartmouth College, has managed to live on however vicariously through the efforts of entrenched, close minded organizations. During football games, it is a commonsight to see partially clothed drunken anglo students war whooping with garish face paint and Dartmouth Indian paraphenalia. . The effect on Native students is one of revulsion, and loss of pride. A common student response is , we are honoring you. You are not honoring us. We stand strong before you today to deliver an ultimatum, We will not be reduced to mere caricatures of our innate nature through ignorance, racism, or belittling amusement. Today, in a federal forum, we are initiating legal action to reclaiming what an indifferent majorative culture has sought to take from us .

STATEMENT OF DAVID P. BRADLEY IN SUPPORT OF NATIVE AMERICAN ACTION AGAINST "REDSKINS"

Prepared Statement for Press Conference of Petitioner Mateo Romero, Chaparral Room, El Dorado Hotel, Santa Fe, New Mexico; Press Conference of Petitioner William A. Means, Heart of the Earth Survival School, Minneapolis, Minnesota; and Press Conference of Petitioners Suzan Shown Harjo, Vine Deloria, Jr., Raymond D. Apodaca, Norbert S. Hill, Jr., and Manley A. Begay, Jr., United Methodist Building, 100 Maryland Ave., N.E., Washington, D.C.

The purpose of this statement is to express my unequivocal support for the federal legal action against the name of the Washington football team, "Redskins," and all associated logos and trademarks. We American Indian people are told by the owner of the team that its name and logos are not derogatory and that they, in fact, honor us. He does not understand that it is up to the victim, not the perpetrator, to define the offense. Most Native American people are offended by the team's name, logos and mascots, and have told the team's owner so. Most of the District of Columbia's Council Members have called for the name to be changed. Most of the team's players have called for the name to be changed because it is offensive to Native people. The Washington Post has editorialized for the name to be changed. We can only hope that Mr. Jack Kent Cook will have a change of heart and change the name of his team to something that does not target any group of people.

My four-month-old son has been born into a society that still permits racism, racial slurs and racially-biased images against American Indian people. This is a sad commentary on American society on the verge of the 21st Century. I am supporting this federal legal action because I want anti-Indian racism in the sports world to be one for the history books by the time my son is old enough to read. If we can't cure the disease of socially-sanctioned discrimination in sports, we can't cure it in any of its more subtle forms in those places less in the spotlight.

I also support this action because I am an American Indian artist. I deal with images and stereotypes in daily life and as an integral part of my painting and sculpture. I meet non-Indian people on a frequent basis who comment on my work, saying that they had never noticed some of the anti-Indian images, or often their own biases, until they saw their reflection. The savage images, nobel or otherwise, have their own reality that obscures our humanity. Until we do away with these stereotypes, our definitions and images of ourselves will not be heard or seen. Getting rid of the Washington team's demeaning name, logos and mascot is a good first step toward the end of this century and this anti-Indian era.

(Note: David P. Bradley, White Earth Chippewa from Minnesota, is an artist living and working in Santa Fe, New Mexico. His work is widely exhibited in museums and cultural institutions and galleries throughout the U.S. and Europe, including the Institute of American Indian Arts (IAIA) Museum, the Museum of Fine Arts in Santa Fe, the Millicent Rogers Museum in Taos, the Wheelwright Museum, the Plains Art Museum, and the Smithsonian Institution, among others, and the Elaine Horwitch Gallery in Santa Fe, where he has shown for a decade. Bradley is the only person to have taken the top honors in both painting and sculpting in the Santa Fe Indian Art Market. A graduate of the IAIA, he just concluded two years there as Visiting Professor and Artist-In-Residence. His work will soon be featured in the Native American art exhibit of the U.S. Embassy in Morocco and in the Senate and House Rotundas exhibits of contemporary Indian painting and sculpture in Washington, D.C.)

CONTACT: Stephen Lewis
310/659-8557 ext. 361

FOR IMMEDIATE RELEASE
Sept. 10, 1992

NATIVE AMERICAN LEGAL ACTION SEEKS ABANDONMENT OF WASHINGTON REDSKINS NAME

UCLA American Indian Student Association and Rez Boyz Productions
Supports National Coalition Challenging Federal Trademark Registration

Los Angeles, CA.-- The **UCLA American Indian Student Association** and Native American group **Rez Boyz Productions** officially registers its support for the Native American petitioners bringing federal legal action abondoning the registration of the Washington Redskins football organization's racist trademarked term "Redskins".

We consider the use of such practices to be utterly reprehensible and damaging to Native American images in society in general, and to the youth of Native America in particular.

The indignities which we have historically had to endure and overcome for 500 years at the hands of the Federal Government in particular, and American Society in general (Academia , the Entertainment Industry, etc.....) makes it ironic that our next battlefield is in Washington D.C. where the Washington Redskins football organization is located where we as Native Americans are the most marginalized and underrepresented.

With this said, we also issue a challenge to the **two Presidential Candidates (Bill Clinton, George Bush)** to support or publicly comment on, the petitioners legal action. For if the Presidential Candidates ignore the voice of Native America then they truly ignore the voice America itself.

Furthermore, by the Washington Redskins football organization's use of the term "Redskins", the organization projects an image akin to that of a crucible of society's American Indian stereotypes and collective rascism in microcosm. We support petitioners, and, in the name of human decency and human rights, encourage the American society in general to do the same.

Mitakuye Oyasin
(We Are All Related)

The Washington Post

No. 91 THURSDAY, MARCH 5, 1992 U Prices May Vary in Are Metropolitan Washington (

The Redskin Issue

THE NATIONALLY televised sight of all those Atlanta Braves baseball fans doing the tomahawk chop, beating drums and wailing their ersatz war chants did more than set off a series of protests during the World Series; it also brought renewed attention to an unpleasant fact that Washington football fans have been pushing under the rug for many years: that the time-hallowed name bestowed upon the local National Football League champions—the Redskins—is really pretty offensive. Coming to the same view, D.C. Council member William P. Lightfoot and seven other council members have sponsored a resolution urging the team's owner to change the name. With a majority already lined up behind the measure, the sense of the council is clear. "This is simply the right thing to do," he said. He is correct, and now is the time to do it.

The name has, of course, been easily used for many years all over town, including in these pages, without a thought of its giving offense. Clearly, most Washington football fans lustily sing "Hail to the Redskins" out of love for the team and without the slightest intent to slur, embarrass or demean American Indians. It's also true that the team name was chosen in 1933 by founder and long-time owner George Preston Marshall—and is defended by today's owner, Jack Kent Cooke—because of a professed admiration rather than scorn for American Indians.

But to say that the use of the term "Redskins" is well-intentioned or that it is not meant to be objectionable sidesteps the real issue. This is not a term fashioned by American Indians. The nickname was assigned to them, just as the pejorative designation "darkies" was once imposed on African-American slaves. That was wrong then; this is wrong now. That the usage is common and innocently repeated out of habit makes it no less of an insensitive or insulting remark to those who are on the receiving end. We can do better.

Mr. VENTO. Mr. George Dove, partner with The Weihe Partnership. Your statement has been made part of the record. You can summarize it if you choose.

STATEMENT OF C. R. GEORGE DOVE

Mr. DOVE. Thank you. I want to change part of my statement from good morning to good afternoon.

I am George Dove, a partner in an architectural planning firm called The Weihe Partnership practicing in Washington 54 years this year. I have been intrigued all morning to hear references to The Weihe Partnership plan as having a fairly large understanding by a lot of people in the city.

It has always been intriguing to me also that the Jack Kent Cooke organization seems to not be very familiar with the proposal. In early 1988, our firm maintained an alliance with an internationally renowned architect and engineering organization whose specialty over many years had become the design of stadia and in most recent years been the redesign, expansion and revitalization of older stadia in various parts of the world where site limitations were in effect and where the investment was considered reasonable.

Having thought about the Kingman area and RFK Stadium for 23 years, I realize there are many potentials that can occur on this site both today and in the future. It was not difficult for me to envision however when rumors and conversations indicated that the Redskins organization and the Stadium Armory Board anticipated construction of a new stadium that there may well be many of the comments you have heard this morning.

With this mind, our alliance felt there were things that need to be addressed immediately. So on our own volition, with no alliance to Mr. Cooke or anyone else, we decided to invest a considerable sum of our time in studying the design potential of expanding and altering RFK Stadium. The objective of the design was to see if in fact we could satisfy the stated needs of the football organization in terms of increased number of seats and the introduction of sky boxes.

I think it is significant that our study as it resulted did provide the 220 box seats that were being asked at that time and the increased 22,000 new seats all within a package that we still believe today even in 1993 dollars is in the neighborhood of $80 million.

It also didn't take a great mind to realize that this cost would be substantially less than a new stadium. Our proposal envisions retaining the existing stadium where it is and in function, obviously with improvements that time will allow. The only significant changes were taking off the undulating roof and outside of the existing ring of the stadium we were constructing large columns or pillote, as they are called, a 40-foot ring that surrounds the stadium.

The purpose of this ring is to support an upper tier that partially cantilevers over the existing stadium. Within the tier, many of the new seats would be accommodated in an upper tier above the current tier. Suspended from that would be approximately half the sky boxes, which would generate a great deal of income not available

today; and third that under the existing upper tier in the mezzanine area would be the remainder of the sky box facilities.

I think that in this configuration we are very similar to the Commission study that was going on approximately at the same time we were doing our study by the Stadium Armory Complex. The net result is that a stadium accommodating the express needs could be accomplished within nearly the same height as the existing stadium roof at its highest point.

It is acknowledged that this would not be for football purposes as perfect as a brand-new stadium. It is also acknowledged that the Redskin fans are among the most loyal in the world, and we don't seem to have much trouble filling it today and I suspect that the additional seats would be quickly taken up.

On that basis, we thought that an appealing concept would be to save $130 million to use somewhere else than and to utilize something that may become a white elephant. I think the two things that are different about the Weihe proposal than the other proposal are how it might in effect pay for itself.

In looking at the volume we are creating with the additional ring around the stadium, there was a large amount of space not being utilized underneath the high tier. I looked at that in thinking about my long-time goal of increasing mixed use activity around the stadium and particularly the Starplex Complex. We considered the fact that office space may well be located there utilized by sports facilities or city government offices or even private interests.

As it turned out when we developed the design, we were able to get 180,000 square feet of space which could be built very inexpensively because of the structure that is already there and offer it at a very competitive rate. We calculate that to carry the entire debt and pay it off over a period of years for an $80 million facility is about $9.4 million a year and that could be even better in today's market.

We figure that by installation of the office building we could generate up to $3.6 million to put against that. Along with the sky boxes, the facility quickly pays for itself.

The other thing that we thought was overlooked and being a planner, an optimist and being aware that incentivization often makes changes in peoples' patterns, we thought increasing the number of parking spaces asked for, from 14,500 to 18,000, was an answer, but it was an answer that would cost $20 million to $30 million more perhaps, and did it really solve the problem?

We looked carefully into the idea of utilizing the Metro abilities that are there. We talked with Metro officials and the bottom result was, as is detailed in our report, that we think that capacity can be increased significantly and work much better than it does with an incentive program with the Metro board.

In order to make sure people use this, we suggest that the spaces allowed on the site that exist today would be assigned on a lottery basis to the first 14,000 or so ticket holders. The remaining season ticket holders would be offered free Metro-dated coded passes and would be assigned spaces in satellite parking areas around the jurisdiction. That in conjunction with the increased availability of getting there by Metro should begin to incentivize utilizing another form of transportation besides the car. Part of this could be paid

by increasing parking fees further creating another incentive to change the mind from private car to public transportation.

To summarize, it is my belief that the Weihe team study completed over a 12-month period in 1988 is extremely thorough and provides a clear indication that a renovation alternation of RFK is not only feasible, but extremely desirable. The charts on the side board have been prepared to conceptualize the external appearance as it might become. Certainly this vision offers a significantly improved imagery for the most important location on axis with the Nation's Capitol.

I have indicated that the modus of this preparation were purely to indicate that there was a viable alternative and still remains a viable alternative to building a new stadium with all the negative aspects discussed today. Additionally I remind you that our proposal does add through complementary uses a way to significantly decrease the economic burden of building this renovation.

I have included excerpts of my report in my testimony today and would be glad to give you additional information. There is a great deal more information than that which has been circulated in the summary report.

I think it is also important to note that this proposal in more detail was submitted to the Stadium Armory Board and forwarded to the Mayor on September 29, 1988. Following this submission, there were numerous informal conversations with representatives of the Stadium Armory Board and inferences from the Mayor's office that the concept being proposed was indeed unique and interesting.

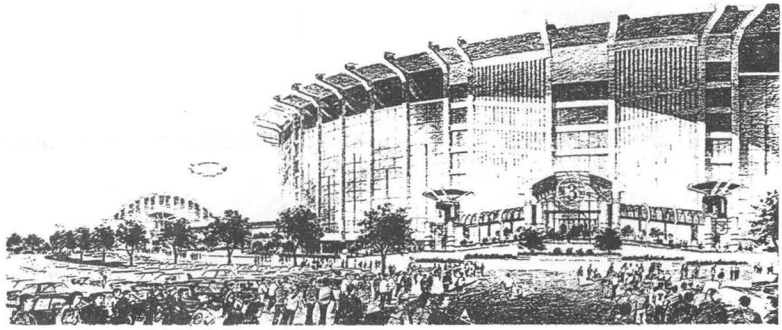
Our clear impression was however that the expansion alternative would not be considered seriously primarily because of commitments previously made to Mr. Cooke and the Redskins organization. In the ensuing five years, I and members of my staff have made repeated efforts to stimulate excitement about the alternative of renovation. I can honestly say that that has met with significant success in terms of the excitement that I have felt whenever it has been explained to more than a hundred organizations over the past five years.

Today I am offering it once more in hopes that it will stimulate excitement in the committee to further evaluate the possibility that a new sports facility is not necessarily the only answer. I urge the subcommittee and others in authority to give thorough consideration to the benefits of the expansion and renovation alternative.

[Prepared statement of Mr. Dove and exhibits follow:]

Proposed Expansion and Modernization of Robert F. Kennedy Memorial Stadium

An Unsolicited Proposal



Prepared by

The Weihe Partnership
in alliance with
Pierluigi Nervi & Associates, Inc.

Original proposal submittal on
September 29,1988

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Testimony of C. R. George Dove to the House Sub-Committee on National Parks, Forests, and Public Lands.

November 5, 1993

Good Morning! My name is C. R. George Dove, AIA. I am an architect and a principal of The Weihe Partnership, a planning, architecture,and interior design firm located in Washington, DC.

In early 1988, our firm maintained an alliance with the international architecture/engineering firm, Pier Luigi Nervi and Associates with corporate headquarters in Milan, Italy. The purpose of this alliance was to market architectural/engineering services for a variety of project types, including sports, medical, and institutional facilities. During this period in 1988, there were indications of Mr. Cooke's desire to construct a new stadium, in the Washington, DC area, most likely somewhere in the vicinity of the existing RFK Stadium.

One of the interesting aspects of our alliance with Pier Luigi Nervi was that they had been known for many years as designers of major stadia throughout the world. Most recently, they had become expert (through a series of commissions in Europe and other areas of the world), in analyzing existing stadia in terms of expansion and renovation. The results had produced increased stadium capacity in restricted site areas, more updated facilities, and increased economic viability.

It occurred to me that an effective alternative to abandoning RFK for football functions, (as in building a new stadium) would be to expand, renovate and upgrade RFK. The alliance decided that, without any commitment from the City, Mr. Cooke, or any other entity, we would

investigate, through design studies, the implications of expansion. Thus, in early 1988, we committed to the study which is being presented to you today. To date the cost of this effort has totaled in excess of $50,000.00 that has been bourne by our offices.

The objective of our design was to satisfy the goals which had been expressed by the Cooke organization for a competitive, spectator sports facility. This included 23,000 new seats, bringing the total to 78,600; the introduction of skyboxes (the required number was understood to be 220 at that time) ; and the introduction of upgraded support facilities.

The manner in which we proposed to accomplish this, was to build a ring around the stadium comprised of large pilotis, or columns, that would support a cantilevered upper deck containing most of the new seats. Our plan envisioned removing the existing undulating roof of RFK, and allowing the upper deck to extend over the current upper tier of seats. Because of the undulating character of the current upper tier, the new structure sometimes overlapped the old, and sometimes simply extended existing stands.

In addition, a separate vertical access system was provided, including new express ramps connecting directly to the 4th level of the stadium for access to the new upper tiers. Elevator service also was introduced at seven new portals around the site. These served the new skyboxes as well as the new upper tier. The skyboxes would be just underneath the new cantilevered upper tier of seats ringing most of the stadium where the sight lines would be best. Additional skyboxes wold be located in the area of the current mezzanine box seats. As I have indicated, the net result would be 23,000 new seats, including 220 skyboxes.

As we later learned, this was generally the program that evolved in a study that was commissioned by the Stadium/Armory Board. Their report was made public in the Fall of 1988. The two proposals were similar, in

that they both increased the height, and width of the existing stadium. It is noted, however, the Weihe/Nervi proposal increased the height above the highest point of the old undulating roof by only 15 feet, whereas the Stadium/Armory commission proposal increased that height by almost 22 feet.

The Weihe/Nervi proposal, expanded the diameter of the facility by approximately 80 feet, and the Stadium/Armory Board' proposal increased the width of the stadium by as much as 110 feet, but provided only 146 skyboxes.

Given the size of the stadium, however, and the net effect of the finished products, these proposals in their bulk and height could easily be considered comparable. One major difference in the Weihe/Nervi proposal, however, was the methodology for paying for the stadium improvements, and the income generation stream that could be envisioned. Also, the perceived need to increase parking on the site was very different.

1. **Income sources:** The Weihe/Nervi team found that when we designed the structure to support the upper tier of seating, there was a volume of space that remained for which there was no need. In considering this, I came up with the idea that perhaps a way of extending the utilization of the RFK site, and increasing the income stream would be to construct office space in this convenient available structural cavity. Our plans were then developed to include this option. The result was that up to 180,000 SF of office space could easily be created. It was our observation that the location of RFK was quite convenient for a variety of potential users (including District agencies); with an abundance of weekday parking; reasonable access to Metro; and (in context with the new construction) an extremely competitive rental rate.

The result of this single element was an income enhancement of

approximately $3.6 million dollars annually. This would significantly offset the anticipated $9.5 million dollar debt service (based on an $83 million dollar expansion and renovation cost). I should mention at this point that our 1988 estimate for the stadium expansion, without the office building component, but including demolition, and site work, was in the order of $73 million dollars, considerably less than the $170-200 million dollars envisioned for a new facility. The cost of the construction of the office space itself was estimated at $10 million dollars, bringing the grand total to approximately $83 million dollars.

2. **Parking and open space utilization**: There are varying estimates as to how many cars can be accommodated at RFK, but Stadium Armory Board statistics indicate that the number is somewhere around 10,000 cars on impervious surface, and an additional 4,500 cars on temporary grass surfaces. Our proposal indicates that there is really no absolute need to increase the capacity of parking on site. Because of the superior accesibility to Metro of the existing site (when compared to the proposed new stadium location), a series of creative incentives were suggested in our report. These ideas included a lottery for parking, to be participated in by season ticket holders. Existing parking spaces would be assigned to the lottery winners. The remaining season ticket holders would be offered free, date encoded, Metro passes, and would use satellite parking at convenient locations throughout the metropolitan area. This inducement would be funded buy a modest increase in stadium parking rates, and a regionaly shared Metro subsidy. We believe, and our report details in great length, that the idea of incentivising utilization of rapid transit, including expanded number of metro cars, and frequency of trains on game days, could be achieved. This was discussed with Metro representatives, and a plan was developed upon which our report was based. The alternative is the degradation of the area surrounding RFK, and an expenditure of from 20 - 40 million dollars. The proposed site "improvements" to accomodate additional cars, increases the amount of pervious area, and decreases park land.

To summarize, it is my belief that the Weihe/Nervi team study, completed over a 12 month period in 1988, is extremely thorough, and provides a clear indication that a renovation/alteration of RFK is not only feasible, but is extremely desirable.

The renderings of the site, which we have prepared, conceptualize what the exterior appearance might become. Certainly this vision offers a significantly improved imagery for this most important location on axis with the nation's Capitol, and other major monuments of our city.

As I've indicated earlier, one of the motives for preparing this report was to demonstrate that a new stadium was not necessarily the only alternative. In fact, construction of a new stadium could negatively impact the continuity of the monumental axis of the city, and the environmental integrity of the Kingman Park area.

Additionally, our proposal, (which introduces complimentary office use within the structure), demonstrates that added value, and a significant improvement in income generation can be achieved. It is our opinion that whether the Weihe/Nervi configuration, or the Stadium/Armory Board's design is utilized, the idea of renovating and enlarging RFK is infinitely more rational for the City. We maintain that, even in 1993 dollars, approximately $80 million dollars will accomplish construction of an enlarged and renovated facility, far less than the projected $170-210 million dollars for a completely new structure.

I have included in my report excerpts from our original report, and would be delighted to share additional items with the Subcommittee upon request. I think it should be noted that our report, complete with design drawings, cost estimates, transportation analysis and other data, was formally submitted to the City, on September 29, 1988 through representatives of the Stadium/Armory Board, and forwarded to the

Mayor. Following this submission, there were numerous informal conversations with representatives of the Stadium/Armory Board, and inferences from the Mayor's office that the concept being proposed indeed was unique and interesting. Our clear impression was, however, that the expansion alternative would not be considered seriously primarily because of commitments previously made to Mr. Cooke, and the Redskins organization.

In the ensuing five years, I and members of my staff have made repeated efforts to stimulate excitement about the alternative of renovation. I can honestly say that I don't believe I have heard anything but positive comments from any one who has received our presentation. There seems to be genuine excitement regarding the viability of this alternative, and the benefit that it would generate.

Today I am offering once more what we have come to believe is a viable, affordable, unique and desirable solution to expanding the spectator capacity of Washington's principal sports facility. I urge the Subcommittee, and others in authority, even at this late date, to give thorough consideration to the benefits of this alternative.

Thank you very much for your time and attention.

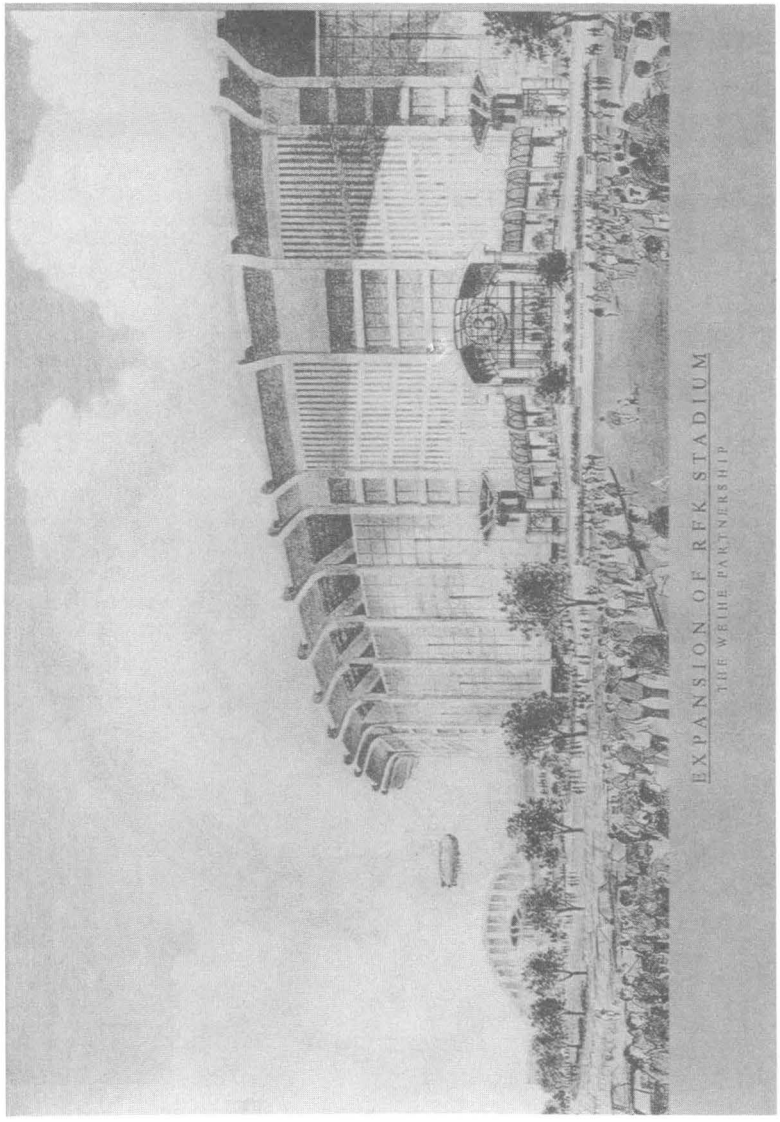
Exhibits Section

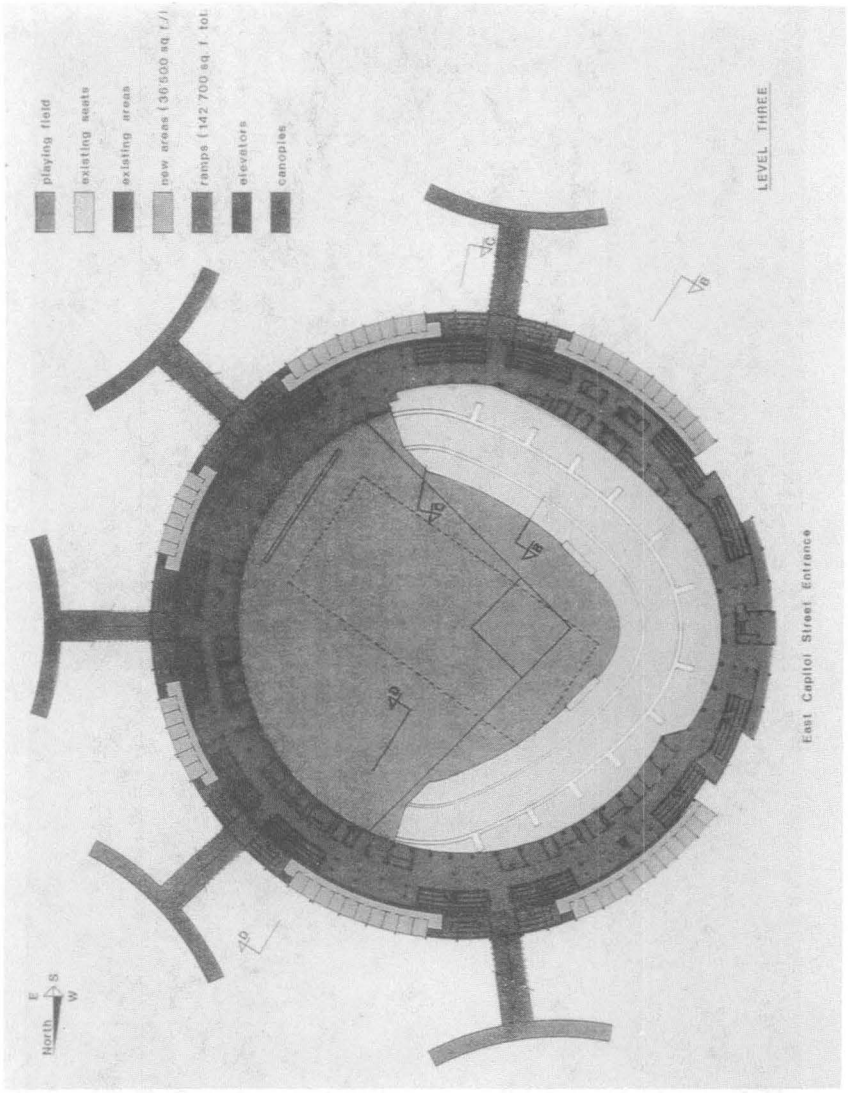
VII. Conclusions

- The Plan expands RFK Staduim by 23,000 seats and provides the team owner with ALL the revenue from approximately 220 sky boxes.
- It will provide directly or generate from its many features significant and cost effective benefits to the immediate neighborhood, the city and the larger regional community.
- New local jobs will be created.
- Our transportation plan uses the area's great natural resource, the Metro, to disperse over a geographic area the impact of game related congestion and parking.
- Our plan utilizes incentives to halt urban sprawl in the neighborhood; to maintain the ecology of the area, with minimal impact on the environment; and it helps keep sacred the traditional and historically significant park and recreation areas (Langston Golf Course).
- The dual purpose quality of the existing facility is maintained and the city can use the new facility for baseball when needed.
- This compromise solution gives financial relief to the team owner in the form of additional revenues and does not 'break' the city with an overwhelming financial burden; overall it has positive impact by providing jobs and additional tax revenues.
- Further, a single facility services both the existing and potential sports market without contributing to over capacity.

Some of the benefits follow in a quick and easy format chart.

BENEFITS CHART	BENEFITS TO:				
BENEFIT	CLUB OWNER	SPECTATORS	NEIGHBOR HOOD	DISTRICT GOV"T	REGION
Redskins reamin in Washington	*	*	*	*	*
Increased Spectators	*	*		*	*
Adds sky boxes	*			*	*
Adds office space			*	*	*
Creates jobs			*	*	*
Beneficial neigh-borhood impact			*	*	
Saves Langston Golf Course		*	*	*	*
Utilizes Metro	*	*	*	*	*
Keeps RFK magic alive	*	*	*	*	*
Lower maintenance with one facility	*	*		*	
No cost to city	*			*	*
No cost of club owner	*			*	*
Better use of resources	*	*	*	*	*
Stadium remains dual purpose		*	*	*	*


EXPANSION OF RFK STADIUM
THE WEIHE PARTNERSHIP


playing field
existing seats
existing areas
new areas (36 500 sq. f./
ramps (142 700 sq. f. tot.
elevators
canopies
LEVEL THREE
East Capitol Street Entrance
North
E
S
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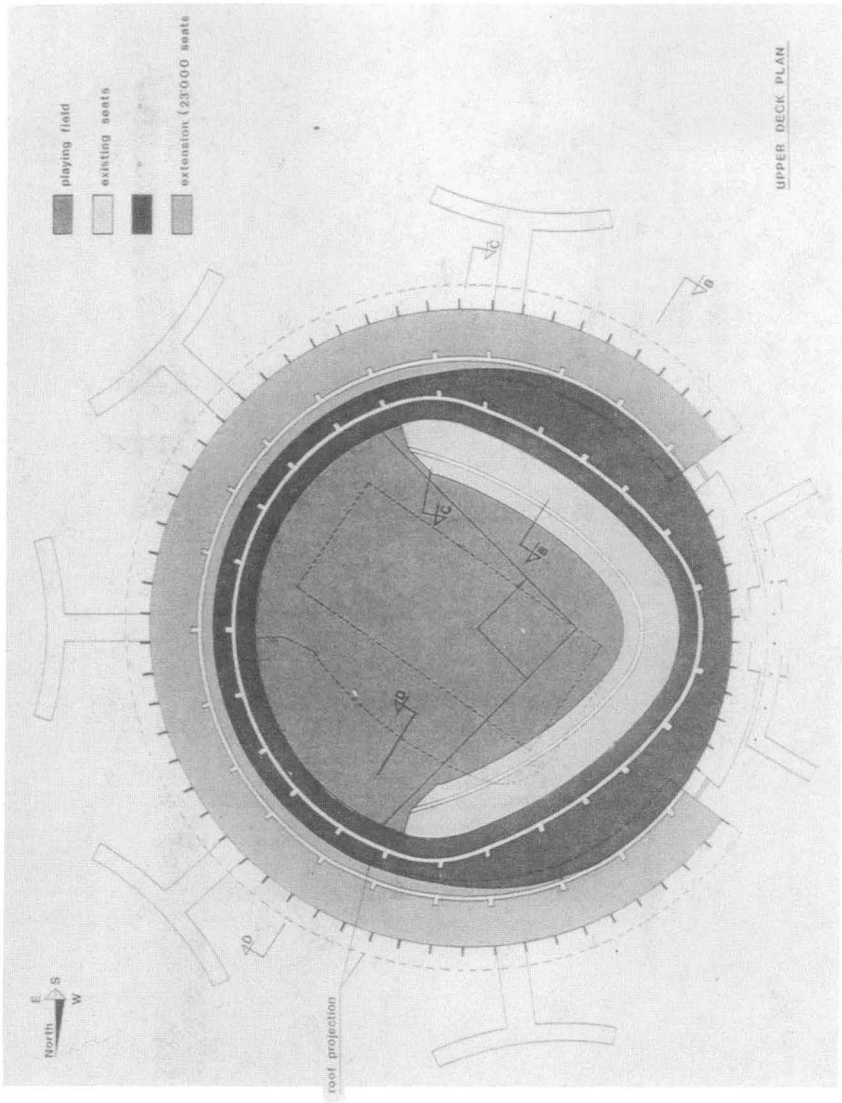
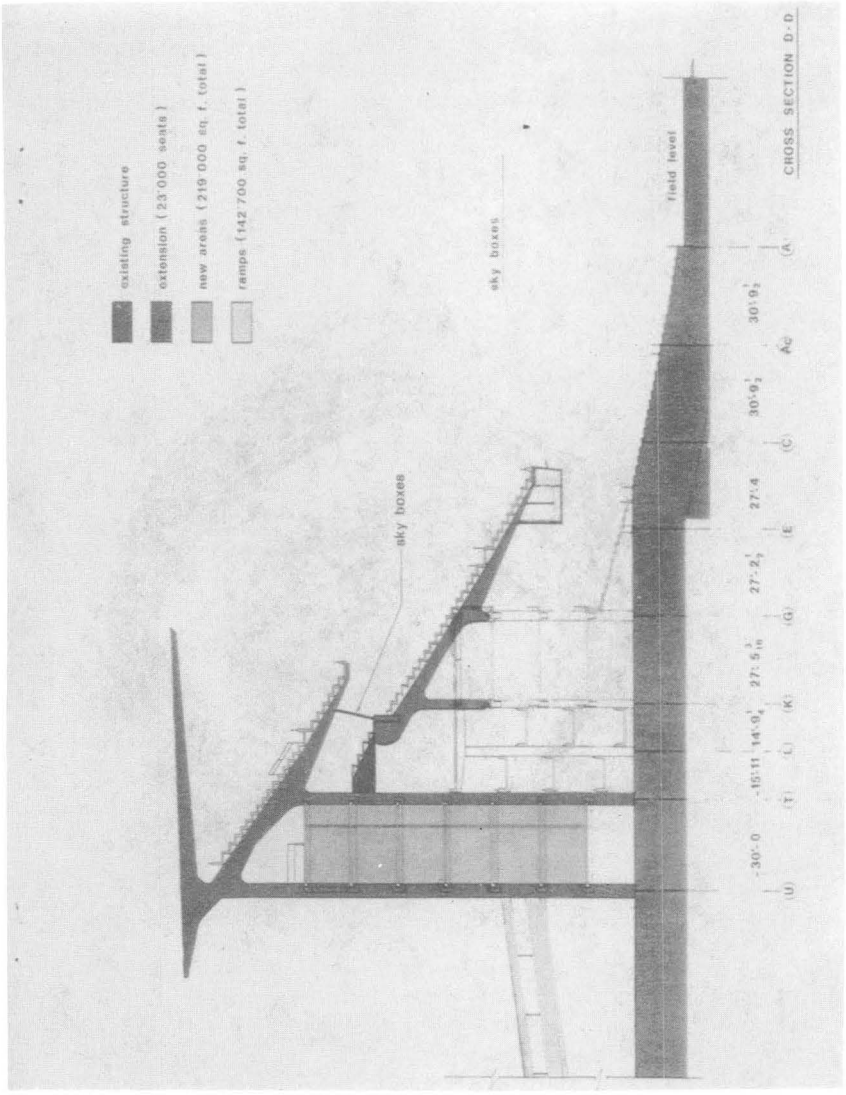

playing field
existing seats
extension (23'000 seats
UPPER DECK PLAN
North
E
S
W
roof projection


existing structure
extension (23'000 seats)
new areas (219'000 sq. f. total)
ramps (142'700 sq. f. total)
sky boxes
sky boxes
field level
-30'-0
-15'11
14'-9¼
27'-5⅛
27'-2½
27'-4
30'-9½
30'-9½
(U)
(T)
(L)
(K)
(G)
(E)
(C)
(A)
CROSS SECTION D-D

Mr. VENTO. Thank you.

We will put the proposed expansion modernization of RFK Memorial Stadium, an unsolicited proposal by The Weihe Partnership in the record, the original one submitted.

I also note a response to Ms. Shephard from Secretary Babbitt, which we will also place in the record relative to this issue.

[EDITOR'S NOTE.—See appendix.]

Mr. VENTO. Finally we have Mr. O'Connor. Accompanying him is Mr. Edward Nelson, who has a prepared statement, from the District of Columbia Contractors Association, which will be inserted in the record.

Mr. O'Connor, it looks like a lot of steelwork in the alternative proposal.

STATEMENT OF JOHN P. O'CONNOR

Mr. O'CONNOR. As you know, I represent all the construction unions in the DC area. Our 25,000 members are mostly native Washingtonians and there are very few things that draw people back to this community as this community is stretched out over a 75-mile radius.

When I was a child I lived in a place in southeast called Capitol Hill today. I lived close to Barney Circle. When somebody told me that was Capitol Hill, I was appalled.

I was on the Stadium Advisory Committee for the past Mayor and the present Mayor and I went out and met with the community and can say that the communities around the stadium and within the wards close by had a lot of concerns. There are environmental concerns and one of the biggest is our youth, where are they going and what are they going to do.

Every job and every project that I put together or my counterparts put together, we try to add something in for the youth of the city in the way of trying to lure them into decent jobs, careers, let them learn a trade such as electrician, plumber, iron or sheet metal worker and have a career in something else.

I don't like the entrepreneurial attitude some of them have taken now. They are in the drug industry. They went to work because there was no other job somewhere else. I believe that we can't fix things with the National Guard and more police. We have to get to the root of the problem and provide jobs and opportunities for our people to live in a living society.

We have put together some things with Mr. Cooke's people, with the city, and 51 percent DC resident requirement is one of the things that we put in our original proposal when we met with the DC Armory Board. We wanted to hire young people from the area where the stadium was to be built. That was before anybody came to us with a proposal of where it was going to be built, whether it was going to be renovated or added to.

We think that any time you impact a community by putting any major project in, that you ought to put something back into the community. We felt that having local residents participate in a job of this size—Mr. Dove could back me up—with the infrastructure, the road is probably 3½ years of total construction, things needed to be done.

With 3½ years usually a person can almost complete his apprenticeship or complete his apprenticeship in some of the trades, thereby being able to be self-sufficient enough to get his own place, get his or her—I keep saying him, but I can't say that any more, we have a lot of young women in the construction industry. They can get a car.

When I was a youngster living in the District of Columbia, you didn't have a car. You didn't need one. You could get around. If you had any money, you spent it for other things. If you had a car parked in the city, it was going to get destroyed whether you drove it or not, and insurance was too much.

We have a problem with recruiting youth in our programs because we have a 75-mile radius to work in and young folks from the District of Columbia are at an extreme disadvantage because they don't have the transportation, because insurance rates are high, parking spaces are not available for their cars, and they don't have the money to purchase the car and the insurance, and usually by the second or third year, they can.

So opportunities for work for DC youth have to be where the transportation is. That is why we encourage these jobs in the District. We think this is a grand job. A person will be employed 3½–4 years.

The other consideration is that anything that is to be built with any Federal participation should have the Federal protections in it, too. One of my favorite acts is the Davis–Bacon Act. The other is the Miller Act. The other thing is minority participation. That is why Ed Nelson is here to speak. We think that all of those things that we have held to be honorable enough on every Federal job, that if a Federal land or District of Columbia land is to be used, whether it is private money or not, should be protected because Federal people have to comply with this.

I will turn this over to Ed Nelson now.

Mr. VENTO. Welcome.

STATEMENT OF EDWARD L. NELSON

Mr. NELSON. Mr. Chairman, first I want to express my thanks for the privilege of appearing here today. Moreover, may I say that I have a warm spot in my heart today toward everybody from Minnesota. As the world knows by now, the great people of Minneapolis elected its first female mayor, who also happens to be a black American. This act alone lets us know that the democratic process is still alive and well in America.

However, to take full advantage of it, one must address the wishes and needs of the American constituents. This brings me to my reason for being here today. As president of the District of Columbia Contractors Association, I am here to verbalize the aspirations, wishes and needs of the minority contracting community, hence the needs of the entire community and construction industry.

The DCCA, organized in 1981 for the express purpose of involving black and minority contractors in the heart of construction activity in the metropolitan Washington area, has succeeded in large measure in accomplishing its mission. Majority and minority contractors comprise the DCCA.

Almost any construction contractor you care to mention in DC participates in DCCA activities, our annual scholarship awards events, organizing joint ventures to tap the strength and resources that each entity brings to the table or merely conferring on bid opportunities. However, in this protracted economic downturn, the local construction industry has been hard hit.

Ironically, there is approximately $2 billion of construction activity being held in abeyance for no reason that is acceptable to the officers and members of the DCCA or labor or the local construction industry as a whole. To list but a few of these projects: the Jack Kent Cook Stadium, approximately $200 million; Georgetown Cogeneration Facility, approximately $130 million; National Children's Island, approximately $120 million; Barney Circle, approximately $180 million; Southeast Federal Office Complex, a Federal complex, approximately $650 million for planning, design and management and construction estimated at $1 billion; Department of Transportation National Headquarters, approximately $650 million; and the list goes on.

In the first three or four instances cited, environmental reasons have been advanced as the cause of delay. Thirdly, those of us in the construction industry have great cause to be concerned about environmentally safe work sites and the protection of the general public from environmental harm. However, professionals in science, technology and the skill of construction work force say there are no environmental issues impossible of solution.

Further, in my community, Washington, DC, there are other environmental issues that demand our overriding concern and attention. It is best summed up in a popular rap tune which says, "I have to say it was a good day. I didn't have to use my A.K."

Minority contractors and labor would like to attack this environment with construction contracts, with jobs, with training and caring.

Mr. Chairman, if any of my remarks have been offensive to this committee, I offer my apologies, but, sir, we feel deeply the need to say let our people work. Thank you sir for listening.

Mr. VENTO. Sharon Sayles Belton was born in St. Paul. Now she is Mayor of Minneapolis. I represent St. Paul and Congressman Sabo represents Minneapolis where I also worked at one time. We are very proud of her election, my citizens and other folks in Minnesota that work for her.

Finally we have on the panel Robert Dreher from the Sierra Club Legal Defense Fund. Welcome and please proceed with your statement.

STATEMENT OF ROBERT G. DREHER

Mr. DREHER. Thank you. My name is Robert Dreher and I am the co–managing attorney for the Sierra Club Legal Defense Fund's Washington, DC, office. The Legal Defense Fund is a nonprofit public interest law firm separate from the Sierra Club that represents citizen groups in litigation to protect our Nation's natural resources and to enforce its environmental laws.

We are providing legal counsel regarding environmental issues arising from the proposed Jack Kent Cooke Stadium to a number of civic and environmental organizations in this community, the

Kingman Park Civic Association, the Anacostia Watershed Society, the Committee of 100 on the Federal City, the Sierra Club, and other organizations.

My testimony today will focus on what I believe to be the legal inadequacy of the final EIS prepared by the National Park Service and the DC Armory Board and on the lack of integrity of the environmental review for this project that culminated in the issuance of this document.

I address this issue because I believe that the document that was prepared by the National Park Service and the DC Armory Board forms a critical basis, factual basis for your concerns and your deliberations here in Congress as well as for the actions that the National Capital Planning Commission must take. It is plainly offered to the Congress to advise the Congress on the pending legislation before it.

In my opinion, the National Park Service has presented to you today a gravely flawed environmental impact statement which does not meet the standards of the National Environmental Policy Act and upon which I do not believe Congress can safely rely. Therefore, I strongly urge that this committee take no action on the legislation before it today until the Park Service revises and reissues its EIS or completes a supplemental EIS to correct its errors.

As you are aware, NEPA requires a detailed environmental impact statement to be prepared for all major Federal actions. The Act requires Federal agencies to take a hard look at the potential impact of a project and reasonable alternatives before deciding to build and requires that such environmental analysis be made in objective good faith. The Act does not condone post-hoc rationalization.

Unfortunately, the environmental analysis that has been conducted for this project to date has created the open perception that it is, at heart, a sham, an after-the-fact justification for the District's and the National Park Service's decision to approve the project in accordance with a hasty schedule dictated by Mr. Cooke's construction plans.

The beginning of this process, what underlies what we have come up with today, arises from the District of Columbia Government's entering into a contract with Jack Kent Cooke Stadium, Inc., committing the DC Government and the DC Armory Board to construct a proposed new football stadium on National Park Service land. That agreement was not informed by any environmental analysis as required by the District of Columbia's own Environmental Policy Act.

It appeared to establish an unequivocal commitment by the District to build the stadium without regard to the environmental impacts of the project and directly violated in our view the District of Columbia Environmental Policy Act. Although the District Government and the National Park Service subsequently announced that they would jointly conduct an environmental review of the project, they initially insisted that they would prepare only a simple environmental assessment rather than the full environmental impact statement required by NEPA for Federal actions.

Under pressure from the public, the agencies ultimately decided to convert that environmental assessment into an EIS and the draft EIS issued in May was deeply flawed.

The United States EPA admonished the Park Service for the failure to adequately analyze appropriate alternatives and community impacts.

The final EIS that is now before you I believe has attempted to put some Bandaids over those problems. As opposed to simply ignoring all together cumulative impacts from other nearby projects, it does attempt to put in a paragraph on cumulative impacts in every section of the EIS, but the content of that analysis I think is sadly deficient.

If I could begin to focus on the question of alternatives, one thing that is clear is that the Park Service and the DC Armory Board refuse to study any alternatives outside of the District of Columbia. The reason given for this is because the District of Columbia has a strong interest in building the stadium within the District, but I submit that the EIS that is prepared to advise a number of other parties, the Park Service itself, the National Capital Planning Commission and this Congress, and I submit that all of you have a strong interest in understanding whether or not the proposed stadium could be built at another location with less environmental impact, less impact on sensitive park lands, and less impact on the civic neighborhoods that will be affected.

The EIS refused to look at alternatives outside of the District. In addition, we believe it is inexplicable to us the final EIS refused to consider the proposal for rebuilding RFK Stadium that was submitted by The Weihe Partnership about which Mr. Dove testified. Instead, they insisted on reviewing a proposal that had been in fact prepared earlier by one of the contractors for the final EIS and that did not offer the same number of sky boxes.

It didn't satisfy the needs of the team and was strongly criticized in the EIS. It is hard for us to understand why they wouldn't have considered instead what appeared to be the much more attractive proposal prepared by The Weihe Partnership. But I would suggest to you that the scope of the EIS gives some sense of what is going on in the minds of the Park Service and of the District Government and of course Jack Kent Cooke.

They look at the issue of building a stadium or how they can satisfy their perceived need for a new stadium on national park lands. The real decision that you face, Mr. Chairman—and I submit the real decision that ought to be faced by the Park Service and by the National Capital Planning Commission—is what is the best use for this piece of national park land.

If you will look at the EIS, it does not consider at all other alternative uses for this piece of national park land that might better serve the public interest. It doesn't consider any opportunity to use the open space along the Anacostia River for purposes that would serve the community, for playgrounds, for play fields, natural open space—all the things that this land could serve and that in the past it has been suggested that it ought to serve.

You heard testimony about the plans that have been before the NCPC suggesting recreational open space there. I think this deficiency alone, the scope of the EIS focusing only on this idea of a

new stadium, makes it fatally deficient. I don't know understand how it can provide proper advice for the Congress much less the Park Service or National Capital Planning Commission.

The cumulative impact analysis—you heard testimony about all the projects already placed in Anacostia and the projects that are now currently planned to be added there, National Children's Island Theme Park, the Barney Circle Freeway project—when the draft EIS was issued, it didn't consider these projects at all. We complained fairly bitterly about that and they did undertake rudimentary analysis of cumulative impacts in the new document.

To give you a sense of how rudimentary it is, they failed to actually take a look at the number of visitors that would be brought into the neighborhood by the proposed Children's Island project. The District of Columbia Office of Economic Development projects it will bring in 3.3 million people. You won't find that figure in the EIS except in response to comments where they advert to our comment in our letter that this is going to happen.

If you combine that with all of the new events that they project will take place in RFK—once they abandon RFK, RFK will be left to the Armory Board to try to manage—they project that there may be as many as 18 new events taking place there with 50,000 people coming to them.

The result is that you will have between 4 million and 4½ million new people coming into the neighborhood, more than are coming there today. The only conclusion of the EIS is that "the cumulative impacts of various proposed projects in the study area's housing stock and resultant demographic impacts would be minimal or nonexistent." I think that statement is indefensible.

Mr. Chairman, there is also serious concern that we have about other issues covered in the EIS. Two of them have already been discussed briefly here by Delegate Norton, and that is the fact that the issue of greatest concern to the residents of the area has to be how this project will affect their homes and health.

On both of those issues, the EIS defers until later study critical studies, a quantitative risk analysis to determine what the actual risk is to residents and workers from lead contamination from the soil and deferring until a later study an investigation of the potential for damage to homes from vibration.

We have serious concerns regarding the integrity of the analysis in the final EIS regarding air quality, transportation, water quality, and groundwater quality. The EIS, for example, doesn't seem to acknowledge that the Redskins play games on Monday nights and that Monday night games will involve a direct head-to-head conflict between rush-hour traffic and traffic coming in and out of the stadium.

I don't understand why that is too sophisticated for the preparers of a two-volume EIS to understand, but they suggest that there will never be any conflict between stadium events and rush-hour traffic. Any of us who have seen—how many nights have the Redskins been on Monday night this season alone?

Mr. Chairman, the final EIS is I believe a flawed outcome of a repeatedly flawed process. The Sierra Club Legal Defense Fund thus urges the subcommittee to take no action on the legislation before it today until the Park Service completes a supplemental

EIS to correct its errors and warns all Members of Congress to approach the document with full knowledge of its legal deficiencies.

Thank you, Mr. Chairman. I appreciate the opportunity.

Mr. VENTO. Thank you, Mr. Dreher.

[Prepared statement of Mr. Dreher and attachments follow:]

Sunrise, Mt. McKinley Ansel Adams

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WASHINGTON, D.C. OFFICE

STATEMENT OF ROBERT G. DREHER

STAFF ATTORNEY

SIERRA CLUB LEGAL DEFENSE FUND

ON LEGISLATION TO AUTHORIZE CONSTRUCTION OF A NEW STADIUM IN THE DISTRICT OF COLUMBIA

BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

NOVEMBER 5, 1993

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I. OVERVIEW

Thank you, Mr. Chairman and members of the Subcommittee. My name is Robert Dreher, and I am the co-managing attorney for the Sierra Club Legal Defense Fund's Washington, D.C. office. The Legal Defense Fund is a non-profit, public interest law firm, separate from the Sierra Club, that represents citizen groups in litigation to protect our nation's natural resources and to enforce its environmental laws.

I appreciate the opportunity to present the Legal Defense Fund's testimony at this hearing on legislation to authorize the construction and operation of a new stadium in the District of Columbia.

My testimony today will focus on the legal inadequacy of the final environmental impact statement ("EIS") prepared by the National Park Service and the D.C. Armory Board, released to the public two weeks ago, and on the lack of integrity of the environmental review for this project that culminated in the issuance of this document.

In my opinion, the National Park Service has presented to you today a gravely flawed environmental impact statement which does not meet the standards of the National Environmental Policy Act, and upon which Congress cannot rely. Therefore, I strongly urge that this Subcommittee to take no action on the legislation before it today, until the Park Service revises and reissues its EIS, or completes a supplemental EIS to correct its errors.

II. BACKGROUND

Almost a year ago, the Legal Defense Fund was approached by a diverse group of civic and environmental organizations concerned about the potential impacts of the proposed new football stadium. Those groups -- including the Kingman Park Civic Association, the Anacostia Watershed Society, the Committee of 100 on the Federal City, the Sierra Club, and others -- expressed particular concern about the proposed stadium's impact on their neighborhood, on National Park Service land upon which the stadium would be built, and on the Anacostia River. The Legal Defense Fund has agreed to assist these groups in ensuring that the project's federal and District agency proponents discharge properly their duties under the National Environmental Policy Act ("NEPA"), the District of Columbia Environmental Policy Act ("DCEPA"), and other applicable environmental laws.

As you are aware, NEPA requires federal agencies to prepare a detailed statement, or EIS, for "every recommendation or report

on proposals for legislation and other major federal actions significantly affecting the human environment."[1] Among other provisions, NEPA requires that EISs include a thorough analysis of alternatives, and an analysis of "cumulative impacts" -- the project's impacts together with the impacts of other proposed projects.[2] NEPA requires federal agencies to take a "hard look" at the potential impacts of a project and reasonable alternatives before deciding to build, and requires that such environmental analysis be made in "objective good-faith." As the courts have repeatedly admonished, NEPA is, above all else, concerned with the procedural integrity with which agencies consider environmental factors in the decision process. For these reasons, NEPA does not condone "post-hoc rationalization."

Unfortunately, the environmental analysis that has been conducted for this project has created the open perception that it is, at heart, a sham -- an after-the-fact justification for the District's and the National Park Service's decision to approve the project in accordance with a hasty schedule dictated by Mr. Cooke's construction plans. Based on a review of its analysis of alternatives, cumulative impacts, and its failure to include information concerning the most potentially damaging environmental impacts, the final EIS, released two weeks ago, only reinforces this perception.

III. THE FLAWED NEPA PROCESS

On February 5, 1993, the District of Columbia government and the D.C. Armory Board entered into a memorandum of understanding ("MOU") with Jack Kent Cooke Stadium, Inc., committing the D.C. government and the D.C. Armory Board to construct a proposed new "football only" stadium on National Park Service land in Anacostia Park. That agreement was not informed by environmental analysis, as required by the D.C. Environmental Policy Act, nor did the agreement appear to contemplate such analysis. The agreement did not reserve any right to the District government or the D.C. Armory Board to withdraw from its terms, or to pursue alternatives such as a renovation of the existing Robert F. Kennedy Memorial Stadium, based on subsequent review of the new stadium's likely environmental impacts.

The February 5 MOU thus appeared to establish an unequivocal commitment by the District government and the Armory Board to build the new stadium as proposed by Jack Kent Cooke, without regard to the environmental impacts of that project, in direct

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[1] 42 U.S.C. § 4332(2)(C).

[2] 40 C.F.R. §§ 1502.14, 1508.25.

violation of the D.C. Environmental Policy Act.

Although the District government and the National Park Service subsequently announced that they would jointly conduct an environmental review of the project, the inordinate haste driving the process, and the agencies' initial, apparently preordained conclusion that a simple environmental assessment was sufficient, rather than the full environmental impact statement required by NEPA for major federal actions, strengthened the impression that the environmental analysis being undertaken lacked integrity. Park Service officials stated that they planned to perform "an EIS-quality EA," which would have resulted in a superficial analysis, and would not have provided full opportunity for public or agency comment. Prior to the completion of the scoping process, the Armory Board and Park Service actually circulated a time-line to members of Congress featuring the date upon which a "finding of no significant impact," or FONSI, would be issued, making clear that the agencies had prejudged whether an EIS should be performed.[3]

Under a great amount of pressure from the public, the agencies ultimately decided in April 1993 to undertake a full EIS. However, one of the major preparers of the analysis, Peer Consultants, attempted to submit a bid to manage the stadium contract, a clear violation of NEPA's conflict of interest regulations.[4] While the preparer later dropped its bid, the fact that it was made at all casts a pall of doubt over the assessments performed by Peer.

The draft EIS, issued in May, did not lend credibility to this tainted process. The U.S. EPA strongly admonished the Park Service for the latter's failure to adequately analyze appropriate alternatives and cumulative impacts. EPA rated the draft EIS as providing "insufficient information," reflecting "EPA's concern regarding the lack of an objective analysis of all feasible alternatives."[5] EPA noted that a promising alternative to the proposed stadium -- the RFK Stadium renovation proposal -- was almost completely ignored. EPA concluded:

> Given that information for the upgrade/renovation of the existing stadium is available (see the proposal by the Weihe Partnership in alliance with Pierluigi [sic] Nervi & Assoc., 1988), EPA is further left with the

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[3] See "Congressional Briefing Summary," p. 7, attached as Exhibit A.

[4] 40 C.F.R. § 1506.5(c).

[5] Letter of R. Denmark, US EPA, to R. Stanton, NPS, July 14, 1993, p. 1, attached as Exhibit B.

impression that full disclosure has not been achieved through the NEPA process.[6]

EPA further criticized the "lack of information on cumulative impacts."[7] The draft EIS simply did not address many of the impacts of two large proposed projects closely interconnected with the project: the Barney Circle Freeway project, which includes a parkway and access road through part of Anacostia Park to be used for parking if the new stadium is built, and National Children's Island, scheduled for groundbreaking in Anacostia Park within three years, and whose patrons will be required to use stadium parking.

All parties to this process hoped that the National Park Service and D.C. Armory Board would restore the integrity of the NEPA process by completing an adequate Final EIS. Those hopes have now been disappointed.

IV. THE FINAL EIS FAILS TO EXPLORE ADEQUATELY ALTERNATIVES TO THE PROPOSED ACTION

CEQ regulations state that the analysis of alternatives is "the heart of the environmental impact statement."[8] In order to "sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public," an EIS must "[r]igorously explore and objectively evaluate all reasonable alternatives," including reasonable alternatives that are not within the jurisdiction of the agencies involved.[9] The final EIS ignores these mandates.

The EIS for the proposed stadium should have examined all reasonable alternative sites for the stadium. The Final EIS, however, unreasonably limited its analysis to land within the District of Columbia.[10] Despite public and agency comments requesting consideration of sites outside the District of Columbia, such as the defunct Port of America project in Prince Georges County, Maryland, the Oxon Cove site on National Park Service land in the District and in Maryland, and various publicly or privately held sites in suburban Virginia, the preparers of the EIS refused to look beyond the District's

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[6] Id. at 1-2.

[7] Id. at 2.

[8] 40 C.F.R. § 1502.14.

[9] Id.

[10] FEIS, p. 2-2.

borders. The EIS attempts to justify this tunnel vision by claiming that the District government, as sponsor for the project, would only accept sites within the District of Columbia.[11] But the District's self-interest should not blind the National Park Service, the National Capital Planning Commission (NCPC), or the Congress to other alternatives sites that might impose less environmental impacts on sensitive park lands and neighborhoods.

In addition, the Final EIS considered a "straw man" RFK renovation alternative, one that obviously could not fulfill the project's objectives. The EIS should have considered the rebuild alternative explicitly referred to by the EPA in its comments on the draft EIS -- that proposed by the Weihe Partnership, about which George Dove will testify about today. The Weihe Partnership proposal would use less land than the RFK renovation proposal the EIS analyzed -- the HNTB/Devrouax & Purnell proposal -- and it would contain more skyboxes and other seats. The Weihe concept would pay for itself by creating and renting office space in the stadium, so it wouldn't cost the District a dime, it calls for innovative transportation schemes to bring in more people to the stadium by public transportation, and it would provide Cooke with all skybox revenues. Clearly, as this Subcommittee today has recognized, this proposal is a creative one that warrants further attention.

The final EIS, however, dismissed the Weihe Partnership proposal with the illogical conclusion that the HNTB/Devrouax & Purnell rebuild better "incorporates [the Armory Board's] goals for an expanded and renovated RFK Stadium."[12] Perhaps the fact that one of the Final EIS contractors drafted the HNTB proposal explains why Weihe's superior, rival plan was not analyzed.[13]

Moreover, the narrow focus of the EIS on the proposed stadium ignores the real decision faced by the National Park Service, the NCPC, and ultimately by the Congress: how to use the federal parklands along the Anacostia River. Although the District may wish to build a stadium on these lands, there are other alternative uses for these lands -- bike trails, canoe landings, playfields, playgrounds, or natural open space -- that may serve the public interest far better. Yet, apart from its "no-action" alternative, which simply posits that the new stadium is not built, the EIS does not consider any creative alternative uses for these lands as parklands and recreational lands for the

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[11] FEIS, Vol. II, p. 20-21.

[12] FEIS, p. 2-29.

[13] FEIS, Vol. II, p. 4.

people of the District of Columbia. The EIS's silence on this possibility reflects the fact that the National Capital Region of the National Park Service has never prepared a comprehensive general management plan for the federal parklands along the Anacostia River, and thus has no overarching vision for the use of these lands in the public interest. Yet the National Park Service, the NCPC, and most of all, the Congress, should weigh all alternatives for these lands before permanently committing them to a major development project.

By failing to adequately analyze these reasonable alternatives, the Final EIS violates NEPA. The National Park Service and the D.C. Armory Board must explore these alternatives in a revised and reissued EIS, or in a supplemental EIS, in order for the public, agencies and Congress to make an intelligent and informed decision about the proposed stadium project.

V. THE FINAL EIS FAILS TO EXPLORE ADEQUATELY THE CUMULATIVE IMPACTS OF THE STADIUM, THE BARNEY CIRCLE FREEWAY PROJECT, AND THE NATIONAL CHILDREN'S ISLAND THEME PARK

In assessing the impacts of a proposed action, an EIS must consider the impacts of other actions that may, taken together, have cumulatively significant impacts.[14] The Final EIS for the proposed stadium therefore must examine the proposed Barney Circle Freeway development and plans to develop Kingman Island in Anacostia Park as the National Children's Island theme park, both of which will destroy park land, and bring traffic, water and air pollution to Anacostia Park the same immediate environment as the stadium.

Prior to the commencement of the stadium EIS, federal agencies had failed altogether to evaluate potential cumulative impacts from these projects, although they had taken final action on the Barney Circle Freeway and on National Children's Island theme park. Both the Federal Highway Administration and the Army Corps of Engineers, for example, have taken final action approving Barney Circle Freeway without analyzing the impacts of the three projects combined.

For its part, the National Park Service undertook no environmental analysis of the National Children's Island theme park at all before facilitating the project by transferring jurisdiction to the District of Columbia. The Park Service now purports to rely on a five-paragraph environmental assessment prepared by the National Capital Planning Commission; that patently inadequate analysis does not mention either the freeway

[14] 40 C.F.R. § 1508.25(a)(2).

project or the stadium.[15] The Sierra Club Legal Defense Fund has filed suit against the Park Service, challenging its failure to comply with NEPA, on behalf of several of the neighborhood and environmental organizations mentioned previously.

The Final EIS does little to remedy the giant gap in the analysis of these three projects. It fails completely to describe the impact of these three closely-related projects on the Kingman Park neighborhood. The Final EIS assumes that, despite the construction of a second stadium, a similar number of events will be held at RFK as occur now, or about 18 per year, presumably with a similar number of patrons. The EIS also assumes that the 18 more events, including sold-out football games, will occur at the proposed new stadium.[16] Assuming an average of 60,000 patrons for those 18 events, that means that approximately 1 million more people per year will attend events in Anacostia Park near a stable, middle-class neighborhood. The D.C. Office of Economic Development projects that National Children's Island will bring an additional 3.3 million people per year to the neighborhood. So, between 4 and 4 1/2 million more people per year will be coming in and out of the neighborhood.

While these millions will stream into the neighborhood, the 17-acre open-space parkland buffer along Oklahoma Avenue between the community and the stadium will be eliminated or sharply reduced.

Despite these drastic changes, the Final EIS blandly concludes that "the cumulative impacts of various proposed projects on the study area's housing stock and resultant demographic impacts would be minimal or nonexistent."[17] This statement is indefensible, and undermines the integrity of the entire document.

The cumulative impacts on the water quality of the Anacostia River are also not made clear. The Army Corps of Engineers and other federal agencies, prodded by Congresswoman Norton and others, has begun to devote time and not inconsequential sums of money to restoring the Anacostia River to its former beauty. Approval of projects that degrade water quality would only undermine those efforts. The Final EIS, however, does not attempt to quantify the impact of stormwater from the stadium, Children's Island theme park, and the Barney Circle Freeway in

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[15] See Environmental Assessment, Transfer of Jurisdiction - Kingman and Heritage Islands, NCPC File Nos. 1481 and 5170 (Dec. 15, 1992), attached as Exhibit C.

[16] FEIS, p. 2-23.

[17] FEIS, p. 4-29.

even the vaguest terms. Rather, the EIS admits that for the stadium "[t]he pollutant removal efficiencies of stormwater treatment facilities are not known."[18] As for the cumulative effects of the other projects, the Final EIS confirms that the Anacostia will become more polluted, but to an unspecified increase degree: "over the long term, the proposed urban land uses would release some irreducible load of non-point source pollutants" to the Anacostia.[19] Without studying and disclosing the effectiveness of stormwater management techniques for all three projects, the Final EIS omits important information necessary for the public, agencies, and Congress to make an informed decision about its impacts.

In addition, the cumulative impact analysis omits a key fact regarding the interdependent nature of the Barney Circle Freeway and the proposed stadium: that the District of Columbia plans to use federal funds from Barney Circle to "[p]ay much of the costs of parking lots at the new stadium, if it is built."[20] Nowhere is this issue addressed in the EIS.

By failing adequately to analyze these cumulative impacts, the Final EIS violates NEPA. The National Park Service and the D.C. Armory Board must explore these impacts in a revised, reissued EIS, or in a supplemental EIS, in order for the public, agencies and Congress to make an intelligent and informed decision about the proposed stadium project.

VI. THE FINAL EIS FAILS TO INCLUDE INFORMATION CONCERNING THE MOST POTENTIALLY DAMAGING ENVIRONMENTAL IMPACTS.

At the public hearings on scoping and on the draft EIS, neighborhood residents again and again raised two questions concerning the impact of the proposed stadium: how will this project affect my home, and how will it affect my health? By putting off concrete analysis of these two issues, the Final EIS fails adequately to describe two important environmental impacts.

Construction of the proposed stadium would require the removal and treatment of large volumes of lead-contaminated soil. Federal regulations would require that protective measures be put in place to protect workers and the surrounding community. In order to quantify the risk to the those nearest the site, a

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[18] FEIS, Vol. II, p. 81.

[19] FEIS, p. 4-166.

[20] See D.C. Department of Public Works, "The Facts About The Barney Circle Connector," attached as Exhibit D.

quantitative risk assessment must be prepared. The Final EIS admits the need for such a study, but promises a study only after the EIS process is complete.[21] Thus, a decision will be made on the project without a full understanding by decision-makers or the public as to the nature of the health risks to the surrounding community. This type of post hoc study clearly violates the spirit and intent of NEPA.

Similarly, the EIS promises to investigate the potential for damage to homes from vibration caused by construction after the EIS process is complete.[22] Many Kingman Park residents still recall vividly the damage caused to their homes by the construction of RFK Stadium. The EIS's dismissal of these impacts for later study also constitutes a violation of NEPA.

Finally, we continue to have serious concerns regarding the integrity of the analysis of the Final EIS regarding air quality, transportation, water quality and groundwater quality. We are presently reviewing these sections with qualified experts.

CONCLUSION

The Final EIS is the flawed outcome of a repeatedly flawed process. Its failure to analyze adequately reasonable alternatives, cumulative impacts and important environmental effects violates federal environmental law. The Sierra Club Legal Defense Fund thus urges this Subcommittee take no action on the legislation before it today, until the Park Service completes a supplemental EIS to correct its errors, and warns and all members of Congress to approach the document with full knowledge of its legal deficiencies.

Again, I would like to thank the Chairman and the members of this Committee for the opportunity to testify today, and I welcome any questions the Subcommittee may have.

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[21] FEIS, p. 4-181.

[22] FEIS, pp. 4-30 - 4-31.

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DISTRICT OF COLUMBIA ARMORY BOARD
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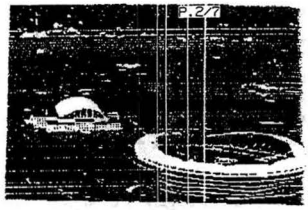
WASHINGTON, D.C. 20003-1794
(202) 547-9077
FAX (202) 547-7460



STARPLEX
(STADIUM/ARMORY COMPLEX)

— EXHIBIT A —

District of Columbia
and
Department of the Interior
National Park Service

CONGRESSIONAL BRIEFING SUMMARY

on the
Proposed Construction and Operation
of a Stadium in Washington, D.C.

CONGRESSIONAL BRIEFING SUMMARY

Introduction

For more than half of a century, the Washington Redskins football organization and the City of Washington have had a unique, ongoing positive relationship. The local team is extremely popular and serves as a great unifying force in vastly diverse Washington. In addition, the NFL team generates substantial revenues for the city. Because of the mutually beneficial relationship between the team and the city, one of the District's primary economic development objectives is to keep the team in the city. Toward this goal, the District of Columbia and the National Park Service have agreed to allow the football team to pursue the development of a proposed new stadium.

Historical Overview

Negotiations for a new football stadium in the District have spanned two mayoral administrations. Throughout this process, citizens have been involved on numerous levels. In 1988, the city formed the Stadium Advisory Committee to represent the diverse views and interests in the Washington community that would be impacted by a new stadium. Members of the committee included local residents, property and business owners, public officials, and representatives from civic organizations, trade associations, athletic organizations and other concerned groups. Three subcommittees were formed to investigate specific aspects of the proposed project including Community Impacts, Stadium Development and Finance. The detailed reports prepared by these subcommittees served as the basis for negotiations between the city and the Washington football organization.

The city has expanded the citizen involvement process by adding environmental specialists to the advisory committee, and by distributing informational newsletters to every registered District voter as well as numerous other business and citizen organizations in the metropolitan area. The citizen involvement process is continuing with a series of community meetings conducted by the city and the Washington football organization.

The Mayor, subject to Council review, represents the District's interest in the new stadium project. The D.C. Armory Board is the stadium authority for the District of Columbia and controls RFK Stadium, the D.C. National Guard Armory, and related parking areas. The proposed stadium would be built by the local NFL franchise. The District of Columbia would issue bonds for the construction of all infrastructure and reconfigured parking areas in the site area surrounding the stadium. The payment of these bonds would be guaranteed by the local NFL team.

Summary of the Proposed Stadium

The Washington franchise of the National Football League has expressed its need for a larger stadium for many years. The current home of the team, Robert F. Kennedy Memorial Stadium (RFK), is the smallest facility still in use in the NFL. In addition to its capacity limitations, RFK was designed for baseball and does not have the optimal configuration for football. Furthermore, RFK is now more than 30 years old and in need of extensive

renovations to meet modern standards. For these reasons, the NFL team wants to build a new stadium designed primarily for football in Washington, D.C.

An extensive site selection process was conducted in 1991 to identify potential stadium locations. The proposed site adjacent to RFK Stadium was selected based on operational, design, and planning considerations. The construction of the proposed stadium in the parking area north of RFK (parking lot 6) would allow the stadium to take full advantage of existing highway and Metrorail access to the area, and utilize and share established parking areas and pedestrian circulation routes. The stadium would also complement the existing facilities in the area.

The proposed stadium would include seating for approximately 78,600 persons, accommodate parking for approximately 18,500 vehicles, and be completed in time for the 1995 football season. A site map and a preliminary architectural sketch are included in this document.

Economic Benefits of the Proposed Stadium

The new stadium is expected to add revenue to the D.C. Treasury, create hundreds of new jobs and have far reaching impacts on the District's economy.

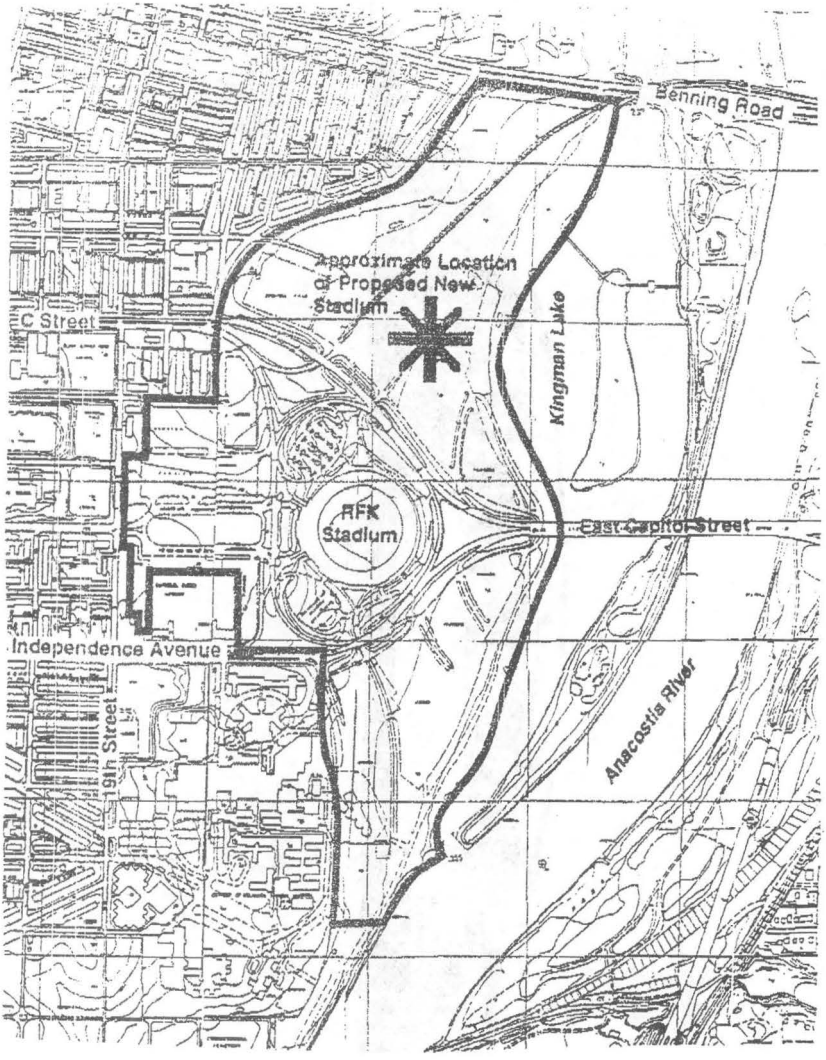
- The construction of the stadium and associated infrastructure would represent approximately $200 million in direct investment in the District;
- A goal of 35 percent of the $200 million in construction contracts would go to minority and District-based businesses;
- The construction of the stadium and infrastructure would create over 1,500 full-time one-year jobs;
- A goal of 51 percent of these jobs would be filled by District residents; and
- About $23 million in annual on-going income would be generated in the Washington economy through on-site, off-site, and spin-off expenditures.

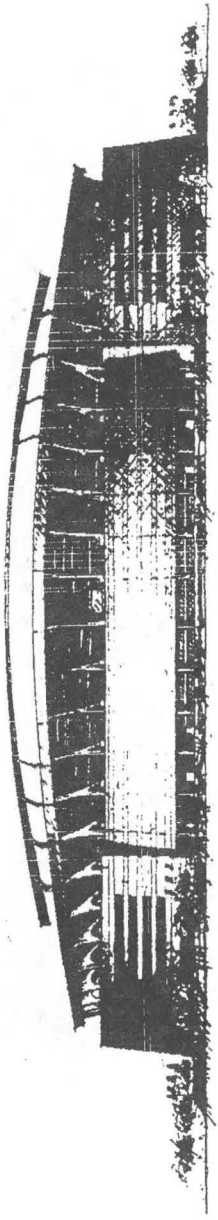
Project Status

The construction and operation of a new stadium must comply with Federal and local environmental laws and procedures. As a result, the proposed stadium is currently undergoing a rigorous environmental analysis to determine its potential impacts on the existing environment in the area, and to identify mitigation options. A Public Notice of Intent to prepare an Environmental Assessment has been filed with the Federal Register, the D.C. Register and eight (8) local newspapers; a Public Information Packet on the project has been distributed to the general public (see attached copy); and two public meetings have been scheduled as part of the environmental review process.

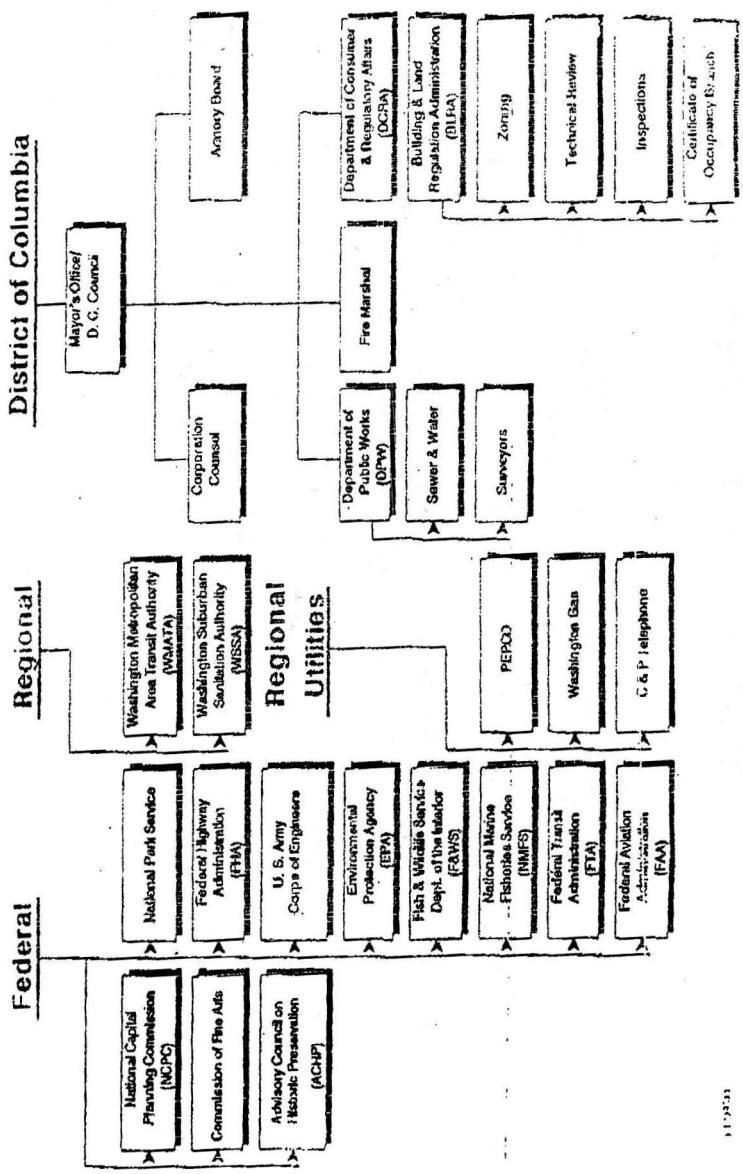
Review Agencies for the Proposed Stadium

A number of Federal and Local Agencies along with regional utilities and authorities would be involved in the proposed stadium project. The following chart presents a framework for these agencies.


Benning Road
Approximate Location of Proposed New Stadium
C Street
Kingman Lake
RFK Stadium
East Capitol Street
Independence Avenue
19th Street
Anacostia River

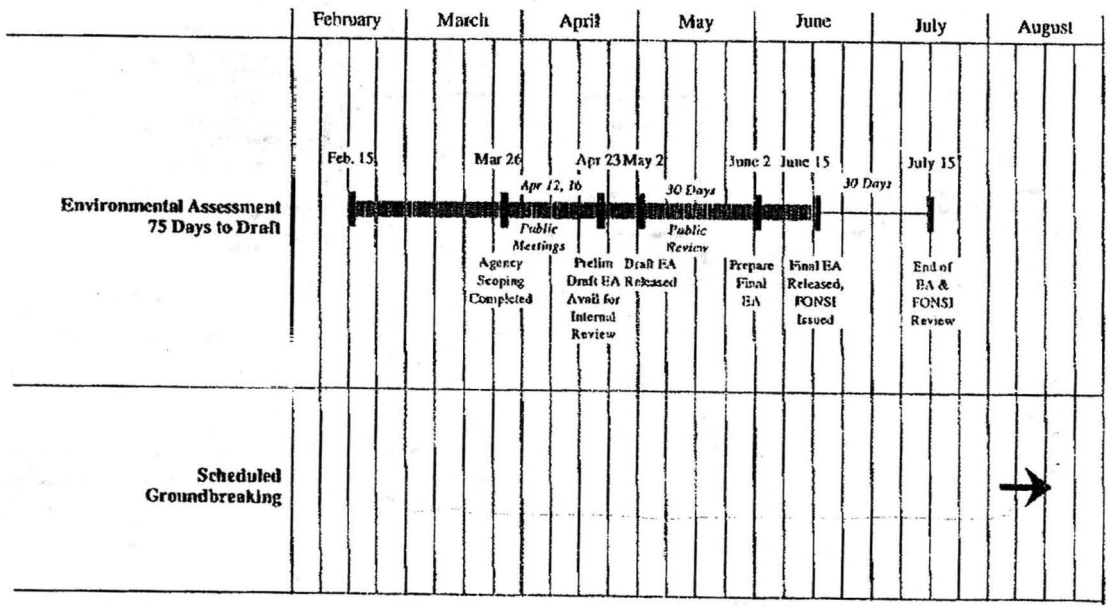


Review Agencies for the Proposed Stadium



D.C. Government: Jack Kent Cooke Stadium
Armory Board | National Park Service

Schedule for Environmental Assessment



Timeline

EDAW
March 1, 1993

82-605 342

EXHIBIT B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

JUL 14 1993

Mr. Robert Stanton
Regional Director, National Capitol Region
National Park Service
1100 Ohio Drive, S.W.
Washington, D.C. 20242

re: Proposed Stadium in Washington, D.C. Draft Environmental Impact Statement

Dear Mr. Stanton:

In accordance with our review authority under Section 309 of the Clean Air Act and the National Environmental Policy Act of 1969 (NEPA), the Environmental Protection Agency, Region III (EPA) has reviewed the above referenced project. Based on our review, we have rated the Draft Environmental Impact Statement EC-2 (Environmental Concerns, Insufficient Information). We have enclosed a copy of our rating system for your information.

The basis for the above rating, in part, reflects EPA's concern regarding the lack of an objective analysis of all feasible alternatives. The level of detail devoted to the preferred alternative, a new stadium, in fact, implies predetermination. As such, EPA believes that the spirit and intent of NEPA have not been fully considered, with special focus on the implementation of the EIS. As stated in 40 CFR Part 1502.2(g) of The Council of Environmental Quality (CEQ) regulations, an EIS:

> "...shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made."

In addition, the CEQ regulations provide clear guidance on the treatment of alternative actions. As such, agencies shall:

> "rigorously explore and objectively evaluate all reasonable alternatives [and],
>
> ...devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits" (40 CFR Part 1502.14 (a-b)).

Given that information for the upgrade/renovation of the existing stadium is available (see proposal by The Weihe Partnership in alliance with Pierluigi Nervi & Assoc., 1988),

EPA is further left with the impression that full disclosure has not been achieved through the NEPA process. EPA believes that the upgrade/renovation of the existing RFK Stadium should be evaluated at a comparable level of detail as the new stadium alternative.

In conjunction with the lack of an objective alternative analysis, EPA raises concerns regarding the environmental consequences associated with the preferred alternative (new stadium) and the lack of information on cumulative impacts. Of special concern are the air quality impacts associated with increased level of automobile traffic pre- and post-game time. This potential increased level of activity in combination with other nearby proposed activities (i.e. National Children's Island, Barney Circle Freeway Modification Project, etc.) should be carefully evaluated for its potential to cumulatively and adversely affect air quality.

We have enclosed technical comments which serve to detail our concerns. The air impact analysis is undergoing additional review and our comments will be forthcoming. If you have any questions regarding our comments, please contact either myself (215/597-1196) or Susan McDowell, of my staff, at 215/597-0355.

Thank you for the opportunity to review and comment on the Proposed Stadium for Washington, D.C. We look forward to working with you to resolve our concerns.

Sincerely,

Roy E. Denmark, Jr., Chief
Environmental Planning and Assessment Section

enclosure

NATIONAL CAPITAL PLANNING COMMISSION
801 PENNSYLVANIA AVENUE, N.W., SUITE 301
WASHINGTON, D.C. 20576

EXHIBIT C

NCPC File Nos. 1481 and 5170

TRANSFER OF JURISDICTION - KINGMAN AND HERITAGE ISLANDS, (U.S. RESERVATION 343, SECTION F, ANACOSTIA PARK) WITHIN THE ANACOSTIA RIVER, NEAR THE ROBERT F. KENNEDY STADIUM NATIONAL CHILDREN'S ISLAND (FROM THE NATIONAL PARK SERVICE TO THE DISTRICT OF COLUMBIA FOR PARK PURPOSES) (S.O. 92-252)

Environmental Assessment

December 15, 1992

I. Description of and Need for Proposal

The National Park Service proposes to transfer jurisdiction of Kingman and Heritage Islands, within the Anacostia River, near the Robert F. Kennedy Stadium, to the District of Columbia for park purposes. Kingman Island constitutes approximately 42 acres and Heritage Island slightly more than 8 acres. The ownership and maintenance of the islands will be the responsibility of the District government. Transferring jurisdiction of the site to the District would permit the city to develop an educational and recreational park.

II. Alternatives

A "No Action" alternative would preclude the District of Columbia from providing a city-owned park with educational and recreational structures and significant open space. The proposed transfer will supplement the District's park inventory, which is relatively small compared to the Federal park inventory in the city. The transfer will also augment the city's revenue base by increasing employment of District residents and generating income received by and from concessionaires, and general tourism receipts. The conditions of the transfer of jurisdiction require the city to commence and complete the project in a timely manner (within three years of the transfer of jurisdiction) and to balance between manmade and natural park features.

III. Environmental Effects

No adverse impacts are anticipated from the proposed transfer since the transfer will not cause disturbance of any natural (including hydrological) features. Existing soils range from hard preconsolidated clay to soft recent alluvium with fill material constituting a significant portion of the site. The site is within the Anacostia River's 100-year floodplain. Based upon the site's geology and hydrology, buildings would likely need floodproofing and pilings for foundations.

Topography does not present any constraints since the site is relatively flat. No endangered species are known to exist on either island. The transfer is not anticipated to cause increased vehicular traffic in the area. However, the future development plan will need to examine several transportation matters such as nearby levels-of-service, transit modes, and site ingress and egress.

IV. Persons Consulted in the Preparation of Document

This assessment was prepared by the Commission staff with information obtained from the U.S. Department of Interior and National Children's Island, Incorporated.

EXHIBIT D

The Facts About
The Barney Circle Connector/Riverfront Park Project

FACT: Every weekday, more than 223,000 cars and trucks stream across the Whitney Young (East Capitol Street), Sousa (Pennsylvania Avenue) and Benning Road bridges.

FACT: Once across the Anacostia River, most drivers have no choice but to use the streets of Capitol Hill. Most don't belong there.

FACT: By the year 2010, this daily flood onto Capitol Hill streets will reach 338,000 cars and trucks *if the Barney Circle Connector is not built.*

FACT: The Barney Circle Connector will help take some of those cars and trucks off your streets.

The Barney Circle Connector is not just a highway—it is one of the most well planned, fully debated, intensely negotiated and environmentally sound public works projects ever undertaken.

It is also a link in the chain that until now has been sorely missing: a bridge and ramp system that will take traffic off residential streets—*not bring new traffic into the city.*

This is what the connector will and will not do

IT WILL:

- Take 25,000 to 30,000 cars and trucks off Capitol Hill's residential streets each day.
- Create 5,000 to 8,000 jobs and boost our local economy.
- Put *$30 million of highway dollars** into improving Anacostia Park, on both sides of the river. You'll get:

  5 miles of riverside bike paths
  Fishing piers
  New playing fields
  Comfort stations
  Reconstruction of the collapsing sea wall

- Provide access to landscaped waterfront areas that are now inaccessible to the public.
- Provide improved access to the football stadium, helping to keep game-day traffic off residential streets.
- Pay much of the cost of parking lots at the new stadium, if it is built.
- Rehabilitate historic Congressional Cemetery with a new wall, roadways, drainage, and landscaping.

**We won't get these dollars if we don't build the connector.*

Barney Circle Connector/Riverfront Park Project

IT WILL NOT:

- Add traffic, because Kenilworth Avenue, East Capitol and other feeder streets will get *no additional capacity.*
- Serve additional suburban commuters at the expense of District motorists and taxpayers.
- Divide Ward 6. It will take advantage of existing barriers—the river and railroad line.
- Take any privately held land, homes or businesses.
- Pollute the Anacostia River. In fact, it is designed to catch and treat all water run-off before it reaches the river.
- Cost D.C. more than $10 million. That is in exchange for about $190 million in federal funds. In fact, if the connector is not built, *the District will have to pay back to the U.S. the $20 million already spent on its design.*
- Damage air quality or add noise to our residential areas. Cars and trucks emit less pollution on a highway than in stop-and-go traffic on residential streets.

D.C. DEPARTMENT OF PUBLIC WORKS

Betty Hager Francis
Director, Department of Public Works

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Mr. VENTO. There are a lot of questions I could ask you. I better conclude before Mr. Abercrombie comes back. Just kidding. He is obviously very interested and has touched a real point.

I note, Mr. O'Connor, that you stated that you are a different John O'Connor. I know a sheet metal worker that is a good friend of mine and works as one of your counterparts in AFL–CIO. I have two brothers that are construction workers, so we want to keep them busy.

I am very interested in the trade and I commend you and the Greater Washington Council of Building Trade and Contractors for the efforts that you have made to provide opportunities to young minority youth, the opportunities to actually learn a craft or a trade. I think it is commendable.

Obviously the agreements in the Memorandum of Understanding reflect the good work you have done. If it is going to be done, you would like to apply these for this job and provide the opportunity. I think that is all to the credit of both the contractors and the labor groups that are in the District and work in the District.

I don't have any real concern except the point is that these environmental issues become important. Clearly, some of them have produced work such as the decontamination or treatment of these soils with lead. Most of this is fill so it didn't come from anyone producing it—it came from an incinerator source.

Now it is a question of properly treating it so it doesn't get released into the environment any more than it is. That is a serious problem. I don't know how much of that they will get into in terms of disturbing it if a new stadium is constructed. If they modify the old stadium, is there a possibility of soil contamination there?

Mr. DOVE. We don't know. We are certainly founding new foundations within a 40-foot diameter around there. Presumably it has probably been excavated previously.

Mr. VENTO. I don't know whether I am in a stadium in Minneapolis when I go to watch a Viking game that is ideal or not. That apparently is a dual-use stadium and they don't build stadiums like that any more; is that correct?

Mr. DOVE. That is correct.

Mr. VENTO. As a community, the tremendous leverage that the professional sports teams—the businesses—have in terms of being able to dictate terms to a community. That is where we are.

I didn't mean to criticize Jack Kent Cooke in any special way. It isn't just Jack Kent Cook. It is everybody that has a franchise that owns it that is pulling the same robber baron routine. We could do probably a lot more if they didn't have quite as much ability to move around, but that is something they give to themselves.

I think the issue is out of balance. The consequence is that they are making the threshold for any of these activities that much more difficult. In other words, the efforts and what they are asking for in terms of this are really very tough to take.

Obviously, the decision has been made for this park to have a stadium. Whether that means we ought to have a twin alongside of it is bothersome to me, especially if there is no resolution of the existing structure.

I couldn't believe the statement made that they would have to notify Mr. Cooke five months in advance before we could have an-

other event at the existing stadium. That is certain to preclude the use of that for much of anything other than this World Class soccer.

I have a number of technical questions I could ask, but I think many of them have been raised.

The gentleman from the Sierra Club, what would be the environmental advantages of renovation or expansion of the existing Stadium? Do you know?

Mr. DREHER. I know what is disclosed in the EIS and from common sense that you are talking about less disturbance of the area, you are talking about less overall construction. So I think you are talking about a lessening of those impacts.

One of the primary impacts that the new proposal has is expansion of parking and increase in total surface of the site with impervious pavement and that will lead to increased storm water runoff. It has been suggested that you wouldn't have to do that if you renovated RFK. You wouldn't need to pave more of the site and you could keep more green space and would have less polluted runoff into the river.

Mr. VENTO. Do you agree with Mr. Dove concerning different ways of dealing with the parking situation and looking at other alternatives besides on-site parking?

Mr. DREHER. Yes. I think that is the kind of incentive we need to be looking at, at ways to get people to use public transit and reduce the terrible burdens of automobile transportation.

Mr. VENTO. I don't know what the automobile traffic is like in downtown Minneapolis, but they have a lot of auxiliary parking ramps that can be used that are not used Monday nights or Sunday afternoons for football. They can be used for baseball also.

We got a lot of miles out of that. That is another problem in terms of the city. I think the reason that this is sort of a standalone type of facility is because it is not built into the overall city planning in terms that these would just be single-use type sites.

It seems to me if the city is going to do something like this they ought to think about not just a whole complex of development in the area, not just one site. Seems it is building it away from where it could go.

Are there other sites, Mr. Dove, that could accommodate this, that would provide for dual use? There virtually is no dual use for anything you build on that particular site.

Mr. DOVE. The rest of the city—that is a broad generalization—other portions in the city are either designated park or development, residential or more intense uses. RFK is one of the few areas that has a static undeveloped use.

Mr. VENTO. Shouldn't they be looking at parking facilities in conjunction with other types of uses that are coming to the city? Washington is a commuter city. Shouldn't they be exploring providing parking opportunity for working with others along these lines in order to facilitate that process?

Mr. DOVE. I am a strong supporter of establishment of a parking authority for the city like in other major cities where large areas of parking are built under public funds which stimulate development in other portions of the city.

Mr. VENTO. What about the footprint size of this particular area for a stadium? Do you have advice? Do you have professional insight into the nature of this footprint site notwithstanding the fact that it is a park, but compared to other sites that you know in terms of your professional experience?

Mr. DOVE. You mean the size of the proposed stadium and whether it could be smaller?

Mr. VENTO. The entire site for a stadium. Is this small or about average for these types of problems?

Mr. DOVE. Baltimore is a good example, installation of a city within an urban corps probably on a smaller site than we have here that works very well. Of course it has a smaller stadium at present, which is a baseball stadium.

With the introduction of the new stadium, it may become more of a nightmare. I think that kind of subjective analysis is probably flawed. It depends on how well it is supported by rapid transit and RFK in its current mode doesn't work great, but for a seldom thing it is reasonably successful.

Mr. VENTO. Mr. O'Connor, you understand the questions we have asked of the Planning Commission in terms of the site line and landscape features, et cetera. Those are fairly important features in trying to have a city that has some landscapes that are actually considered sensitive; don't you agree?

Mr. O'CONNOR. If you look over there right now, there is no landscape on that site whatsoever. I think the greatest thing that they have had so far, they tried to plant grass, but where you have the grass when they get a Monday night game, they load up and the grass is gone.

You have a parking lot over there, an old parking lot. Prior to building that stadium it was just a refuse spot. They filled it in for WAC barracks at one time. We have a lead problem there. That problem is not going to go away whether Jack Kent Cook builds his stadium or not.

If the Park Service does anything at all, they are hit with a $3 million to $8 million lead removal.

Mr. VENTO. If they don't disturb the site, they may not release the lead I guess is the concern. They would have to have a passive use, and that would not engender that type of use.

Mr. Nelson?

Mr. NELSON. I would like to ask you a question, if I may.

Mr. VENTO. Sure.

Mr. NELSON. The proposed Southeast Federal Office Complex intends to move like 23,000 workers on to the banks of the Anacostia River on the old Bolling Air Base. Are you familiar with that?

Mr. VENTO. I am not.

Mr. NELSON. Apparently a lot of people are not because they are focusing on the little things we are on now ready to go. We are going to move 23,000 people on to the banks of the Anacostia, the Federal Government is. One blessing is we are also going to have use of the Army Corps of Engineers. We have the technology.

We can change the Anacostia River from flowing horizontally to vertically if we want. I wondered what the position was.

Mr. VENTO. I think that that speaks to the issue most of us are talking about in terms of the EIS not taking into consideration cu-

mulative effects, Kingman, the Barney Circle issue, plus the stadium use. Could add this in terms of what the cumulative effects are. To top it off, this is supposed to be a national park so we shouldn't just have the National Capital Planning Commission. We ought to have the National Park Service.

We are falling short of that. Part of the responsibility is with DC Government, part with the Park Service, part with Planning Commission. Congress approving these things on a piecemeal basis without any vision of what is taking place or any type of guidance I think is probably not doing a good service. Trying to raise these questions, trying to demand a policy path that is more reasonable and more predictable before we tee off and put this thing up and hand it over to the city to negotiate whatever the end conclusion will be, that is not my job.

I don't want that job. If I had it you would probably never get there. We want to cooperate, but we have to know, and I think my predecessors need to have some knowledge of what the plan is here. I think we are operating, not just the Congress, but the District of Columbia and everyone, in a very disadvantageous position based on the nature of who has the negotiating power in this instance.

We could sit here and kibitz about some of these issues but in the end the price paid for by the city here ends up in the team considering moving from town which is not an acceptable means to deal with a negotiation as Mr. O'Connor can well understand.

Mr. O'CONNOR. I took a cab here today because that was the only public transportation you could get, and the cab driver asked what I was doing. He said "You know, people don't realize that we make a living, too." He made a lot of sense.

He says on a Sunday afternoon 56,000 people go to that stadium. He says somewhere between 10, 25, 30 percent take a cab. He says if they don't take a cab to the stadium, they take a cab away because they may have had several drinks. Then they may stop and have a meal. They are spending money in this city. If everybody would look around on Saturday evenings or during the week, people are not spending a lot of money in this city and that is what is happening to every city in this country. There is nothing to draw people to the city after working hours and it is becoming a workplace and not a community and not a living, breathing item of life where the city was where you had to go for everything. If everybody is going to spread to the suburbs and the cities are left bare, I don't know how many people can survive the taxes they will put on their homes.

These are problems normal citizens have. In 5½ years on that committee, I have heard the people in the communities, in fact the greatest story was, I was at one hearing and we were in a trailer the District of Columbia provided.

A guy got up and said "After all the talk, it sounds great." They had a proposal to redo the golf course. It was 10 o'clock at night and I had been on the job since 6 o'clock. He said my biggest concern is if they go to 78,000 seats, am I going to get 2?

Mr. VENTO. Probably a lot of people have that in mind. There obviously isn't room enough in that stadium for everyone in town, but they probably all want a seat. As we said, the wild hogs—I think

you ought to start a campaign and assign it a name. Sometimes names are acquired by design and sometimes by collective action of a community. So I think that maybe we could probably give them a new name on our own.

Mr. DREHER. I was very struck and very moved by the testimony of Ms. Harjo and by the early statements that were made by the Congressman and Senator who are proposing the companion bill here. It strikes me that there is a commonality between the two different issues that this hearing has addressed.

One of the reasons why my organization has gotten involved in providing its services free of charge to citizens of the community that are affected by the stadium is because we are increasingly concerned about issues of environmental justice. I think that the same sensitivity to the needs of people and to the effect upon people who have been deprived of power and who have been oppressed by our society for a long time really underlies both the environmental concerns about the new stadium and what it will do the to the community of Kingman Park and concerns about the franchise name.

I think there is a commonality there. I feel very strongly. I share Ms. Harjo's views on that.

Mr. VENTO. I appreciate that. I think many of us feel the same concern and also feel constrained by the type of leverage that we might have at the bargaining table. Many would like us to take action here today, at the same time they are probably the strongest advocates for DC Statehood.

Being a sponsor of that and trying to let local governments make decisions, we run into all sorts of contradictions. We like what they do but if they are not doing what we want them to do we want to appeal to another source. My staff tells me that the wild hogs would never be boring.

Let me thank you all for your patience and participation today. We stand adjourned.

[Whereupon, at 3:45 p.m., the subcommittee was adjourned.]

APPENDIX

FRIDAY, NOVEMBER 5, 1993

ADDITIONAL MATERIAL SUBMITTED FOR THE HEARING RECORD

National Congress of American Indians

Est. 1944

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RESOLUTION NO. EX DC-93-11

RESOLUTION IN SUPPORT OF THE PETITION FOR CANCELLATION OF THE REGISTERED SERVICES MARKS OF THE WASHINGTON REDSKINS AKA PRO-FOOTBALL INC.

WHEREAS, the American Indian and Alaska Tribal Governments and people have gathered in Crystal City, Virginia, of the Washington, D.C. area, for the 1993 Executive Council Meeting of the National Congress of American Indians (NCAI) in order to promote the common interests and welfare of American Indian and Alaska Native peoples; and

WHEREAS, NCAI is the oldest and largest intertribal organization nationwide representative of and advocate for national, regional, and local tribal concerns; and

WHEREAS, NCAI has read and understands the Cancellation Petition Filed on September 10, 1992, before the Trademark Trial and Appeal Board–attached as Exhibit A; and

WHEREAS, NCAI is familiar with the Registered Service Marks of the Washington Redskins and the context in which those marks are used by the Washington Redskins football organization–attached as Exhibit B; and

WHEREAS, the term REDSKINS is not and has never been one of honor or respect, but instead, it has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging and racist designation for Native American's and

WHEREAS, the use of the registered service marks identified in Exhibit B to this resolution by the Washington Redskins football organization, has always been and continues to be offensive, disparaging, scandalous, and damaging to Native Americans.

NOW THEREFORE BE IT RESOLVED, that the NCAI hereby issues its support of the cancellation petition attached as Exhibit A to this resolution, filed on September 10, 1992, by petitioners Suzan Shown Harjo (Cheyenne and Arapaho Tribes of Oklahoma), Vine Deloria, Jr., (Standing Rock Sioux), Raymond D. Apodaca (Ysleta del Sur Pueblo), Norbert S. Hill, Jr. (Oneida Tribe of Wisconsin), Manley A. Begay, Jr. (Navajo Nation), William A. Means (Oglala Sioux Tribe of

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NATIONAL INDIAN EDUCATION ASSOCIATION

1819 H STREET, N.W., SUITE 800
WASHINGTON, D.C. 20006
(202) 835-3001

July 29, 1993

Honorable Ben Nighthorse Campbell
United States Senate
Washington, D.C. 20510

Re: D.C. Stadium Legislation, S. 1207

Dear Senator Campbell:

On behalf of the National Indian Education Association (NIEA), thank you for your for leadership in the Indian mascot debate and for the introduction of S. 1207, the District of Columbia Stadium Act Amendments. NIEA has a standing resolution calling for the end of Indian sports teams names and mascots which (supposedly) reflect Indian characteristics.

Because the Redskins team is located in the nation's capitol, the effort surrounding this particular team will receive a substantial amount of publicity and be a particularly important educational tool. We have been in communication with the D.C. City Council and the Secretary of the Interior over the past couple years in support of requiring that a condition of the new football stadium be a change of the team's name.

Again, thank you.

Sincerely,

Scott Butterfield

Scott Butterfield
President

UNITED NATIONAL INDIAN TRIBAL YOUTH, INC.

4010 Lincoln Blvd., Suite 202
P.O. Box 25042, Oklahoma City, OK 73125
Phone: (405) 424-3010

September 10, 1993

The Honorable Ben Nighthorse Campbell
United States Senate
Washington, D. C. 20510

Dear Senator Campbell:

On behalf of American Indian and Alaska Native youth who are members of the UNITY Network, I thank you for the aggressive leadership you have demonstrated in introducing the amendment to the District of Columbia Stadium Act of 1957.

Your stand has already had a positive effect here in Oklahoma. Recently the host of a local radio sports talk show invited callers to respond to your legislation. Judging from the number of calls received, there is a great deal of local interest in the issue. However, it was obvious that people do not have a good understanding of the fundamental questions involved. This did not prevent the callers from having strong opinions on both sides of the issue. I was compelled to phone in with a few choice comments of my own in support of your proposed legislation.

The mascot issue is of great concern to Native American youth. In fact, the National UNITY Council, the official voice of the UNITY Network, issued a call to action at the annual meeting during the 1993 National UNITY Conference in Albuquerque. In their resolution, In Opposition of Native American Mascots and Derogatory Names, the assembled Native youth denounced the use of racially stereotyping symbols for marketing and promoting products and sports teams. Enclosed is a copy of that resolution. Because of its importance to Native youth, we are devoting a full page on the subject in the fall issue of UNITY News. Your editorial is very timely and will make a valuable contribution to this edition.

Thank you again for your stand in opposition to one of the most objectional offenders and your efforts to educate the Members of Congress and all Americans about the offensive and harmful nature of these insensitive acts of racial stereotyping. I support the "District of Columbia Stadium Act of 1957 Amendments of 1993" and am ready to assist in any way possible.

Respectfully,

J. R. Cook
Executive Director

National UNITY Council
Resolution In Opposition of Native American Mascots and Derogatory Names

WHEREAS, The National UNITY Council represents the affiliated youth councils and indivíduals of the UNITY Network, and

WHEREAS, All Native American mascots and derogatory names are degrading to Native American and Alaskan Native peoples through the false portrayals of Native American traditions and cultural heritage such as the wrongful imitations of Native American dance, music and regalia, and

WHEREAS, the mascots and derogatory names reinforce negative stereotypes of Native American and Alaskan Native people by portraying them as uncivilized and unintelligent, and

WHEREAS, these negative stereotypes cause prejudice and irrational views and behavior toward Native American and Alaskan Native peoples, and

NOW, THEREFORE BE IT RESOLVED, that the National UNITY Council declares a boycott and protest against all manufacturers affiliated with the producion of Native American mascots and derogatory names on apparel and merchandise, and

BE IT FUTHER RESOLVED, that this resolution is a call to action, to all affiliated youth councils and individual affiliates, to do the same.

Signed June 28, 1993
LoVina Louie and Joseph Brown Thunder,
Co-Presidents, National UNITY Council

The American Jewish Committee

MINNEAPOLIS/ST. PAUL CHAPTER, 8000 Westwood Hills Drive, Minneapolis, MN 55426 (612) 542-9272 FAX (612) 544-5221

March 10, 1993

To: Gary Rubin - Ken Stern

From: Cecile Javinsky

Subject: Statement on Use of Native American Symbols and Mascots

The Minneapolis/St. Paul chapter of AJC adopted a resolution on the use of Native American symbols and mascots. The resolution is as follows:

" The Twin Cities chapter of the American Jewish Committee joins with the Native American community in supporting the effort to bring to the attention of the American people, the harmful effects of the use of Native American symbols and mascots in baseball, football and other sports.

Any time stereotypical behavior of an ethnic group is portrayed, it weakens the fiber of American society. We must be sensitive to and have intolerance for behavior disrespectful to all racial, ethnic, religious and gender groups. We ask that there be an end to this racist behavior."

Our chapter would like to see this resolution adopted by National. I know the National Affairs Commission is the place to begin this process. We would like to see this resolution adopted at the May annual meeting if the time constraints allow it. If the resolution needs to be streamlined, we would be willing to change it.

Please give us advice on how to proceed.

cc: Geri Rozanski

STATEMENT ON TEAM NAMES

Whereas it is the mission of the American Jewish Committee to combat bigotry and promote intergroup relations, and;

Whereas the use of racial or ethnic stereotypes in the names, nicknames, or titles of business, professional, sport or other public entities is frequently demeaning, whether intended as such or not;

Whereas demeaning symbols create an environment in which degrading acts become more acceptable;

Whereas many teams still sport names such as "Indians," "Braves," "Redskins," "Chiefs," "Redmen," etc.;

Whereas such names are degrading and promote practices that trivialize and demean people and religious beliefs and symbols;

THEREFORE, the American Jewish Committee deplores and opposes the use of racial or ethnic stereotypes in the names or titles of business, professional, sport or her public entitles when the affected group has not chosen the name itself. The AJC resolves to encourage such entities to end their use of offending stereotypes.

Adopted April 28, 1993 by the anti-Semitism subcommittee of the National Affairs Commission, and endorsed by the National Affairs Steering Committee on June 21, 1993.

KS:eg
93-970

The American Jewish Committee

PORTLAND CHAPTER, 1220 S.W. Morrison, Ste. 930, Portland, OR 97205 (503) 295-6761. FAX (503) 497-9054

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October 21, 1992

Whereas it is the mission of the American Jewish Committee to combat bigotry and promote intergroup relations, and;

Whereas the use of racial or ethnic stereotypes in the names, nicknames, or titles of business, professional, sport or other public entities is frequently dehumanizing, whether intended as such or not;

Whereas dehumanizing symbols create an environment in which dehumanizing acts become more acceptable;

Whereas many teams still sport names such as "Indians," "Braves," Redskins," "Chiefs," Redmen," etc;

Whereas such names are dehumanizing and promote practices that trivialize and demean people, religious beliefs and symbols;

THEREFORE, The American Jewish Committee, Portland, Chapter, opposes the use of racial or ethnic stereotypes in the names or titles of business, professional, sport or other public entities when the affected group has not chosen the name itself. The AJC/Portland chapter resolves to encourage such entities to end their use of offending stereotypes.

Passed at the Portland Chapter Board of Directors meeting on September 2, 1992.

Judith Kahn
Area Director

United Indian Nations In Oklahoma

AUGUST 11, 1993

The Honorable Ben Nighthorse-Campbell
U.S. Senate
Washington, D.C. 20515

Dear Senator Nighthorse-Campbell:

Please find enclosed, Resolution UINO 93-10 and Resolution UINO 93-11, duly adopted by United Indian Nations in Oklahoma in their Annual Meeting on July 20, 1993.

Resolution UINO 93-10 is in support of S.B. 1207, to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes. United Indian Nations in Oklahoma are especially in support of Section 3. Prohibition on the Use of Certain Designations.

Resolution UINO 93-11 is opposing S.B. 410, to establish within the Bureau of Indian Affairs a program to improve the management of range-lands and farmlands and the production of agricultural resources on Indian lands, and for other purposes.

The reason for our opposition to S.B. 410 is the language in the bill that addresses reservations for Indian tribes, rather than language to include Indian tribes and Nations within the state of Oklahoma. The present language makes it almost impossible for Oklahoma Indians to fully participate in the proposed program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands.

Undian Indian Nations in Oklahoma do hereby request, and direct, your office to make sure that the Indian constituents in Oklahoma are not omitted or denied participation from the program because of the de-scription of our individual and tribal land holdings.

Your assistance on the matter will be deeply appreciated. Please keep United Indian Nations in Oklahoma apprised of the developments in the Acts.

Sincerely,

Elmer Manatowa

Elmer Manatowa, Jr.
Chairman

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

To: All Councilmembers

From: Councilmember William Lightfoot, Councilmember, At-Large

Date: July 2, 1993

Subject: Proposed Resolution: REDSKINS NAMECHANGE

Today I am joining U.S. Senator Ben Nighthorse Campbell and refilling the proposed resolution to request a name change for the Washington Redskins Football Team, to a name that is not offensive to Native Americans.

Senator Campbell, the only native American Senator, introduced a bill to the 103d Congress which would prohibit the District of Columbia from allowing the use of "nomenclature that includes a reference to real or alleged physical characteristics of Native American or other group of human beings" in a new stadium.

As stated at the first introduction of this resolution, "This is simply the right thing to do." The nickname is racially insensitive to the feelings of Native Americans. The District of Columbia is not only a multi-cultural community, but it is the nation's capital and as such, we should set the example by not being passive participants in perpetuating racial or cultural stereotypes."

"The daily newspaper in Portland Oregon called the "Oregonian" is believed to b the first major U.S. newspaper to adopt a policy of not using nicknames to refer to sports teams. The Oregonian is being sensitive to the feelings of those who are offended by these names which came into being when a majority in this country was very insensitive to minority concerns.

The United Indian In Oklahoma (UNIO) passed and approved a resolution by the Inter-Tribal Council of the UNIO on the 24th day of April 1990, stating that the name "Redskins" is a symbol that seems innocuous to some, but is offensive to Native Americans.

cc: Phylliss Jones, Secretary to the Council
Patrica Baars, General Counsel

Enclosure

9/PRRED

Councilmember William P. Lightfoot

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember William P. Lightfoot introduced the following resolution, which was referred to the Committee on _____.

To request a name change for the National Football League Washington, D.C. team.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council of the District of Columbia Request for a Name Change of the National Football League (NFL) Washington, D.C. team".

Sec. 2. The Council of the District finds that:

(1) The NFL Washington, D.C. team for more than 50 years has brought great pride and joy to the Metropolitan Washington area.

(2) The NFL Washington, D.C. team has won numerous championships and awards, including the Super Bowl Championship of 1991.

(3) The accomplishments of the NFL Washington, D.C. team has inspired many people to strive to be the best they can be.

(4) The name "Redskins" is objectionable to many Native Americans and the use of the word "Redskins" is racially insensitive in a multi-cultural society.

(5) The continued use of an objectionable name is an offense not only to Native Americans, but also is a discredit to the many men who have played outstanding football for the team.

(6) Nicknames and mascots constitute an unauthentic representation of Native Americans, whether used for entertainment, commercial, or symbolic purposes, this imagery degrades Native American people and culture, and distorts Native American and non-Native American perception of self and community; and

(7) United Indian Nations In Oklahoma (UINO) passed and approved a resolution by the Inter-Tribal Council of the UNIO on the 24th day of April 1990, stating that the name "Redskins" is a symbol that seems innocuous to some, but is offensive to Native Americans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That the owner of the NFL Washington, D.C. team is hereby requested to change the name of the football team to a name that is not offensive to Native Americans or any other minority group.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, each to Council of Governments, Mr. Jack Kent Cooke, the District of Columbia Armory Board, and to the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register, the District

of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

LEVEL 1 - 2 OF 2 STORIES

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The Washington Post

February 20, 1993, Saturday, Final Edition

SECTION: EDITORIAL; PAGE A21

LENGTH: 738 words

HEADLINE: No New Name, No New Stadium

SERIES: Occasional

BYLINE: Colman McCarthy

DATELINE: SIOUX CITY, Iowa

BODY

Of late, civic pride has become as deep and wide as the Missouri River, which runs west of town. Two turns for the better have occurred this winter. Professional baseball is returning to Sioux City after an absence of 33 years, since the New York Giants had a farm team here in the Three-I League.

The other achievement, with an impact reaching well beyond this plains community, is that the team is to be called the Sioux City Explorers, not the Sioux City Soos, which was the old name and the one the new owners initially considered reviving three months ago.

A lesson of enlightenment can be learned here, the wisdom of which has yet to take hold in such cities as Washington, Atlanta and Kansas City, where the owners of professionals teams -- Redskins, Braves, Chiefs -- persist in keeping names that offend large numbers of Native Americans. Sioux City is believed to be the nation's first and only sports franchise to honor the feelings of its native citizens by changing a team's name.

The shift from Soos to Explorers -- the latter in tribute to Lewis and Clark, who paddled upriver in the early 19th century -- came about when the region's Santee Sioux and Winnebagos pressured local politicians and team owners to understand that they saw the name as a racial slur. The mascot of the old Soos was remembered: Lonesome Polecat, a cartoon Indian clad in a loincloth, flailing a hatchet and grinning drunkenly.

For a time, the controversy over the team's name lurched toward nastiness. The letters page of the Sioux City Journal became a verbal war zone. Columnists took opposing sides. One who embraced the Sioux and Winnebagos' argument wrote: "Quite frankly ... we can certainly do much better than the bastardized spelling of an Indian tribal name." For that, the columnist became a target of local scorn. Instead of his receiving death threats, it was worse. Critics began calling him a liberal.

One of the tribal leaders who helped bring about the name change was Frank

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LaMere, a Winnebago who heads the Nebraska Indian Inter-Tribal Development Council. He is a nationally known Democrat. At the national convention in New York last July, LaMere was among the 21 delegates brought to the platform on the final night to be honored for their social activism.

At first, LaMere's grievance was seen by some as the idle fumings of a lone dissenter who would soon tire and fade away. In late autumn, he organized the 10,000 Sioux, Winnebagos and Omahas who live in the area. Agreement was reached to protest. One critic of the name change wrote to the Journal about "the hokey concept of political correctness. I think it is a bunch of garbage ... If the [Indians] are really concerned about their problems they should be doing something about the lousy health care they receive."

That was the reason LaMere took a stand: "People say that Indians have bigger problems than **mascots** and use of native American images, but I disagree. If you can't see me as an individual, then how can you understand the problems we have as a people? We have taken much heat, and the backlash has been tremendous, but we can take it. If our children do not have to endure the insults we have endured, then our efforts will have been worth it."

At the same time Sioux City was working out its problems, Kansas City wasn't. A game there last November saw the Chiefs play the Washington Redskins. Local fans performed the tomahawk chop and sang war chants during scoring drives. Outside Arrowhead Stadium, Vernon Bellecourt, a co-founder of the American Indian Movement, explained why he and 100 others were protesting: "We're saying, play football and stop playing Indians. Stop this demeaning, degrading and despicable exploitation of our cultural and spiritual life."

By far, the most offensive team name in the country is the Redskins. Owner Jack Kent Cooke, a pompous character with limitless self-importance, lacks the decency to take action. There's a way to force him. Cooke is eager to build a bigger and more profitable stadium. Before allowing it, the mayor and city council should demand: No new stadium without a new name.

Sioux City is a model of civic progressiveness. "Down the road," says Frank LaMere, "we'll see that the discussion here was healthy and the debate was good. Sioux City has grown in its thinking, and maybe we helped a little bit. Maybe someday they'll let me throw out the first ball."

LANGUAGE: ENGLISH

October 14, 1993

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the Official Journal of the Center for the Study of Sport in Society
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Lawrence A. Wenner

THE REAL RED FACE OF SPORTS

JOURNAL OF SPORT & SOCIAL ISSUES
SEVENTEEN ONE
APRIL 1993
PAGES 1-4

With the problems confronting people in the world of sports, many view the issue of insensitive team mascots as some kind of background noise that should go away. We have all heard these arguments. After all, sports has bigger problems, doesn't it? These team names and mascots proclaim the tradition of sports around the nation's schools. In this apparently senseless postmodern time, tradition is about holding on to "values." Tradition not only gives continuity, it is critical to perpetuating the collective sense that there is honor in the social order.

As you may suspect, I'm not sympathetic to this kind of thinking. But if you come right down to it, all of this derives from the fact that sports is just generally big on history. Sports history runs the gamut from stories of the "Babe" pointing to the center field fence and swatting one for a terminally ill kid to the endless reams of statistics that are the gospel of sports. Sport and its history are our refuge from the trials of everyday life. They are on culturally sacred ground.

However, it is in that construction of history that sports has been left with its real red face, the face of cultural embarrassment that can be seen in almost every corner of sport. These embarrassments range from the insensitive use of Native American team mascots, to racial slurs and inequitable employment practices in professional and intercollegiate sports, to sexist team names that trivialize women's athletic achievements, to the saga of intercollegiate sports resisting the demands of Title IX compliance. I could go on adding to this "red-faced" list. My larger point is that sport cannot go on advancing itself as sacred just because achievement is measured "blindly" on the playing field. Sports needs to revise its sense of its own history.

THE MYTH OF THE GOOD OLD DAYS

We often forget that by sports being big on retelling cultural tales of how important the great exploits of great "men" in uniform have been, that we are ethnocentricizing our cultural sensibilities about the "natural" order of being, on and off the field. The sport mascot and team name issue is one of many structural frames that must be lain over the telling of sport's cultural myths. The naturalizing of sports history to highlight a social order of the "good old days" imports the same problems we have had in other spheres of history.

The construction, "the good old days," merely voices from a certain perspective the yearning for a time when things were simpler. Lines were drawn, and people had their place. In essence, things seemed simpler because the social order wasn't being effectively challenged. In sports, professional players weren't organized. They played, according to the myth, for the "love" of the game. Professional leagues were segregated. The "major" leagues were white leagues. Intercollegiate sport meant men's sports. Women? Well, according to the myth, it wasn't natural for girls to be

interested in these physical things, and it was downright troublesome to think of girls and women who wanted to be athletic and strong.

REINVENTING CULTURAL LEGACIES

In the American higher education system, we are still reeling from the realization that for years our core general education courses have been telling stories about "traditions." Many finally asked a fairly obvious question: Whose traditions? Our basic "civilizations" courses somehow always told a story that explained the development of culture in decidedly western terms. Just as "naturally" and mysteriously our "masterpieces" of literature and art courses somehow featured the social thoughts and ways of thinking of master writers and artists, mostly western and mostly white.

Who gets to tell history, evaluate literature and judge art gets to structure our cultural sensibilities. Were there no histories or herstories told from other perspectives? In retrospect, we know this was unlikely. Indeed there were other voices providing a different take on cultural developments. More importantly, few were listening to those voices, and many more thought those voices didn't count anyway. Few were seeking to pursue the structural reasons why there weren't more of those voices, and why those that we knew existed didn't count.

Now that these questions are beginning to be asked at the center, instead of at the margins, some things are beginning to change. The rush to celebrate diversity and multiculturalism in higher education has complex origins. However, to be terribly reductionist about it, some pressures came to bear on enough people who "got it." And out came the realization that we goofed, we screwed up. Now we're not only sorry that we didn't understand how important it was to recognize that cultural stories may be told from many vantage points, but the conventional wisdom has progressed to the point that we believe that we must understand and appreciate these stories to cope with modernist times and postmodern dilemmas. In short, our pragmatism kicked in.

REINVENTING THE CULTURAL LEGACY OF SPORT

The same logic should eventually take hold of sport. Merely upholding the letter of the law, whether that be Title IX or equal opportunity in the executive offices of Major League Baseball, misses the point. Such laws and the forced enforcement of laws through litigation merely provide the stimulus for structural change where it is not welcome. Sports institutions, like educational institutions, are remarkably resistant to change. Certainly, there is pressure not to give into pressure to do the right thing.

Rhetorical cries will be heard calling for digging in harder on the natural rightness of traditional values. They will claim that the system works just fine as it is, if only we pedal a little faster or fix a few leaks. Ironically, this will be done by steadfastly ignoring that ideology is imbedded in that traditionalism. These voices will rail, out of the other side of their mouths, about the revolting infusion of ideology by the forces of change and will try to marginalize them as a group singing to the tune of political correctness.

Fortunately for the sake of sport, this issue isn't just one about politically

correct thinking, even though many would like to cast it as such. This is good business thinking. And it is this bottom line rather than ideological assault that will eventually win this war.

Institutional change will occur when enough people get it— that embracing diversity rather than resisting it is in the long term best interests of the institution. This is true in sport and education. Some cut through the rhetoric, while others become enmeshed in it. Some get it, and some don't.

Sometimes, amidst all the rhetoric it becomes very difficult to assess who is charting a course as opposed to charting a public relations campaign. In sports, for example, some institutions like the University of Iowa and Stanford University seem to be "getting " Title IX. They are charting different courses of action. They have concretized rather than theorized their commitment to gender equity.

The University of Iowa has a five year plan to move to compliance in the allocation of resources between men's and women's sports. They did not hem and haw. They set some specific goals, goals that went beyond the five year 60/40 equity goals of their Big 10 Conference (which in themselves are generally lauded as aggressive in pursuit of compliance), and are willing to be held accountable for those goals. No excuses, no apologies, no whimpering about the difficulties in complying to Title IX. Just specific goals, plans, and action.

Stanford University took another tack. In the next three to four years they will engage in a major fundraising campaign that will support the upgrade of three women's club sports to the varsity level and add 29 women's athletic scholarships across a variety of sports. Other aspects of Stanford's plan call for upgrading facilities and staffing in support of women's sports. All of this is being done without making any cuts in the men's programs. When Stanford's plan is completed, they expect to be not only in full compliance with Title IX but to have gone well beyond its requirements. The Stanford plan is unusual because of its dependence on new fundraising, and also because it has seen the way to enlarge the athletic "pie," rather than achieving equity by "downsizing" men's athletic programs.

Many may claim that the Stanford plan may not be feasible for most public and private institutions with more limited resources. Indeed, this may be the case. But by dismissing the uniqueness of their individual cases as "different," other schools miss the larger point. Assess the uniqueness of your situation, set specific goals, and chart your action. Get on with it! Yes, you may end up with egg on your face a few years later for not quite meeting your goals, but at least you will have articulated goals for which your are willing to be held accountable. As it is now, action plans, let alone actions, are few and far between.

Of course, no one likes to fail. Ironically, one of the lessons of sport is that many more fail to win than win, although winning is the goal. If this discussion was about fielding a winning football team it would be laughable. A coach wouldn't get far by saying: "Gee, I don't think we should really try to win, we'll just go out there and play and see what happens." But that is exactly what most sports institutions have done on the equity front. A good case in point in Major League Baseball's new equity "action" plan.

NOT GETTING IT

Major League Baseball has chosen to move more cautiously, citing the "uniqueness" of their situation. On the heels of Marge Schott's racial slurs, leisurely investigation, and consequent suspension, Major League Baseball has chosen to chart what seems to be a public relations campaign as opposed to an action plan for which they are willing to be held accountable.

Thus, from baseball's Executive Council and its Equal Opportunity Committee, we hear of a seven point plan calling for teams to "include" minority candidates for jobs throughout their organizations "within a reasonable time frame." The plan calls for "attempts" to attract minority investors, and to have "appropriate minority participation" on boards of directors. The proposed program is riddled with "milquetoast" language: making "new efforts" to attract minorities as fans, "seeking" minority-owned concessionaires, "insisting" non-minority vendors be equal-opportunity employers. Amazing! This is really forward looking! Actually insisting that your vendors follow federal law!

The Equal Opportunity Committee rejected setting specific quotas because of the small size of each ball club, preferring instead to see "significant progress each year." But no press report told us what "significant" meant. How would we know it when we saw it? Without specific goals, the Major League Baseball plan retains the look of a shell game. No wonder Jesse Jackson's reaction: "It completely fails to recognize the nature and size of the problem." Simply put, baseball just doesn't get it.

IN THIS ISSUE

Without exception, this issue of the *Journal* wrestles with fundamental questions about what people —too often in the margins of sport power, people of color and women—have gotten and not gotten out of sport. Our FOCUS section on Mascots and Team Names is introduced by a well known Native American voice, Dennis Banks of the American Indian Movement. Laurel Davis argues that frontier myths provide a foundation for the cultural angst that comes with protests against Native American mascots. Synthia Slowikowski traces mascots to the origins of sport and raises questions about how the continued cultural use of Native American mascots can be seen as a postmodern phenomenon. Extending the focus to sexist mascots, Stan Eitzen and Maxine Baca Zinn provide a unique case study in resistance to change. Margaret Duncan closes the section by broadening the issue of mascots to the larger question of cultural representation, how it has power, and how it can often go awry.

Similarly, our TRENDS section features research on what women and African Americans get out of sports. Elaine Blinde, Diane Taub, and Lingling Han evaluate how women college athletes are empowered by sport participation. Dean Anderson's research points to institutional racism in intercollegiate football by showing strategic blockages in the path to equity for minorities. As well, in the VIEW section, we get an "inside" look at problems of institutional racism in Major League Baseball in an address made recently to team owners by Sharon Richardson Jones. In the last VIEW essay Ray Yasser proposes a solution to the dilemmas of athletic scholarships—a solution that has the artifact of helping academically promising minority students.

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FOCUS

Dennis J. Banks

TRIBAL NAMES AND MASCOTS IN SPORTS

Why do these people continue to make mockery of our culture? In almost every game of hockey, basketball, baseball, and football—whether high school, college, or professional leagues—I see some form of degrading activity being conducted by non-Indians of Indian culture! We Indian people never looked the way these caricatures portray us. Nor have we ever made mockery of the white people. So then why do they do this to us? It is painful to see a mockery of our ways. It is a deep pain.

Dennis J. Banks, American Indian Movement, 1970

It has been more than twenty years since the American Indian Movement (AIM) began to protest the use of native peoples as mascots for America's fun and games. AIM's Cleveland Chapter, headed by Russell Means, first filed a complaint against the Cleveland Indians' baseball franchise in 1970, citing degradation and defamation. The next year, a delegation from the national office of AIM met with William Bennett, owner of the Washington Redskins' football franchise, to discuss changing the football team's name and eliminating the mascot. The delegation, headed by myself and Ron Petite, Anishinabes from Minnesota, was accompanied by representatives of the National Congress of American Indians (NCIA). Unfortunately, our overtures were rebuffed and the meeting ended in a screaming match between Petite and Bennett. Needless to say, Washington didn't change their name —but we haven't quit asking.

RACISM AS SPORT

So where is this all leading and why? Laurel Davis's article in this issue suggests that AIM's protests against the use of Native Americans as sports mascots is a challenge to the "traditional American identity." Her argument touches on some valid points which should be discussed. But her premise is based upon "masculinity and the American identity" and her conclusion falls short of identifying the real sport of European-Americans: Racism. However, let's not confine our views to football; let's keep looking.

How about baseball? The Cleveland Indians or the Atlanta Braves - why not change their name to the Niggers? I wonder how many blacks would play for them (or whites for that matter). Weren't black slaves traded between the plantations much like the white franchise owners do today using the same criteria? Strong! Swift! Powerful! How many blacks did we see on the plantation? Many. How many blacks owned or directed the plantations? None. How many blacks do we see playing on the court, the diamond, or the field? Many. How many black owners or presidents do we

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see? None. Is this an attack on American "masculinity"? I'm sorry Ms. Davis, but I cannot agree with that conclusion. Good theory but no cigar. Racism is racism no matter how we choose to spell it or color it.

THE CHANGING CLIMATE FOR NATIVE AMERICAN MASCOTS

What about the many schools in this country that have chosen tribal names but don't use native people as mascots or portray them in negative ways?

The American Indian Movement admits there are many such schools. These schools, year after year, portray native people in real, positive images. Opening activities are directed with dignity. Native dress is respected. No mockery of native culture is allowed. Such was the case with Stanford University from 1918 to 1970.

THE CARLISLE INDIAN SCHOOL AND THE STANFORD INDIANS

During the golden era of college football, from 1911 through 1914, the Carlisle Indian School of Pennsylvania dominated the sport. In 1912, the Carlisle squad beat the big, powerful teams of the Ivy League, including Harvard, Yale, and Penn State, enroute to defeating Army for the mythical national championship. The press praised this ragtag bunch that came to be known as the "Carlisle Indians." Playing on the team that year were such notables as Frank Mt. Pleasant, Louis Tewanima (1912 Olympic silver medalist), and the legendary Jim Thorpe (two gold medals in the 1912 Olympics). Their coach was Hall-of-Famer Glenn "Pop" Warner.

When Stanford began scouting for an athletic director, they approached Warner and offered him the position. Warner accepted and began to build the Stanford team into a football power. He renamed them "The Stanford Indians," some say because of his strong alliance to the Indians from Carlisle. After many years of being known as the Indians, the school officially adopted the symbol on November 25, 1930.

From 1918 to the mid-1950s, Stanford students were continually honored by the championships that "The Stanford Indians" brought home. Each game was opened with prayer in dignified native hand signs. Half-time activities were filled with positive images of native people. Many teams who played Stanford with similar native and tribal names often tried to outdo them with entire marching bands in native motif. Cheerleaders were dressed appropriately reflecting the culture of the tribes. To this writer, it was good to see the teams of those days competing on the field. There were no wild-looking fans mocking the ways of our people.

BREEDING RACISM THROUGH SPORT

During the late 1950s, something began to happen. Fans and students alike began to abandon this dignity, replacing it with racist remarks, ignorance, and mockery. These displays were shown on local, state, and national television. Like a plague it spread, and team after team adopted this practice. Soon, mascots were war-hooping and yelling in every major league stadium in America.

In Atlanta, "Chief Noc-a-homa" danced on network television each time the "Braves" hit a home run. Beginning with slogans on signs, fans began wearing and displaying "Indian" paraphernalia. The networks honored the sideshow with 5-second clips of the wildest -looking fans having "fun." Competing for a spot on TV, the masquerades became even more racist with war-hooping, tomahawk-chopping, and face-painting. With direct and indirect approval from sportswriters and photo-journalists, these practices still continue today.

PUBLIC PRESSURE AND THE SENSIBILITIES OF CHANGE

In 1968, native students at Stanford were reeling from these mascot "antics." The embarrassment and shame of watching native culture come under fire drove some to leave. Lois Risling was a 21-year-old freshman student from the Hoopa reservation in Northern California. She said she was shocked that a school as prestigous as Stanford would condone such insulting and racist behavior on campus. After attending her first Stanford football game and viewing the mockery of native peoples, Ms. Risling left the stadium vowing to end the racism. She and other native students joined together to protest the way the name "Indians" and the mascot were used as symbols of native peoples.

This began two and a half years of debate, debate that drew national attention and growing support from national Indian organizations such as AIM and NCAI. After witnessing the escalating racist actions of their own fans, the Stanford Student Senate voted 18-4 to drop the Indian mascot and symbol. In 1972, Stanford became known as the "Cardinal."

The list of schools that have changed their team names from Indians, Braves, Redmen, or Renegades is growing. Like Stanford, other such as Dartmouth, Illinois, and the University of Massachusetts have donned new team identities with no great loss of revenue or drop in attendance. Their fans are still coming, only now they don't practice racism any more. Life goes on, doesn't it?

As this article is going to press, Miami (OH) University President Paul Risser has called for meetings to discuss whether the school should drop its Redskins moniker. A final decision is expected this fall. AIM believes they should do the right thing, adopt a new team identity, and help combat racism. Perhaps Miami can take heart, based on the experiences of other schools, that supporters of their athletic programs will not desert them due to one less institutionalized opportunity to support racism.

MASCOTS AND THE PRESS

Fans aren't the only ones involved in this stereotyping and promotion of racial embattlements. Sportswriters must share heavily in this sordid practice which has become part of the American landscape. Many trivialize the names and mascots issue and, by doing so, enflame it. They engage in institutionalized racism as though manifest prejudice was a behavioral doctrine to practice at the game. Some of these writers feel, as some fans do, that it is their inherent right, if not their duty, to carry on as their alma maters' forefathers did before them.

Not all sportswriters, however, fit into this category and I do not wish to stereotype a field where great reporting of events often occurs. Many writers, such as Coleman McCarthy of *the Washington Post*, realize the significance of the mascot issue and accurately point out the racist actions of the sports world. In McCarthy's November 5, 1991 column, he voiced his belief that "Redskin is a slur name that smells

with the stench of racism."

The great American pastime is American sports. Racism should not have a foothold in sports, nor should athletics give birth to anything other than pride. Fans, sportswriters, network sports broadcasters, and team owners, desensitized by the ignorance factor, lend each other the necessary ingredients to bring out this frenzied activitiy and racist behavior. But consider it from a different perspective: If I were to dress up in religous regalia as the Pope, and do the "crucifix chop" with a large foam cross during New Orleans Saints games, I am sure the Christian community would become outraged. When Sinead O'Connor tore up a picture of the Pope on "Saturday Night Live," millions of viewers screamed for her removal from MTV and other network television shows.

THE HONOR OF THE EAGLE FEATHER

The eagle feather is the highest honor which native people bestow on other individuals. This honor may be for some great deed, for being kind to elders, or for caring for the sick. It is similar to the Congressional Medal of Honor. Eagle feathers also represent our highest ceremonial item. So, it is especially painful to see a mockery made of this most precious spiritual ritual, as it is when intoxicated fans, bedecked with chicken feathers, imitate Hollywood's version of Native Americans. There is no pride or respect in this demeaning behavior. It is time to end this shameful era in American sports.

AUTHOR

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PROTEST AGAINST THE USE OF NATIVE AMERICAN MASCOTS: A CHALLENGE TO TRADITIONAL AMERICAN IDENTITY

This paper is focused on discourse associated with the recent social movement to eliminate the use of Native American mascots in the United States. The researcher analyzed the recent Super Bowl and World Series protests against the use of these mascots, media coverage related to this movement, and transcripts of interviews with a few of the movement leaders. It is argued that many of those who oppose the elimination of the mascots feel attacked because the movement challenges a particular version of American masculine identity that is founded on Western mythology.

In recent years, sports mascots have come under the close scrutiny of some activists and scholars (Eitzen & Baca Zinn, 1989, 1993; Fuller & Manning, 1987; Pewewardy, 1991). Fuller and Manning (1987) critique the violence and sexism expressed through many of the sport mascots. Eitzen and Baca Zinn discuss not only the sexism expressed through particular mascots (1989), but also reactions to the movement to eliminate the sexism (1993).

One of the most common mascots used by sports teams is a stereotyped representation of Native Americans. As Franks (1982) states:

> In reality, if all the names associated with the American Indian were grouped together, that category would be the unquestionable winner [in popular use]. In addition to Indian, such labels as Redmen, Warriors, Savages, Braves and Chiefs show up frequently as athletic mascots. These names still remain popular despite the efforts of minority groups around the country to separate any reference to American Indians from college sports. (p. 9)

Pewewardy (1991) and Hirschfelder (1989) have written articles for education journals in which they assert that these mascots run counter to educational principles, and they call for the elimination of these mascots. In the Fall of 1991 and Winter of 1992, the use of Native American mascots became a national issue, and a topic regularly featured in the news in many regions across the nation.

METHOD

This paper begins with a brief description of the Fall 1991 and Winter 1992 activism in the Twin Cities (Minneapolis and St. Paul, Minnesota) related to the Native American mascot issue. The rest of the paper is focused on some of the discourse surrounding this activism. The discourse examined includes interviews with three Twin Cities Native American leaders in the movement to eliminate the

mascots. These three leaders were selected for interviewing based on my knowledge of their local and national involvement on the issue. Two of these leaders are heavily involved in an organization called Concerned American Indian Parents, a group which has a goal of eliminating the use of the mascots in Minnesota. Members of this group have also become involved in the issue beyond the state borders. The third interview subject is one of the early members of the American Indian Movement, and is mainly involved in the issue at the national level through his current leadership role in the American Indian Movement. All three of these leaders are middle-aged men.

The discourse analyzed also includes media coverage related to the 1991-1992 activism. This coverage is mainly from the Twin Cities but some coverage is from elsewhere. Coverage of the protests by the Twin Cities media was thoroughly reviewed, as this researcher lived in the Twin Cities during the protest period. Coverage from outside the area was not systematically collected, but was obtained from family and friends. It might have been helpful to review more of the media coverage from other areas, yet the coverage in the Twin Cities did present a wide variety of opinions on the issue, and many of the editorials and letters printed in the Twin Cities newspapers were written by people from other parts of the country.

Finally, the discourse evident at the 1991 World Series and 1992 Super Bowl protests and conference was analyzed. I was a participant observer at the Super Bowl protest, and at the largest of the protests at the World Series. I also observed a conference called the "National Summit on Racism in Sports and the Media" that was held in conjunction with the Super Bowl. This conference was focused on the mascot issue, and included many Native American speakers from across the country. During the conference, and after the protests, extensive notes were taken, especially notes regarding the various arguments made for and against the use of the mascots.

The analysis undertaken in this research was informed by critical and feminist perspectives. The discourse analysis for this paper involved a thorough reading of the following texts: media coverage, transcripts of the interviews, and notes from the observations. Regularly occurring themes were identified by the researcher. The common arguments made by those who advocate an elimination of the mascots and by those who oppose this change were explicated. The opposition to the change in mascots was analyzed from a critical vantage point, with special attention being paid to issues of race, nationality and gender.

The purpose of outlining the political movement against the use of the mascots, and the arguments for and against this movement, is twofold. First, the field of sport studies needs to have access to written work that documents the movement, and the arguments for and against the movement. Second, the arguments for and against the movement underly the final analysis in this paper. Listening to the emotionally-charged negative reactions to the movement, it is as if the very identities of those who oppose the movement are being challenged. Listening to the arguments of the activists, it is as if the activists are bent on re-writing distortions in American history and accounts of present day Native American realities. It will be argued that modern day American identities that are tied to a mythology of the American West are being challenged by the protesters, and therefore many people are very angry about the proposal to eliminate the mascots.

THE POLITICAL MOVEMENT AND NEGATIVE REACTIONS

Activism related to the issue of Native American mascots has been ongoing for approximately 20 to 30 years, and there is some evidence of activism prior to these years. In the 1960s and 1970s, protest prompted a change in mascots at a few colleges across the nation (Franks, 1982; Hirschfelder, 1989; Pewewardy, 1991). Yet, most of the early protest did not receive widespread attention, have widespread support, or produce widespread change.

Many factors pushed the recent activism around the mascot issue to center stage, and made it a national, rather than local issue. Many people were educated about oppression through the civil rights movements in the 1960s and 1970s. Political activism related to Native American issues has been growing over the past 20 years. Issues such as cultural legitimacy, housing, treaty rights, police brutality, school curriculum, health care and pollution have been addressed by this activism. Issues related to the mediated representation of Native Americans, in forums such as textbooks, movies and advertising, have also been addressed. Not only have many Native Americans become active on these issues, but many Americans have been educated by this activism. As one of the interviewed leaders put it, "People are hearing us now...We have more white folks that are culturally sensitive. So, they speak with us, they stand by us, and that's why our voices are louder."

The Twin Cities have been one of the focal points of this increasing activism. The Twin Cities is home to the third largest urban Native American population in the United States, and it is also birthplace and current operating base for the American Indian Movement. The Twin Cities is also well-known as a haven for liberal whites. In recent years, activism around issues that affect Native Americans has received a considerable amount of local media coverage.

A few years prior to the 1991 World Series and 1992 Super Bowl in the Twin Cities, local Native American activists had launched a campaign to eliminate Native American mascots in local high schools. An organization called "Concerned American Indian Parents" formed and began to work on this issue. As a result of local activism, 20 of the 50 Minnesota high schools with these mascots have made a change.

The local activism of the Concerned Parents group has received regular local media coverage. Thus, it is no surprise that when it became known that the Atlanta "Braves" and Washington "Redskins" would be coming to the Twin Cities, many activists had perspectives that immediately alerted them to the bias inherent in the mascot phenomenon. As an interviewed Native American leader stated, the early local activism "really set the stage for when the World Series came...People who jumped on board were already aware of the issue from the local press."

When the Series and Super Bowl arrived, activists from many racial and ethnic groups participated in American Indian Movement organized protests at the stadium. The Super Bowl also featured a march, and a conference that was focused on the Native American mascot issue. The police reported 500 protesters at the largest World Series protest, and 3,000 at the Super Bowl protest, although in both cases the activists felt that the numbers were probably twice as many as officially reported. The Super Bowl protest was the largest showing of Native American activism since the Wounded Knee protest in 1973. I believe this was also the largest protest at a sporting event in the United States. Many local politicians and civil rights organizations

verbally supported or participated in these protests, and a few national civil rights leaders also voiced their support.

Although there are some amazing gestures of support for the elimination of the mascots, there are many people who vigorously oppose the change and the messages of the activists. For example, in Grand Forks, North Dakota, 4,000 people signed a petition to get their former "Redskins" mascot back, and 1,500 people who had wanted to keep the "Redskin" name bought sweatshirts that say "Redskins Forever" (Haga, 1992). At the protests, sometimes the fans yelled obscenities, taunted the protesters, and engaged in stereotypical behavior in front of protesting Native Americans, as if to spite the protesters. In Atlanta, a Native American was called "chief" and physically assaulted, while other Native Americans at the protests were told to "get a job" or "go back to the reservation" (Klobuchar, 1991, p. 10A). Some fans threw coins at or took pictures of protesting Native Americans, as if to declare that these activists were a part of the spectacle (Grow, 1992, p. 11A). Spectators cheered when Native American protesters were removed from the University of Minnesota baskeball arena. Fans also cheered when a woman dressed in stereotypical Native American garb emerged from a restroom at the stadium. When an United States senator from Illinois publically came out for the elimination of the Native American mascot at the University of Illinois, his office was so flooded with telephone calls against his statement that the office workers were unable to deal with other issues. Most of the sports media have continued to use the Native American mascot names, and feature pictures of fans dressed in stereotypical Native American regalia.

Because of extensive national media coverage of the protests, the mascot issue was brought to the attention of many across the nation. Although coverage and activism related to the issue seems to have died down somewhat, many activists continue to work on the issue, and coverage has not completely vanished.

THE MOVEMENT ARGUMENTS

There are several main arguments used by the activists to defend the position that the mascots should be eliminated. The most common argument is that the mascot names, logos, paraphernalia, and related fan actions represent racist stereotypes of Native Americans and Native American cultures.

The stereotype typically associated with the mascots is that of bloodthirsty savage. Native Americans are stereotyped as wild, aggressive, violent, brave, stoic, and as having a fighting spirit, traits commonly valued in athletics. As an interview subject explained, the mascots are:

> ...based on the miseducated notion that Indians were wild savages, and that they represented ferocious...bloodthirsty warriors. And, when you're looking at athletic competition, that aggressiveness is a characteristic that's looked highly upon.

The myth of Native Americans as aggressors is particularly offensive because it distorts the historical reality of the white invasion of Native American lands and the conquering of people on these lands.

These stereotypes involve what one interview subject called the "John Wayne Frontier Mentality." This mentality involves the notion that the white settling of the

American West was a time of glory and adventure, rendering the holocaust and oppression of Native Americans invisible, justified or even glorious. Cowboys and so-called pioneers are viewed as heroes who tame the unoccupied wilderness and spread democracy and freedom. Native Americans are viewed as primitive and vicious, while fighting Native Americans is viewed as an adventure. These stereotypes were used to justify policies that were aimed at the elimination of Native Americans and Native American cultures. Activists point out that this "frontier mentality" is prevalent today, and is held dear by many Americans. The sign of one protester read, "Rich Jaded Suit People Love that Wild "Redskin" Fantasy, But Ignore Native American Reality."

Another aspect of the mascot stereotyping that many activists feel is especially problematic is the view that Native Americans are only part of the past, thus obscuring the lives of contemporary Native Americans. As one interviewed leader commented, "Respect the living Indian, you know. Don't memorialize us...[The mascots are] almost like a monument to the vanished American Indian." According to some of the activists, recognizing and understanding the lives of present-day Native Americans both challenges the stereotypes, and in some ways provides evidence of past oppression. As an inteviewed leader explained, "The Indian is evidence of the crime...When the real live Indian stands up, they're reminded of the fact that we're still here...It shatters the myth. It shatters the myth of history."

Activists pointed out that the meanings behind particular aspects of Native American cultures, such as drumming, dancing and singing, were being misrepresented and trivialized by the mascots. For example, one interview subject stated:

> I compose memorial songs, I compose burial songs for my grandmothers and my grandfathers, my family. And, when people [imitate] that at an athletic event, like at a baseball game, it hurts me, to see that people are making a mockery of me. We don't do that, what they're doing, this chanting.

The imitation or misuse of symbols that have religious significance to some Native American peoples is seen as particularly offensive. The mascots are also seen as stereotypes because they render all Native Americans as similar, ignoring the diversity of Native American cultures (Hirschfelder, 1989; Pewewardy, 1991).

The mascot stereotyping is seen as having an impact on the way Americans both perceive and treat Native Americans. Part of a poem by Deb Smith (1991) addresses the link between the mascots and perceptions of Native Americans:

> Hey World Series chanters-pull out your tomahawk chop and use it to cut open old wounds
> . . .
> Make an image of us a hating people like you see us
> Burn that image like a wood carving in America's psyche
> Show the world this face.
> The farce face image you portray us to be the way you want us to be
> The way you want to see us
> . . .
> Tomahawk chopping cuts deep.
> I just thought I should tell you
> It's not just a game or a symbol to me
> A war of my people's image isn't over yet
> I can see & hear (p. 5)

Many protesters feel that those who support the use of Native American mascots do not understand the meanings or realities of Native American cultures and lives. As one interviewed Native American leader asserted, "How can you honor me, when you don't know the first damn thing about me?" In fact, the stereotypes are viewed as limiting the abilities of the public to understand Native American realities. As one writer said:

> War-bonnetted apparitions pasted to football helments or baseball caps act as opaque, impermeable curtains, solid walls of white noise that for many citizens block or distort all vision of the nearly 2 million native Americans today. (Dorris, 1992, p. 19A)

An accurate understanding of the past, and of the situations and cultures of Native Americans today, is viewed as crucial for Native American lives. As an interview subject put it, if Americans cannot understand the problem with the mascots, then they certainly will not be able to understand treaty rights or other issues that affect the quality of Native American lives. The activists countered the argument that they had more important issues to address by declaring that these other issues were being addressed, and that all of the issues are interconnected. It was noted that when the activists work on these other issues they do not receive such good media coverage.

It is pointed out by many activists that racial and ethnic groups other than Native Americans have not been classified as mascots in the same way as Native Americans. To get this point across, some of the activists substitute the name of another racial, ethnic or religious group for Native Americans. Parallels cannot be drawn to mascots such as the Irish and Vikings, because these mascots either were selected by people from this ethnic group, or represent a people that lived in the past and are not alive today. It was also pointed out by the activists that Native Americans should not have to condition their response to be the same as those from other ethnic groups. Finally, the point is made that mascots that represent other ethnic groups do not tend to have the same association with aggression that the Native American mascots do.

The way these activists criticize the stereotyping of the mascots is similar to criticism of the portrayal of Native Americans in the popular media. Scholars have noted that Native Americans are often portrayed as lacking history, disappearing, culturally static, childlike, silent, and part of the natural world. Different nations/tribes of Native Americans are invisible and go unrecognized as the image almost always portrayed is that of the "generic American Indian" (Bataille & Silet, 1980; Hilger, 1986; Lyman, 1982; Williams, 1980).

Another argument advanced by the activists against the use of Native American mascots addresses the issue of power over self-definition. Many feel that Native Americans have had little control over societal definitions of who they are, and feel that the voices of Native Americans are rarely heard. As a Native American writer stated, "I'll decide what honors me and what doesn't...Minority groups have had enough of whites telling them what to think" (MacPhie, 1991, p. 19A).

Finally, one of the most commonly used arguments against the use of the mascots is that it negatively influences the self-image and self-esteem of Native Americans, especially Native American children. At the conference, one activist told

the story of how she had made much effort to instill pride in her children regarding their Native American heritage, and she thought that her children were secure. Yet, when she took them to a game with a Native American mascot she witnessed a major "blow to their self-esteem," as they "sank in their seats," not wanting to be identified as Native American. Another activist even called the mascot issue a "mental health issue" (Ode, 1992, p. 2E).

THE ARGUMENTS OF THOSE WHO OPPOSE THE MOVEMENT

The most common defense for using Native American mascots is that they are a tribute to Native Americans, because Native Americans are viewed as a people associated with bravery and a fighting spirit. For example, one letter writer said, "I can think of no greater tribute to the American Indian than to name a team's warriors after courageous, cunning - and feared - warriors of the Indian nations, the braves" (Shepard, 1991, p. 14A). An interviewed Native American leader reported a discussion he had with a high school wrestler:

> So, this person...said, "I look at that mascot, that Indian head, and it stirs me up. I think of getting real aggressive, and it brings out the aggressiveness in me. And it makes me go out there and really wrestle hard and fight hard, you know, because that's what those Indians were."

Another common defense for the use of Native American mascots is that there are mascots that are modeled after other ethnic groups such as the "Vikings" and the "Irish," and that other ethnic groups do not object to these mascots, so there is nothing wrong with mascots that are named after Native Americans. One letter writer stated, "Though I am Norwegian, I enjoy the Vikings mascot prancing around with horns on his head and a club" (Mac, 1991, p. 14A).

Those who oppose the change often defend their position by citing the opinions of athletes of color and Native Americans who do not oppose the mascots. For example, one newspaper writer discussed how a New York Yankee pitcher, who is described as "three-sixteenths Indian," sees the mascots as complimentary ("Tough Call...," 1991, p. 3C). Those who oppose the change in mascots also regularly point out that they do not intend to offend anyone. A columnist from the Atlanta Constitution stated that the fans actions should be "excused" because they "didn't have an ounce of meanness in it" (Teepen, 1991, p. 27A). It is felt that fans who support the mascots are simply having fun, supporting the team, and affirming a sporting tradition. An interviewed movement leader noted that he had overheard the opposition state that, "It's our tradition. We've had it for fifty years...And, I'll be damned if you're going to take...this away." Another activist reported that he was told, "We're getting sick and tired of this. Can't we have fun anymore? Can't Indians have fun?...Lighten Up" (von Sternberg, 1991, p. 14A)!

Another argument used to legitimate the position against the change was for individuals to assert that they did actively support Native Americans. For example, Jane Fonda is quoted as saying, "Ted and I are big supporters of Indians" (Bonner, 1991, p. 9A). People associated with the Kansas City football club are quick to point out that money made from the poster of their team in Native American regalia is being donated to an American Indian center.

Finally, some who object to the change use overt bigotry to defend their position. For example, Andy Rooney (1992) stated that Native Americans were wild, savage and had a mythical religion, and that contemporary Native Americans should be faulted for all of their problems, which he felt includes using up government money, isolating themselves on reservations, refusing to assimilate, and refusing to accept modern ways. Those who oppose the change sometimes linked their opposition to their resentment of what they perceive to be "special privileges" given to Native Americans, such as spearfishing rights. These so-called "special privileges" are seen as unfair to other Americans. For example, I observed one fan who yelled at the protesters, "What about bingo casinos?"

THE MOVEMENT AS A CHALLENGE TO TRADITIONAL IDENTITY

Although some people are mildly opposed to the movement to eliminate Native American mascots simply because they believe that language and other symbols are insignificant, there are many others who vigorously oppose the movement. As I was working on this research, I began to wonder why there are such vigorous, vicious and emotionally-charged negative reactions to the movement. This question prompted the analysis that follows, where I argue that the activists have touched a "raw nerve," because their arguments and goals challenge a common version of American masculine identity.

Many of those who vehemently oppose the anti-mascot movement seem to feel personally attacked by this movement. As an interview subject commented, "It seemed to be that some people felt that they were being attacked...They would develop arguments to keep it, to defend their character...[This is] wrong for them to do, because it's not their character that's on the line, it's the mascot." In fact, I believe that those who feel personally attacked are having their character criticized, in that a central part of their sense of identity is being challenged by the protesters. The part of their identity that is being challenged is a particular version of American identity, the version that is built on the prevalent mythology of the American West. Symbols of the West serve as markers of nationalism and pride for those who are attached to this particular form of American identity (Dubbert, 1979; Nash, 1967; Rogin, 1975; Smith, 1978). Kimmel (1987a) has discussed the relationship between American identity and cowboy legend/imagery, stating that the cowboy is seen as "the embodiment of the American spirit" (p. 238). Henry Nash Smith (1978) has noted that the image of the frontier is one that "many — perhaps most — Americans of the present day cherish, an image that defines what Americans think of their past, and therefore what they propose to make of themselves in the future" (p. 4).

When the Western mythology is challenged, identities that are tied to this mythology are called into question. After mentioning this theory to one of the interviewed movement leaders, he made the following statement:

> Well, some of it is like, they're proud of American military history...So, we're attacking their symbols, by saying that the cavalry did an injustice, and that American institutions did an injustice...And [if] they can't get beyond [this] because they do not have information, then you're really attacking them, because their identity is engrained into society...[They are opposed] because it does hit at the heartstrings of [the] consciousness of American people...You'd think that if people thought it was trivial, they wouldn't need to debate it, they'd just say, "Okay, sure, change it. We're not losing anything." But, then they go, "Wait a minute. You're saying something's wrong that we've done, and something about American society"...And, then they just become protective of their identity, as American.

In fact, there are many symbols used in sport that seem to memorialize the Western mythological past. Other popular mascots that are linked to the Western mythology are pioneers, cowboys, rangers, blazers, mavericks, mustangs, broncos and buffalo/bison (Franks, 1982). Sometimes the sport world seems like a perfect representation of the Western mythology, such as when the Buffalo Bills compete against the Washington "Redskins." Western symbolism is weaved into media coverage in sport, and was even weaved into descriptions of the protests. For example, one report said that the Washington team will "face an Indian attack" (Buckham, 1992, p. 6A). One picture from a newspaper (Star Tribune, January 27, 1992, p. 12A) featured a Washington fan dressed in Native American regalia chopping down with his hand on a man dressed in Buffalo Bills regalia.

In this sports symbolism, parts of the past that were perceived as destroyed or conquered by the colonists, such as buffalos and Native Americans, are now eulogized. For example, the Mitchell College "Pequots" are named after a tribe that was slaughtered in 1648 (Franks, 1982). As one interviewed leader explained:

> They have destroyed the Indians, they destroyed the buffalo, they destroyed the eagle. And, at the same time they destroyed the eagle, they want to use it as a symbol on all presidential seals, the CIA, Justice Department, their money...The point I am trying to make here is it's amazing that during that period of time Indian people were being wiped out, our land base was being [wiped out],...at the same time they victimized and attacked Indian people's spiritual, cultural, political, and economic roots in mother earth, they want to name teams after us...It's almost like a madness!

Henry Nash Smith (1978) and Nash (1967) note that during the Western United States settlement by European immigrants, wilderness, including the people in it, was seen as evil and primitive, while the conquering of the wilderness was seen as a source of national pride because it was associated with the establishment of civilization. As Nash (1967) points out, it was only after the closing of the frontier that the wilderness began to be perceived in a positive manner. Rogin (1975) explains that:

> Not the Indians alive, then, but their destruction, symbolized the American experience...The Indians — that "much-injured race" who were "the uncontrolled possessors of these vast regions" — became a symbol of something lost, lost inevitably in the process of growing up. (p. 7)

Native Americans were only viewed as "positive" symbols of a proud fighting spirit after they were conquered, and only after large scale resistance to white control was eliminated. Since the Native American mascot symbolism emerged in the early 1900s, a time when Native Americans were rarely respected by European Americans, one can only view the development of the mascots as a sign of victory and a tribute to Western mythology.

There is evidence that those who are opposed to the change in mascots believe in this mythic history of the West. For example, Andy Rooney (1992) stated that Native Americans were "savages" who "surrounded the wagon trains and shot

flaming arrows into the stagecoach carrying the new schoolmarm" (p. 17A). There is also evidence that supports the argument that those who oppose the change feel their sense of American identity being challenged. For example, even though Jane Fonda supports the Atlanta "Braves" baseball team, when she said that she would stop doing the so-called "tomahawk chop" many recalled her opposition to the Vietnam war and her associated reputation of being un-American (Grow, 1991). Because Jane Fonda is a popular figure who took a clear public stand against the Vietnam War, for many people she has come to symbolize opposition to this war. And, because many people saw opposition to the war as un-American, Fonda is seen as symbolizing an anti-nationalistic position. So, Fonda's brief show of deference to the protesters was linked to anti-nationalistic sentiments, as if supporting a Native American issue was linked with being un-American. Andy Rooney (1992) ends an essay he wrote about the mascot issue by saying, "Someone should tell the Indians living on reservations that the United States isn't a bad country to be a part of" (p. 17A). In both of these examples, the anti-mascot movement is perceived to be linked with anti-nationalistic sentiments, as if the movement is challenging American nationalism, or identities linked to this nationalism.

This emotionally charged negative response to the protesters, with its link to American nationalism, is related to the widespread backlash against multiculturalism or so-called political correctness. In fact, several of those who wrote in newspapers accused the protesters of political correctness (Reusse, 1992; Matics, 1991; "Tough Call...," 1991). For example, Matics (1991) said that the objections to the use of the mascots "carried America's self-flagellating quest for political correctness to new heights of absurdity" (p. 14A). A writer from the *Hartford Courant* made fun of the so-called political correctness in the following manner:

> We should be grateful this isn't a World Series between the Cleveland Native Americans and the Atlanta Native Americans. Not only would all that extra lettering send t-shirt prices sky rocketing, you'd have to bring back Custer and hang him in effigy at the plate before each game, just to be fair. Kevin Costner could throw out the first rope" ("Tough Call...," 1991, p. 3C)

According to this perspective, if political correctness were taken to an extreme, there would be no end in sight, and everything would be offensive to someone. For example, one writer (Matics, 1991) sarcastically said that the Twins fans, "with their limp-wristed waggling of tea hankies," could be perceived as "blatant gay bashing" (p. 14A). One columnist sarcastically said that animal rights activists should complain about the "Buffalo Bills" mascot because the buffalos were killed off (Reusse, 1992). The liberal whites of Minnesota are accused of being hypocritical because there are not large percentages of people of color in the state (Teepen, 1991; Davis, 1991). In fact, many of those who object to the change seem to take pleasure in offending the so-called politically correct liberals. For example, one Atlanta fan had a sign that said, "We came, we saw, we offended" (Klobuchar, 1991, p. 10A).

A common strategy employed by those who engage in the backlash against multiculturalism is to trivialize the concerns of the various segments of the multicultural movement. Many of the participants in the backlash seem to be unwilling to admit that language and symbols are powerful forms that help to shape our thought. It is also interesting to observe that those who feel that symbols are trivial seem to take

discussions about the issue of symbols quite seriously.

It is also interesting to observe that those who participate in this backlash often use members of less powerful groups (i.e., people of color, women, etc.) as spokespersons for their arguments. So, the opinion of a few people from the less powerful group is pitted against those from the same group or another less powerful group (e.g., Native Americans versus Native Americans, or Native Americans versus African Americans). Those who participate in the backlash then claim that they are "respecting" people from the less powerful group, while rarely listening to the perspectives of many of the people from this group. "Respect" becomes a meaningless word, when it is articulated from the perspective of one who will only listen to a select few. In the end, this practice works to silence the vast majority of people from the less powerful group.

As others have pointed out, this backlash against multiculturalism is a reaction to gains made by those who have fought against various forms of oppression in the United States. This backlash is fueled by a pro-colonialist, ethnocentric, Western bias, where America is defined as a melting pot, but a melting pot where everyone must conform to Western and Christian culture because this culture is considered superior. Such a perspective is most clearly reflected in the words of Andy Rooney (1992), who stated that Native Americans have had a negligible impact on United States culture.

Not only is Western historical mythology tied to popular versions of American identity, but it is also linked to conceptions of hegemonic masculinity. White heroes from the Western frontier were so closely linked with masculinity that some scholars have proposed the theory that the close of the frontier led to an American crisis in masculinity in the late 1800s and early 1900s (Dubbert, 1979; Filene, 1976; Hantover, 1978; Kimmel, 1987a; Macleod, 1983). Kimmel (1987a) has noted the close relationship between aggression/violence, masculinity and American identity in his paper on the cowboy as a United States cultural hero. In another paper, Kimmel (1987b), quoting Rogin (1975), directly stated that during the European settling of the West, the assault on Native Americans "grounded men's identity in a 'securely achieved manhood' " (p. 263).

This crisis in masculinity has been linked to the rise of modern sport, as sport is seen as partially replacing the frontier as a masculine preserve (Dubbert, 1979, Kimmel, 1990, Messner, 1992). As Dubbert (1979) explained, "Since the real frontier where men had adventured and tested their courage and bravery was closed, sports offered the possibility of a surrogate frontier and battlefield, where men could vouch for their masculinity" (pp. 201-202). One interviewed movement leader told me a story that links the closing of the frontier with sport. He said that a famous "Dallas Cowboy", Walt Garrison, was once asked about the violence in football, and Garrison said, "The reason there's so much violence in football is we can't kill Indians anymore." Although this theory connecting the frontier to masculinity is controversial, there is much historical evidence to support the theory.

It makes sense that if the rise of modern sport was linked to the crisis of masculinity, and served as a partial substitution for the frontier, then Western symbolism in sport could enhance the sport-masculinity connection. In fact, it appears as if the use of Native American sport mascots began during the crisis of masculinity. The first reference I could find to the use of a Native American mascot

was the University of Wisconsin, Lacrosse, where they were using the nickname "Indians" in 1909. Many schools named their mascots after Native Americans in the 1920s (Franks, 1982). So, the use of Native American mascots and other symbols of frontier mythology such as pioneers, buffalo and cowboys, can be seen as not only suggesting ideas related to American nationalism, but also suggesting ideas related to hegemonic masculinity. Macleod (1983) has identified the Boy Scouts and YMCA as other institutions that developed during the late 1800s and early 1900s in response to the crisis of masculinity. Interestingly, like sport, these institutions also use symbols of Native Americans and other themes associated with the Western mythology.

Evidence that supports the claim that symbols of Native Americans are linked to hegemonic masculinity includes the fact that Native American mascots have often been seen as inappropriate for women's sport teams. Many schools that have Native American mascots for the men's teams have come up with "feminized" versions of these mascots, or have chosen different mascots altogether, for the women's sport teams (Eitzen & Baca Zinn, 1989; Franks, 1982; Fuller & Manning, 1987). For example, at Carthage College the men's teams are called the "Redmen" and the women's teams are called the "Lady Redmen," and at Montclair State College the men are called the "Indians" and the women are called the "Squaws" (Franks, 1982). Franks (1982), in discussing the University of Wisconsin, Lacrosse, stated, "Since 'Indians' is a masculine mascot, the women's teams adopted the name 'Roonies' in the early 1970s" (p. 152). The notion that Native American mascots connote masculinity and are thus inappropriate for women's teams is related to the stereotype of Native Americans as aggressive and vicious warriors. Since aggression is also linked to conceptions of hegemonic masculinity, Native American mascots can be seen as enhancing the masculine reputation of sport. As one interviewed movement leader put it, those who wish to keep the mascots feel that Native Americans should "take pride in, from a machismo perspective, [the myth] that Indians are aggressive, ferocious, good fighters."

CONCLUSION

In summary, it is the thesis of this paper that the Western symbolism in sport, including the use of Native American mascots, is rooted in a popular yet misleading myth about American history. It is only through exposing this myth that European Americans can come to understand the concerns of Native Americans in the contemporary world. Vicious resistance to this challenge occurs because the myth is central to the shaping of American and hegemonic masculine identity. We are taught to take pride in the myth at an early age. Yet, if we want a truly just, multicultural society, we must begin to examine even those issues which challenge the core of who we are.

AUTHOR

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Forbidden American English

Richard A. Spears

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joy for old Tom tonight. ☐ *Every time I turn around, it's red sails in the sunset!*

redskin ['rɛdskɪn] an American Indian. (Known mostly through Western movies. Not necessarily derogatory in its original context. Now resented. See caution at note 1; see use as a slur at note 2.)

rice-belly ['raɪs-bɛli] an East Asian or Southeast Asian person. (Intended and perceived as derogatory. Because of the amount of rice eaten. See also *beaner, pepper-belly.* User is considered to be racially bigoted. See caution at note 1; see use as a slur at note 2.)

rich-bitch ['rɪtʃ-bɪtʃ] a rich person, male or female. (For the sake of the rhyme. See comment at note 32.) ☐ *Here comes that rich-bitch in his big car.* ☐ *Call me a rich-bitch if you want. I earned it all by the sweat of my back.*

ride the cotton bicycle AND **ride the rag, ride the white horse** [. . . 'kaṭn . . .] [for a woman] to have her period; to experience the monthly menstrual period. (The cotton refers to the sanitary napkin. Jocular euphemism. See notes 6 and 31.) ☐ *Well, it's time to ride the rag again.* ☐ *I wish you could ride the cotton bicycle for a while, Chuck.* ☐ *She's riding the white horse. That's why she's a little cranky.*

ride the porcelain train [. . . 'porsələn . . .] to sit on the toilet. (Typical of teens and college student talk. Compare to *drive the porcelain bus.* See note 31.) ☐ *Man, I gotta go ride the porcelain train for a while.* ☐ *If I don't ride the porcelain train pretty soon, I'm gonna bust wide open.*

ride the rag See *ride the cotton bicycle.*

ride the white horse See *ride the cotton bicycle.*

rim-job AND **ream-job** ['rɪm-dʒɑb AND 'rim-dʒɑb] an oral sex act involving licking the anus. (See note 31.) ☐ *They talked about*

THE LANGUAGE OF ETHNIC CONFLICT

SOCIAL ORGANIZATION AND LEXICAL CULTURE

IRVING LEWIS ALLEN

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Animal Metaphors: **ape** [also *baboon*]; **bat** [fem.]; **brer-terrapin** [also *terrapin*]; **buck** [1800. Also *buck-nigger* (1842)]; **bull-nigger** [19th century]; **coon** [1862. Popular after 1896. From *raccoon*. See discussion in chapter 1]; **crow** [1730s]; **jar-head** [the same term, a Southernism, means a mule]; **jungle-bunny** [1920s. Also *african-bunny, nairobi-jackrabbit*]; **mare-nigger** [fem.]; **monkey; monkey-jane** [fem. 1920s]; **mule; muskrat** [also shortened to *musk*]; **possum** [from *opossum*, supposedly either for hunting or for eating them]; **skunk** [often *black-skunk*].

Stereotypes of Low Intelligence: **hard-head** [also *thick-head, bone-head*]; **rock** [perhaps shortened from such as "rock-head"].

Status Diminution: **aunt** [fem. Early 1830s. Also *auntie, -ey*. Used for older women]; **bad-nigger** [19th century]; **bitch**; [fem. Often *black-bitch*]; **boy** [1630s. Often *black-boy*]; **covess-dinge** [fem. 1850s. *Covess*, a woman, from *cove*, old slang for a fellow. Cf. *dinge*]; **dange-broad** [fem. From old adjective *dange*, sexy]; **dinge** [1848. Backformation from *dingey, -y* (1909), often a child]; **dink** [perhaps a backformation from *dinky* (adj.), of small value. Also *dinkey* for a child late 19th century]; **goon** [perhaps shortened from *gooney*, a simpleton. *Goonie*, for a black U.S. Virgin Islander, is a possible cognate]; **jit** especially, fem. From *jitney*, a five-cent piece, hence a thing of small value]; **poontang** [fem. 1870s. From Louisiana French *putain*, whore]; **pork-chop** [a term applied also to other groups]; **seedy; trash** [often *black-trash*]; **uncle** [late 1820s. Used for older men. Cf. *aunt, auntie*]; **wench** [fem. 1765. Often *negro-* or *nigger-wench* (1715)].

AMERICAN INDIANS: **abergoin** [or *abrogan*. 19th century. Alterations of *aborigine*]; **barbarian** [19th century. Also *heathen, beast, wildman*. Cf. *savage* and *siwash*]; **blanket-indian** [1875. Also *stick-indian* and other terms for unassimilated Indians]; **bow-and-arrow** [also *war-whoop* and other such images]; **brave** [1837. Used by James Fenimore Cooper. From French, *brave*, brave, good, worthy]; **buck** [1630]; **chief** [also *chief-rain-in-the-face, sitting-bull*, and other sarcastic applications of the idea of "chief"]; **copperhead** [used by early Dutch settlers. From the name of the snake to connote color and treachery]; **hiawatha** [from the namesake character in "The Song of Hiawatha," an 1855 verse by Longfellow]; **hooch** [or *hootch*. 1899. Probably from the reputation of high alcohol consumption by some Natives. *Hooch*, meaning liquor, is short for

Hoochinoo, an alteration of *Hutsnuwu*, the name of an Alaskan Indian group who made liquor]; **injun** [1825. Colloquial for *Indian* (1602). Earlier form was *injen* (1680)]; **'jin** [1940s. Used by blacks. A clipped and altered *injun*]; **lo** [also *mister-lo* (1871), *poor-lo* (1891). Mencken (1963) says derived from Alexander Pope's verse: "Lo, the poor Indian! whose untutor'd mind / Sees God in clouds, or hears him in the wind"]; **mister-john** [1870]; **papoose** [1633. From Algonquian for "baby" or "child." Later used for any Native child]; **red** [1878]; **red-brother** [1832]; **red-devil** [1834]; **red-indian** [1878]; **red-man** [1725]; **red-race** [19th century]; **red-skin** [1699]; **savage** [late 19th century. Cf. *siwash*]; **siwash** [1852. Also *siwash-indian*. From French *sauvage*, savage]; **smoked-ham**; **smokey**, **son-of-the-forest**; **squaw** [1634. From various Algonquian words for "woman." Later used for any Native woman]; **vanishing-american**.

NOTE: Many nicknames for specific ethnic groups and local settlements of Native American Indians, which were used locally, are omitted from this list. The list is confined to nicknames that were used for any Indian, regardless of ethnicity.

APPALACHIANS: **briar**; **brush-ape** [1920]; **corn-cracker** [19th century]; **hard-head**; **hillbilly** [c. 1900. The *-billy* component is a nickname for any fellow]; **hillnelly** [fem. Modeled on *hillbilly*]; **mountain-boomer** [also *mountain-hoosier*]; **mountaineer**; **mountie**; **one-eye** [Wentworth and Flexner say that the term is from a belief that inbreeding in isolated hill communities cause eyes, through successive generations, to become closer together]; **ridge-runner**; **sam** [acronym for Southern Appalachian migrant]; **snake** [originally a West Virginian]; **wasp** [1950s. The acronym for White Appalachian Southern Protestant. Used for migrants to Chicago and other midwestern industrial cities].

ARABS: **aye-rab** [a deliberate mispronunciation of *Arab*, and it is offensive. See Lipski. Cf. *eye-talian* for Italians]; **dirty-arab**; **sheik** [especially offensive when pronounced "sheek"].

AUSTRALIANS AND NEW ZEALANDERS: **aussie**, **-ey** [or *ossie*, *ozzie*. Popular since WWI. Variantly, *arsie*, *-ey*, whose pejoration or jocularity is possibly reinforced by sound similarity to *arse*. All are short for *Australian*]; **cornstalk** [Partridge says from tall, slim physical appearance]; **currency-lad** [late 19th century. Perhaps, I speculate, a version of "remittance man," a soft, middle-class and unsuccessful Englishman in Australia who

"Oxford English Dictionary"

A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES;

FOUNDED MAINLY ON THE MATERIALS COLLECTED BY

The Philological Society.

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WITH THE ASSISTANCE OF MANY SCHOLARS AND MEN OF SCIENCE.

VOLUME VIII. Q TO SH.

PART I. Q AND R.

BY W. A. CRAIGIE,

M.A. OXON., LL.D. ABERD., ST. ANDREWS.

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Hence **Red-shortness**, the quality or state of being red-short.

1868 Joynson *Metals* 14 Where much sulphur is present in the ore, it produces in the iron the quality known as 'red-shortness'. 1874 J. A. Phillips *Elem. Metallurgy* (1887) 323 The exact cause of red-shortness in welded iron is not always very clear.

Red-shouldered, *a. Ornith.* Having the shoulder or bend of the wing red, esp. the *red-shouldered buzzard*, *falcon*, or *hawk* of N. America (*Buteo lineatus*).

1785 Pennant *Arctic Zool.* II. 206 Red Shouldered F[alcon]. 1790 White *Nat. S. Wales* App. 263 The Red Shouldered Paroquet...*Psittacus Discolor*. 1792 Pennant *Arctic Zool.* (ed. 2) II. 143 Red-Shouldered Heron. 1809 Shaw *Gen. Zool.* VII. II. 421 Red-Shouldered Oriole. *Oriolus phœniceus*. 1812 Wilson *Amer. Ornith.* VI. 86 Red-Shouldered Hawk. *Falco Lineatus*...The Red-Shouldered Hawk is nineteen inches in length. 1884 *Harper's Mag.* Mar. 602/1 The red-shouldered hawk is a handsome bird.

Red-skin. Also **red-skin.** [See Red *a.* 5 c.] A North American Indian.

1699 S. Smith in H. E. Smith *Colonial Days* (1900) 49 Ye firste Meetinge House was solid mayde to withstande ye wicked assaults of ye Red Skins. 1823 E. James *Long's Exped.* I. 160 The whites will not harm the red-skins when they have them thus in their power. 1851 Dixon *W. Penn* xxiii. (1872) 205 A strong believer in the native virtues of the Redskins, when these savages were treated well. 1890 *Times* 27 Dec. 3/2 After dark the whole band..renewed the attack, Kicking Bear himself leading the redskins.

attrib. 1699 S. Smith in H. E. Smith *Colonial Days* (1900) 49 My Honoured Father was as Active as ye Red-skin Men and sinewy. 1871 Lubbock in *Jrnl. Anthrop. Inst.* (1872) I. 3 Though the Redskin family is constituted in a manner very unlike ours [etc.]. 1883 *Athenæum* 20 Jan. 81/1 A picture of redskin life.

Red snow.

1. Snow reddened by a kind of alga (*Protococcus nivalis*) common in Arctic and Alpine regions.

1676 *Phil. Trans.* XIII. 976 On St. Josephs day, upon the Mountains call'd Le Langhe, there fell..a great quantity of red, or if you please of bloody Snow. 1820 Bauer *Ibid.* CX. 165 The fangs, which constitute the colouring matter of the red snow, discovered in Baffin's Bay..1818. 1866 *Chambers' Encycl.* s.v.. It is not impossible that animal as well as vegetable life may exist in red snow, and that real animalcules may have been observed.

2. *transf.* The alga which gives a red colouring to snow.

1805 Carmichael in *App. Parry's Jrnl. and Voy.* 129 On the whole, I should think..that you may safely arrange the Red Snow among the *Palmellæ*. 1845 Darwin *Voy. Nat.* xv. (1890) 345 On several patches of the snow I found the *Protococcus nivalis*, or red snow. 1861 H. Macmillan *Footn. fr. Page Nature* 145 Red snow..has been discovered spreading over decayed leaves and mosses on the borders of small lakes.

3. *attrib.*, as *red-snow shower*; **red-snow alga** or plant = sense 2.

1826 in London *Encycl. Plants* 928 The most remarkable red-snow shower was that which fell..[in] March 1813...in Tuscany. *Ibid.*, The Lepraria Kermesina, which is considered only a particular state of the red-snow plant itself. 1866 *Chambers' Encycl.* s.v.. The red snow plant consists, in its mature state, of brilliant globules like fine garnets, nested on, but not immersed in, a gelatinous mass. 1869 Spencer *Princ. Psychol.* (1872) I. III. II. 295 Of those classed with the vegetal kingdom, may be instanced the..red snow alga.

Red spider. A small red spider-like mite (*Tetranychus* or *Acarus telarius*) infesting plants, especially in hothouses. (See also quot. 1824.)

1806 Sir T. Beowne *Pseud. Ep.* III. xxv. Table. Of the Taintet is small red Spider. 1793 *Trans. Soc. Arts* (ed. 2) V. 58 Destroying the Red Spider and other noxious insects. 1816 Kirby & Sp. *Entomol.* (1843) I. 161 The red-spider (*Erythræus telarius*) spinning its web over the under surface of the leaves draws out their juices with its rostrum. 1824 Loudon *Encycl. Gardening* (ed. 2) § 2271 The red spider is the *Acarus telarius*, and the same name is also applied by gardeners to the scarlet acarus (*A. holosericeus*), the only two British species of the genus which infest plants. 1871 H. Macmillan *True Vine* v. 232 In this country, the greatest pest of the vinery is the little red spider, whose movements over the leaves and fruit are exceedingly nimble.

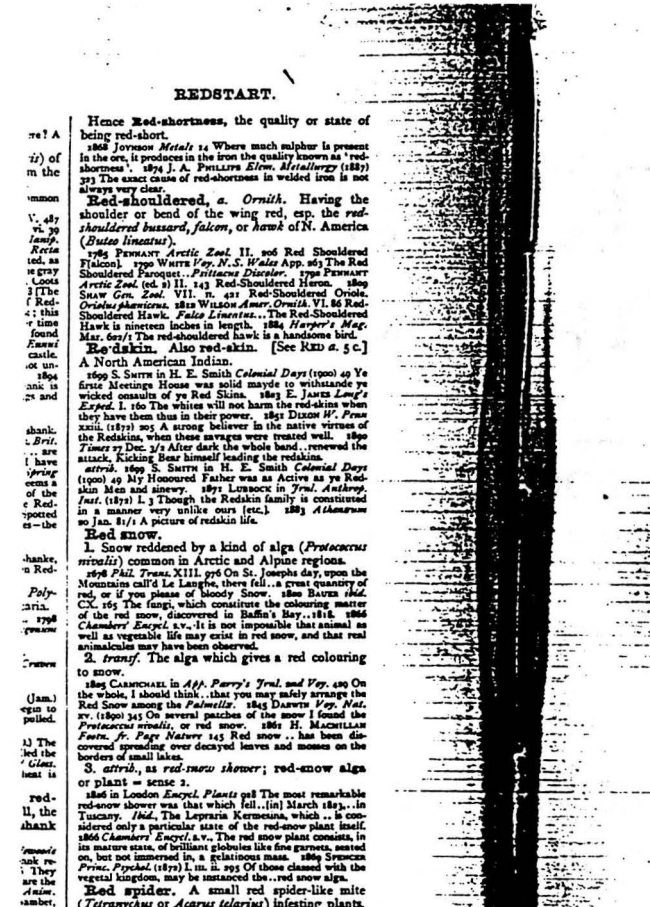
Red-spotted, *a.* Marked with red spots.

1713 Petiver *Aquat. Anim. Amb.* 1/1 *Cancer ruber*.. Red spotted Crab. 1781 Latham *Gen. Synopsis Birds* I. II. 736 Red spotted Creeper, *Certhia cruentata* (Linn.). ..Its native place is Bengal. 1810 Shaw *Gen. Zool.* III. II. 496 Red-Spotted snake. *Coluber Coccinens*...Black snake, with yellow back spotted with red. 1883 *Century Mag.* Dec. 169/2 That beautiful inhabitant of fresh water, the red-spotted trout.

Redstart (re·dstɑːt). *Ornith.* [f. Red *a.* + Start (ME. *stert*, OE. *steort*) tail: cf. Red-tail 1. Parallel forms are Du. *roodstaartje*, Flem. *-steertje* (†*-steerthen*), Da. and Sw. *rödstjert*, G. *rotstert*.]

1. A common European singing-bird (*Ruticilla phœnicurus*), so named from its red tail, which it has a habit of moving quickly from side to side.

1570 Levins *Manip.* 33/41 Redstarte, *ruticilla*. ? 1630 Sherwood, The Redstert, or Redtaile, *rossignol de muraille, rubienne*. 1657 Tomlinson *Renou's Disp.* To Rdr. c 2 Who can determine what becomes of Cranes, Cuckoos,.. Red-starts, that some are seen onely in Summer, some in Winter? 1678 Phillips (ed. 4) *Redstert* (Rubicilla), a certain Bird so called from its red tail. 1774 G. White *Selborne* lx. The song of the redstart is superior, though somewhat like that of the whitethroat. 1800 E. Jesse *Jrnl. Naturalist* 204 We have no bird more assiduous in attentions to their young than the red-start. 1840 *Cowper's*



RED-S

Anim. Kingd. 190 The Whi
mon summer visitant in ma
FRIES in *Chamb. Jrnl.* 1 Al
bird, the redstart, appears su

b. *Black redstart*, a
tithys, occurring in southe
on the European continer
1836 Eyton *Rarer Brit. Birds*
Tithys. This Redstart inha
Europe. 1894 Newton *Dict*
Black Redstart seem to be m
their full plumage.

c. *attrib.* with *warbler*
1817 Shaw *Gen. Zool.* X. II.
Pharoicurus.) *Ibid.* 673 Gre
Gibraltariensis.)

2. An American fly-cat
ruticilla, outwardly resem
pean redstart but generic
1796 Morse *Amer. Geog.*
Americana. 1808 Wilson
American Redstart builds fr
Ibid. V. 119 The Redstart ex
United States. 1831 Audu
insect secured, the lovely Re
sings a different note. 1894
American Redstart..., belong
Family *Muscicapidæ*, and to
a dozen species.

†3. (See quot.) *Obs.*

1778 Allen *Nat. Hist. Q*
brought from Bengall in the
being affixt to it:..I shall be
of the Bengall Redstart.

Red-streak. Also
1. A red-streaked apple
for making cider.
1664 Evelyn *Pomona* I. 6
of Hereford-shire is a pure Wi
of some now living unnamed
Worlidge *Cyder* (1691) 109
Redstreak hath obtain'd the
Cyder 2. 32 Let every Tree in
Streak in supream. 1799 Sm
Is not the red-streak's future
delight? 1867 Vancouver
species called the red-streak
late years, these orchards ha
blight. 1875 *F. J. Scudamore*
to pass through apple-orchard
flourished in its native soil.

b. The cider made from
1671 *Phil. Trans.* VI. 2170.
strake as I never I drank in any
Philips 64 Redstreak be qua
Gives Tuscan yearly for thy S
Gazetteer (ed. 2) s.v. *South-Ha*
which is generally preferred
redstreak.

2. *transf.* A girl with re
1771 Smollett *Humph. Cl.*
Liddy, he added, "that say
1776 R. Graves *Euphrosyne*
with ruddy cheeks, The Redst
3. *attrib.*, as *red-streak c*
1664 Evelyn *Pomona* 75 So d
the Vale cannot any other Cide
77 M. Philips..observed see a
apple. 1712 W. Rogers *Voy.*
bottles of Red-Streak Cyder.
s. xii, That redstreak country
(ed. 3) XVI. 721/1 Those mos
the redstreak apple, the whitsou

Hence † **Red-streaked** *a.*
For other uses of the comb., se
1664 Evelyn *Pomona* 76 Re
Musts of several kinds. *Ibid.*,
of a..fulvous or ruddy colour.

Red-tail (re·dtēl). 1. = Redstart 1 (and
1552 Elyot, *Ruticilla*, a little
1611 Cotgr., *Rebreuse*, the Re
bird. 1661 Lovell *Hist. Anim.*
redtaile. 1736 Ainsworth *Lat.*
Phœnicurus). 1783 Latham *Ge*
Red Tail. *Motacilla erithacus*
Redstart. 1810 Montagu *Orn.*
start...Provincial.—Redtail. Ir
dial. flosswires (Northumbld.,
1896 Morris & Tegetmeier *Nat.*
Redstart.—Black Red-Tail.

2. *U. S.* The red-tailed h
1828 Wilson *Amer. Ornith.* V
the unfortunate Red-tail was fou
2. †a. The rudd. *Obs.*
American fishes (see quots.)
1710 R. Brookes *Art of An.*
Red-tail. 1856 Goode in *Smith.*
Carassius auratus...Red-tail. 18
Vulgar names [of Kentuckian Sh
tail. Shiner. *Ibid.* 37 *note*, Vulgar
Red-horse, Red-tail, Horse-fish
3. *attrib.*, as *red-tail hawk*
warbler.
1810 Shaw *Gen. Zool.* III. I. 24
Cruentus. 1827 *Ibid.* X. II. 674
Erithrurus). 1828 Rafinesque
XIII. IX. 57 Red-tail Hawk. *Cata*
Outing (U. S.) XXIII. 208/1 The
of a cold wintry day. 1897 Ma
The weaver's hair aglow with re

Red-tailed, *a.* Having
Red-tailed bumble-bee or *humble*
hawk; the upper side of the tail

UNKIND WORDS

Ethnic Labeling from *Redskin* to *WASP*

IRVING LEWIS ALLEN

BERGIN & GARVEY
New York · Westport, Connecticut · London

CHAPTER 1

ETHNIC SLURS IN HISTORICAL AMERICAN SLANG

ETHNIC SLURS IN historical American speech compete in number with terms for sex and related matters. Perhaps as many as twelve hundred ethnic slur-names or epithets appear in those scholarly annals and other sources that record the historical words of popular speech in our language. Most of these slurs are obsolete today, but a surprising number of the old words are still to be heard, and a few new ones seem to appear each year. Whether obsolete or current, they are of equal interest for social history.

Ethnic slurs began appearing in American English when the first British settlers came into contact with Native American Indians. *Redskin*, whose earliest known written instance is 1699, was one of the first slur-names given by white settlers to the Native Americans they encountered. The whites soon began their infamous three-hundred-year relationship with the African slaves they imported and another, larger torrent of verbal abuse was unleashed. As other groups arrived and the country became more ethnically diverse, the number of slurs grew in direct proportion. Ethnic slurs appear in response to social and economic conflict during historical periods of rapid social change. The coinage of most slurs can be associated with great events in our social his-

PHYSICAL TRAITS

About one in five ethnic epithets in American English refers to supposed physical traits of groups. These are allusions to color, to shapes of eyes, heads, noses, and lips, and to hair texture. Epithets that refer to physical traits are mostly interracial slurs. Nearly half of all interracial slurs (whites slurring blacks, Asians, and Native Americans—and these racial minorities slurring whites) refer to real or imagined physical differences. Whites have called Asian-American groups *slant eyes* and Asians have begun calling whites *round eyes* as a comeback. Jews were called *eagle beaks* and blacks *broad noses*. African Americans were also called *wooly heads* and blacks, in turn, called whites *silks*, an allusion to thinner, straighter hair.

Most references to physical differences are to skin color, which affirms what we have always known about the significance of color in human relations. Asian groups were called *yellow* this and that and Native Americans were called *redskins*, *red men*, and *red devils*. Most slurs on skin color appear in the name-calling between whites and blacks. Whites have slurred blacks with a profusion of terms that allude to dark skin (*blue*, *darky*, *shade*, *smoke*) and blacks, tit for tat, have slurred whites (*chalk*, *grey*, *pink*, *pale*). A large number of white terms for African Americans were *black* this or that, such as *black bird*, or else a word for something—anything—black in color, such as *coal*, *charcoal*, *skillet*, *tarpot*, and a host of others.

CHOCOLATE IS BROWN AND SO ARE YOU

A bizarre feature of making derisive names about color differences is the many references to the color of foods. A perennially popular derisive name for African Americans is

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Portagee Anyone from Portugal, or of Portuguese descent.

Potato Anyone from New Brunswick, a potato-growing province. Implies stupidity.

Potato-eater Anyone from Ireland, or of Irish descent, after the Irish dietary staple.

Reb Same as Johnny Reb.

Redcoat Originally this meant a British soldier or Hessian mercenary employed by British soldiers. By extension, it came to mean any soldier or police official in the former British empire, and still does, though since red uniforms have been abandoned by all but the Royal Canadian Mounted Police and the Buckingham Palace Guard, the term is dropping from usage.

Redneck Any white rural Southerner, or any rural person if white, especially if male; also working-class whites, especially males, with Southern roots, origins, or political and social attitudes formerly identified with the South. In particular, *Rednecks* are racists and support the death penalty. From the sunburned necks white Southerners acquired while working in the fields. The sixties brought *Redneck* into popularity, though it goes back at least into the 19th century in limited usage.

Redskin Any Native American, after the red warpaint they traditionally wore when attacking white settlers. Formerly insulting, now seldom used except in connection with the Washington Redskins football team. Also, Redman, used mainly in the South, now remembered as a brand of chewing tobacco favored by *Rednecks*.

Rube Any rural person, but usually applied to Easterners and Upper Midwesterners, rather than to "white trash," who have enough other names. Formerly used often as an affectionate nickname: Rube Goldberg, Rube Waddell, Rube Marquard, and Rube Benton.

Rusky Any Russian, person of Russian descent, or with a Russian surname. Less commonly, a Rooshkin. Both are semi-synonymous with "Communist" among right-wingers.

Sambo Any black person, from the children's story "Little Black Sambo."

JEFFREY D. JOHNSON, ESQ.
STATE SENATOR
21st District — Cuyahoga County
Asst. Minority Whip

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FOR IMMEDIATE RELEASE
July 1, 1993

Contact: Senator Jeffrey D. Johnson
(216) 451-9186
(216) 579-5122 (pager)

COLUMBUS, OHIO -- Senator Jeffrey D. Johnson announced today that he is re-introducing expanded legislation that will prevent public funds from being allocated, expended, or used on the construction, management, and/or operation of the Gateway stadium while the owners or management company of the stadium or any official public activity at the Gateway stadium displays, disseminates, or otherwise advertise material that is racist or demeaning to a recognized minority or ethnic group.

Additionally, Johnson is calling for individual citizens to boycott any Cleveland Indians merchandise that display the Chief Wahoo logo, and is asking all media to discontinue its use as the official symbol of the team.

Senator Johnson, who mothers' side of the family includes a member of the Native American Blackfoot nation, believes that State Capital Improvement funds and tax dollars for the construction, operation, and retirement of debt for the Gateway stadium should not be used to subsidize the stadium while the Cleveland Indians organization continues to display the Chief Wahoo logo that he believes is clearly racist.

"The entire city of Cleveland is affected by the decision of Dick Jacobs and his organization. The baseball fans that support Chief Wahoo cannot be the only interest respected here, Johnson said.

Every citizen of Cleveland, and the city's image is negatively affected by the continued use of this racist and demeaning symbol of an ethnic group living in our city." Johnson said.

The boycott is expected by Johnson to be done on an individual basis based on a citizen's own sensitivity to the logo's impact on Native Americans and the city.

"Dick Jacobs' statement that Chief Wahoo is just a caricature of a noble race," and Dennis Lehman's comments that the logo was part of the "fabric of this community" is asinine and indicative of the ignorance of the owners and management of the baseball corporation," Johnson said.

They just don't get it. This Red face Sambo symbol is an embarrassment to Cleveland. It's sad that many of Cleveland's baseball fans are blind to the social and personal hurt this logo causes most Native Americans. I am personally offended given the fact that an ancestor of mine was Native American." Johnson said.

Senator Johnson believes a boycott and non-violent direct action by Native Americans and their supporters are the only responses that will lead to the inevitable demise of Chief Wahoo as a symbol.

The legislation will be introduced next week.

As Introduced

120th General Assembly

Regular Session S. B. No. 189

1993-1994

SENATOR JOHNSON

A B I L L

To enact section 9.67 of the Revised Code to prohibit public funds from being used in the construction, management, or operation of public facilities that display or disseminate material that is demeaning to a recognized ethnic or racial group.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 9.67 of the Revised Code be enacted to read as follows:

Sec. 9.67. (A) AS USED IN THIS SECTION:

(1) "POLITICAL SUBDIVISION" MEANS A MUNICIPAL CORPORATION, COUNTY, TOWNSHIP, SCHOOL DISTRICT, OR OTHER BODY CORPORATE AND POLITIC RESPONSIBLE FOR GOVERNMENTAL ACTIVITIES ONLY IN A GEOGRAPHIC AREA SMALLER THAN THAT OF THE STATE.

(2) "PUBLIC AGENCY" MEANS A STATE AGENCY OR A POLITICAL SUBDIVISION.

(3) "PUBLIC FACILITY" MEANS ANY FACILITY, STADIUM, OR ARENA THAT IS SUPPORTED IN WHOLE OR IN PART WITH PUBLIC FUNDS AND THAT IS GENERALLY OPEN TO THE PUBLIC.

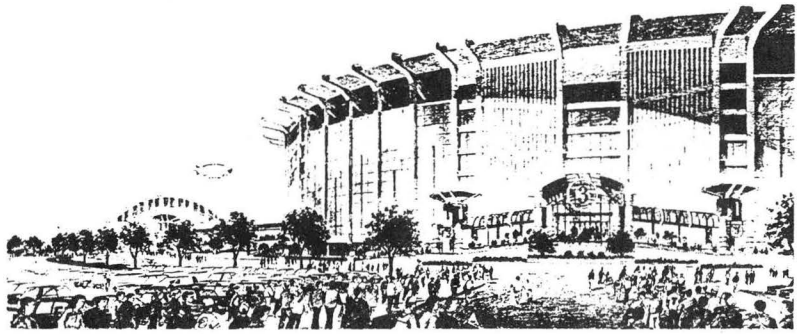
(4) "STATE AGENCY" HAS THE MEANING GIVEN IN SECTION 1.60 OF THE REVISED CODE.

(B) NO PUBLIC AGENCY SHALL ALLOCATE, SPEND, OR USE PUBLIC

FACILITY IF THE OWNERS OR MANAGERS OF THE PUBLIC FACILITY
DISPLAY, ADVERTISE, OR DISSEMINATE, OR IF ANY OFFICIAL PUBLIC 2.11
ACTIVITY AT THE PUBLIC FACILITY INVOLVES THE DISPLAY, 2.13
ADVERTISEMENT, OR DISSEMINATION OF, MATERIAL AT THE PUBLIC 2.15
FACILITY THAT DEMEANS A RECOGNIZED RACIAL OR ETHNIC GROUP. 2.16

Proposed Expansion and Modernization of
Robert F. Kennedy Memorial Stadium

An Unsolicited Proposal



Prepared by

The Weihe Partnership
in alliance with
Pierluigi Nervi & Associates, Inc.

Original proposal submittal on
September 29,1988

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Planning
Interior Design
Space Planning

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Bill Brenneke

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III. Stadium Facility Proposal

IV. Regional Transporation and Parking Plan

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VI. Cost

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I. Background

Major sporting events in the United States have achieved a great popularity, and proof of this is borne out by the increase in the number of spectators in attendance.

It seems obvious, then, that cities well known for their athletic teams and sports traditions should have facilities that constitute the ideal stage and theater to exhibit the show; a sort of perfect machine, modern and up to date in every manner -- technical, economical, etc.

The field on one hand, the security and comfort of the spectators on the other, constitute the necessary ingredients for the optimum utilization of the facility.

The smallish size of RFK Stadium is an economic burden when considering the thousands of eager spectators willing to sign up for expensive season tickets that cannot be accommodated in the present facility.

Pushed by necessity, the owner, like other owners around the country, has decried this situation and is demanding relief in the form of more seats, more luxury boxes, more concessions, etc. Cities, on the other hand, pressed by economic realities of their own; finding more ways to spend what seems to be fewer dollars, must take a real hard look at what a new facility means to the financial credibility of the city.

Keeping the home team in the city is a pressing political and economic need that many major cities are faced with, realizing that they must allocate their resources to meet within "reasonable terms" this responsibility.

II. Current Situation

RFK Stadium, in spite of being one of the most popular facilities in the United States, and up to date at the time of its construction, is in need of renovation and expansion.

By examination on site and attentive reading of the stadium drawings, we are convinced that it can be improved and enlarged to allow for a greater capacity and provide more satisfaction to its users.

III. Stadium Facility Proposal

3.1 Building of a new structurally independent outer ring facility able to accommodate a total of approximately 23,000 new spectators. The new structure will accommodate approximately 101 sky boxes and the plan would take advantage of the existing facility's "extra" space thereby adding an additional 119 sky boxes for a total of 220 sky boxes. The facility would be constructed of reinforced concrete, and construction would be staged so that there would be little or no interference with scheduled events and/or games, thereby ensuring no loss of revenue to the city or the club owner. A new system of ramps with a constant slope that enables the courses to be differentiated so as to expedite the flow of spectators, both into and out of the facility. The ramps that lead to the outside areas would be covered in order to preclude circulation bottlenecks within the facility during inclement weather.

3.2 Approximately 180,000 square feet of new office space would be created with the construction of the new facility and such new space will be used to attract and consolidate certain District of Columbia offices and selected sports/entertainment private concerns.

3.3 The creation of the catalyst for new retail/entertainment establishments around the new facility that will bring needed services to the facility's weekday occupants and provide jobs to surrounding neighborhoods.

IV. Regional Transportation & Parking Plan

This plan treats an important aspect of increased user participation at RFK for football and the relationship between the stadium and the Metro stop at the Armory. Mr. Harold W. Barley, service planning Branch Manager of Metro, has provided technical input to the elements of this plan.

The plan consists of the following four (4) principal elements (detailed explanation follows):

1. Existing parking spaces to remain at current levels, use of which will be determined by lottery drawings, either season by season or on a two or four year rotation.

2. Special metro farecards issued FREE to all non-lottery selectees for round trip transportation to the home games.

3. Carpool hotline set up to encourage car/van-pooling.

4. Set up game day pavilion at stadium Armory Metro station entrance on inclement days to protect riders from rain/snow--paid for probably by advertising.

We are fortunate in Washington to have at our disposal one of the world's most modern mass transit systems. Our plan taps this great "natural resource" in a way that increases use of the system and helps the region escape from the weight of building yet another "narrow gauge" parking structure that, at best, would be used for a dozen events per year.

We propose keeping parking space utilization at current levels by establishing a lottery system that limits parking to current spaces.[1] The lottery can be completely at random or take into consideration rider starting points, to target those riders that are proximate to an operating Metro Station. This feature brings into usage idle weekend capacity in Metro parking lots scattered throughout the region. Currently, more than 20,000 parking spaces are located in Metro station lots.

[1] Parking fees at RFK remain the same and/or are increased a fraction. The fractional amount goes to the stadium complex or goes to support the second point (see below).

The general facts indicate current Metro usage of about 13,000 riders per football game (approximately 80% inbound and 20% outbound on the system). Our research indicates that the system at this location and by virtue of this plan impacting one station, considerable excess capacity exists to meet the needs of this plan. A basic breakdown is as follows:

Approximately 20,000 spectators (actual increase 23,000) might be added to the stadium and we are using this figure as the additional desired Metro system game ridership.

Current ridership for football games	+	*Induced ridership*	=	*Total Metro ridership*
(13,000)	+	*(20,000)*	=	*(33,000)*

Looking at capacity and using a "comfortable" system design standard, we have:

6 car trains x 200 riders per car x 2 minute headway intervals = 1,200 riders per minute which is,

33,000 riders to move divided by 1,200 = 27.50 trains which is, 2.5 cars less than system capacity of 30 cars per hour or 36,000 riders per direction per hour.

In support of the system capacity, an existing storage/crossover track just east of RFK allows for a train staging area to meet this anticipated demand.

The second point of the plan revolves around INCENTIVES. Our plan proposes incentives as a basis for encouraging Metro usage. By providing each non-lottery selectee with FREE date-encoded farecards (this technology is up and running), that would be forwarded in the same envelope with the riders' season tickets, we are providing the financial incentive that will make this plan work. Going further we have:

Ave. weekend fare	x	*Round trip*	x	*Riders*	x	*Games*	=	*TOTAL*
.90	x	*2*	x	*33,000*	x	*9*	=	*$534,600*

Whereas the city and/or region could be considered as a large bulk fare purchaser we propose:

Ave. weekend fare	x	*Round trip*	x	*Riders*	x	*Games*	=	*TOTAL*
.45	x	*2*	x	*33,000*	x	*9*	=	*$267,300*

These funds can be provided in part by the fractional increase on parking fees at RFK per game. Each municipal Metro Board member can contribute based on traditional formulas or can share the cost in some other "regional way."

The third point encourages the establishment of a game related car/van pool planning and referral service.

The fourth point addresses the logistics in and around the Armory Metro station. The efficiency of the center loading platform can be further enhanced by the addition of a game day pavilion "awning" during inclement weather that would extend the sheltered area for a distance beyond the opening. This could be paid for by advertising probably, and it can be the last concession source for homeward bound riders.

List of plan benefits:

1. Saves the cost of building 2 large parking structures.
2. Encourages greater use of our existing transit system and helps use already "funded" capacity.
3. Equitable in that lottery plan gives each season ticket holder a chance to ride Metro for FREE.
4. Calls for a periodic rotation of the lottery.
5. Regional benefits involving less traffic, smog, and congestion in the impacted stadium neighborhood.
6. Can be funded by small incremental stadium parking fee increases.
7. Makes better use of our resources as a region.
8. Easily implemented through existing city/regional infrastructure.
9. Will generate regional political support.
10. Preserves Langston Golf Course and other green spaces as existing.

V. Pro Forma

(Revenue added to existing financial situation of Armory Starplex)

PRO FORMA			
REVENUE SOURCE	REVENUE AMOUNT	SUGGESTED REVENUE SPLIT	
		TEAM OWNER	CITY (ARMORY)
23,000 additional spectator seats	$20.00/ticket x 9 games		$4,140,000/year
Game consessions	$360,000		$360,000/year
est. 180,000 sq. ft. of office space. (a)	@ $20.00/square foot		$3,600,000/year (c)
Weekday parking 400 cars @ $5.00/day x 252 days	$504,000		$504,000/year
Concession revenue during weekdays including retail/ entertainment activities, etc.	$850,000		$850,000/year
220 skyboxes	$50,000 (b)	$11,000,000/year	
TOTAL REVENUE	**$20,454,000**	**$11,000,000/year**	**$9,454,000/year (d)**

a. At current federal space per employee allocation levels, 180,000 square feet of office space would meet the needs of 1,300 employees. These employees would use the facility every weekday and utilize services such as parking, food services and other light retail services that the plan would provide for.

b. The plan adds approximately 101 new sky boxes and we estimate an additional 119 boxes can be accommodated within the existing facility bringing the total to 220 sky boxes.

c. Escalation in commercial office market for first generation office space is running about 4-5% per annum. Such escalation favors city use in that over time the advantage increases by this escalation amount.

d. Annual payment needed to amortize $89,700,000 over 30 years at 10% interest is $9,450,000.

VI. Cost[2]

Preliminary cost estimates for the unsolicited proposal to expand seating capacity by 23,000 seats by adding structure to existing perimeter would be as follows:

Demolition	$3,000,00	
New Structure	$58,000,000	Includes piling, columns, beams, floors, sealant to roof; Exterior facade; Interior toilet cores, concession areas rails, barriers, etc. Ten elevators and shafts, mechancial, plumbing and electrical (inclusive of relocating roof floodlights).
Site	$1,500,000	Utility upgrades; patch and repair; walks, etc.
Skyboxes	$10,900,000	Basic SubDivision and finish
Alternate office infill	$10,000,000	179,000 SF inclusive of life safety features; code requirements; fire protection, etc.
Total:	$83,400,000 (estimate)	

Notes:

- These construction costs represent our estimate of current construction costs at today's market (September 1988).
- Escalation is running 3-1/2 to 4% per annum.
- Project costs such as A/E and other consultant fees, inspection and testing, financing costs, etc. are not included.

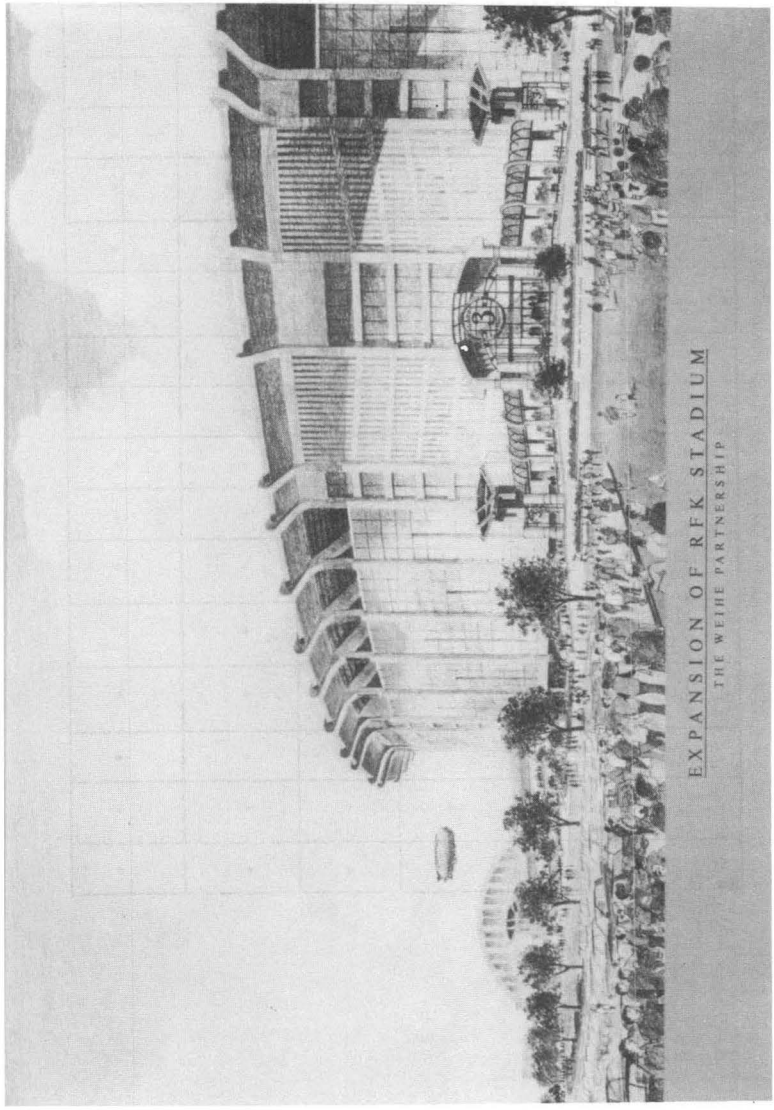
[2] Cost estimates provided by MMP International, Inc.

VII. Conclusions

- The Plan expands RFK Staduim by 23,000 seats and provides the team owner with ALL the revenue from approximately 220 sky boxes.
- It will provide directly or generate from its many features significant and cost effective benefits to the immediate neighborhood, the city and the larger regional community.
- New local jobs will be created.
- Our transportation plan uses the area's great natural resource, the Metro, to disperse over a geographic area the impact of game related congestion and parking.
- Our plan utilizes incentives to halt urban sprawl in the neighborhood; to maintain the ecology of the area, with minimal impact on the environment; and it helps keep sacred the traditional and historically significant park and recreation areas (Langston Golf Course).
- The dual purpose quality of the existing facility is maintained and the city can use the new facility for baseball when needed.
- This compromise solution gives financial relief to the team owner in the form of additional revenues and does not 'break' the city with an overwhelming financial burden; overall it has positive impact by providing jobs and additional tax revenues.
- Further, a single facility services both the existing and potential sports market without contributing to over capacity.

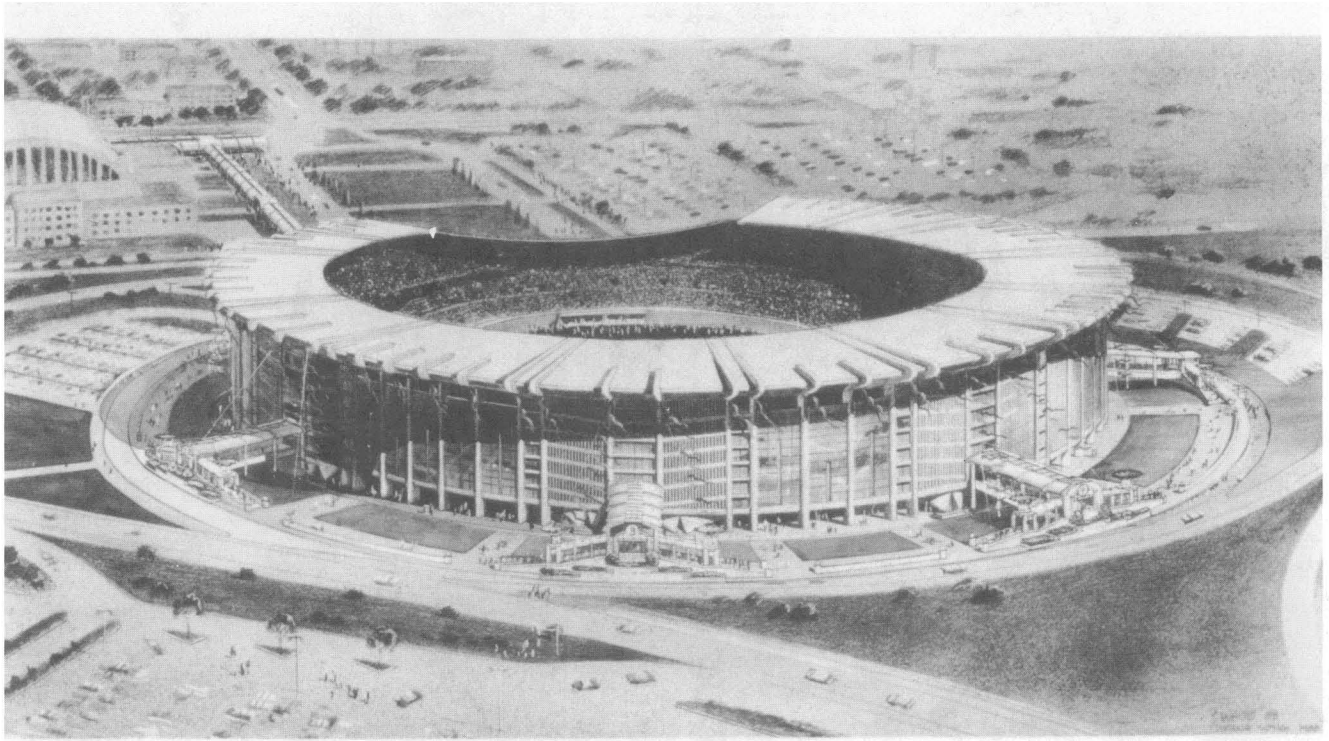
Some of the benefits follow in a quick and easy format chart.

BENEFITS CHART	BENEFITS TO:				
BENEFIT	CLUB OWNER	SPECTATORS	NEIGHBOR HOOD	DISTRICT GOV"T	REGION
Redskins reamin in Washington	*	*	*	*	*
Increased Spectators	*	*		*	*
Adds sky boxes	*			*	*
Adds office space			*	*	*
Creates jobs			*	*	*
Beneficial neigh-borhood impact			*	*	
Saves Langston Golf Course		*	*	*	*
Utilizes Metro	*	*	*	*	*
Keeps RFK magic alive	*	*	*	*	*
Lower maintenance with one facility	*	*		*	
No cost to city	*			*	*
No cost of club owner	*			*	*
Better use of resources	*	*	*	*	*
Stadium remains dual purpose		*	*	*	*



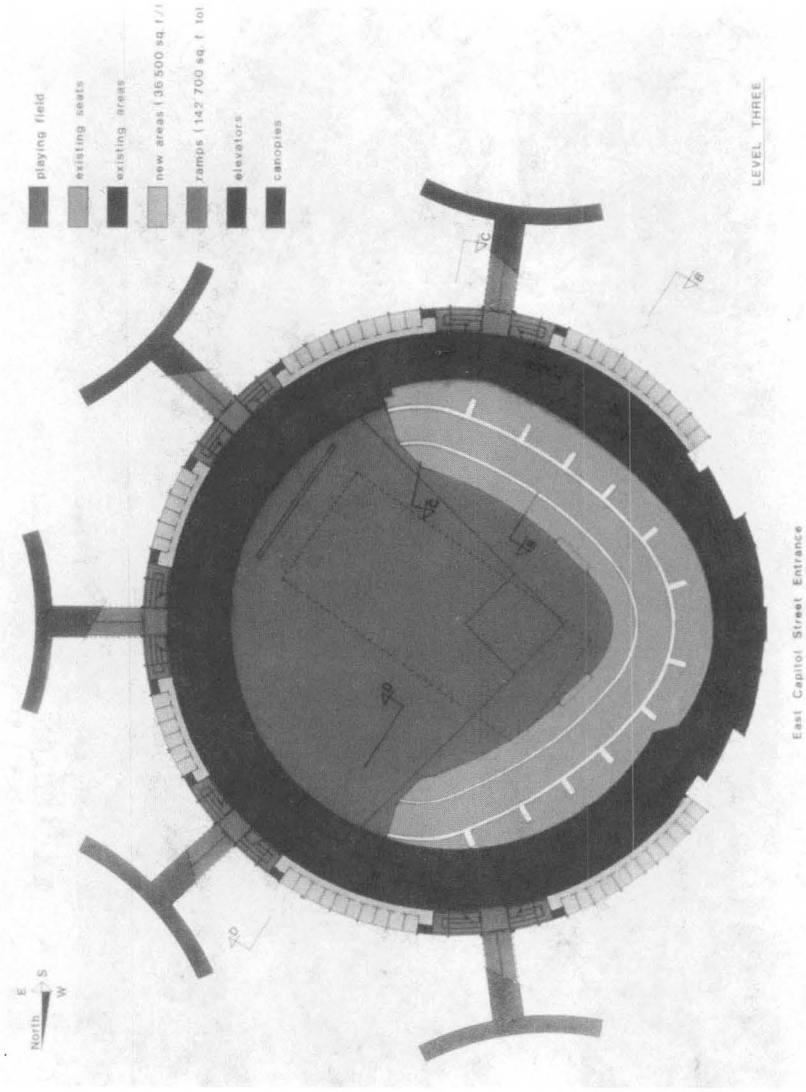
EXPANSION OF RFK STADIUM

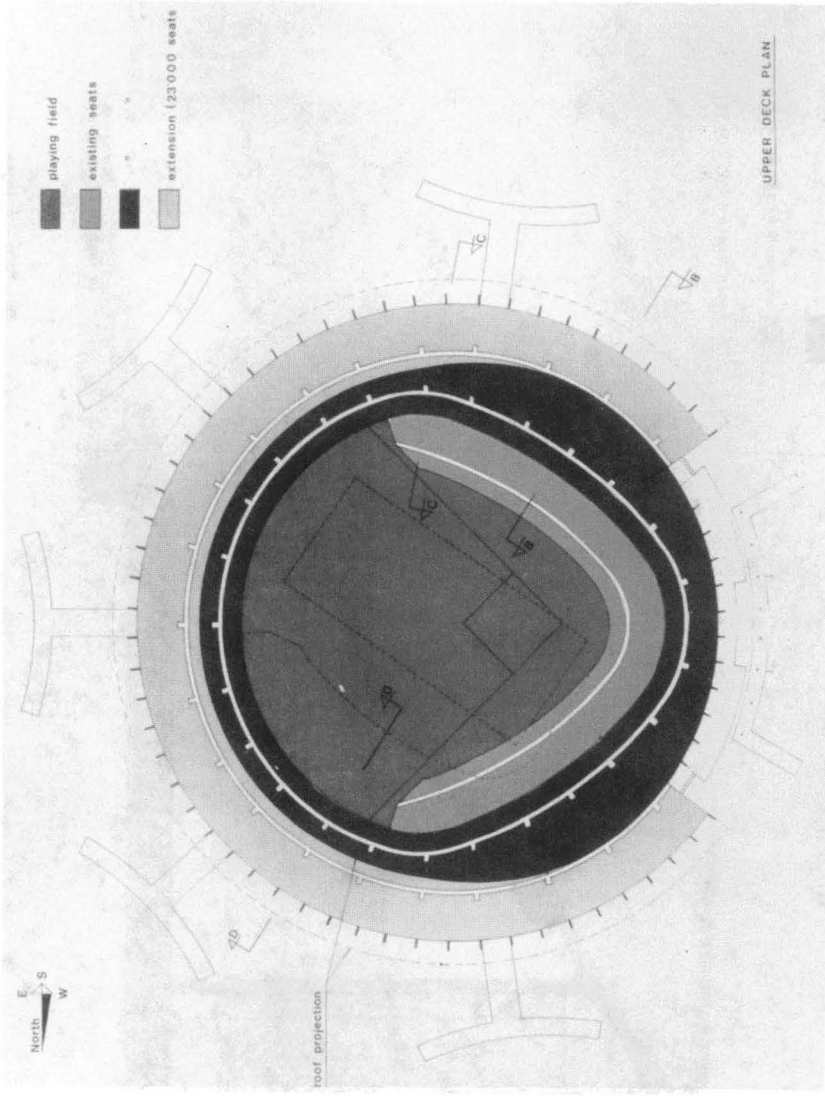
THE WEIHE PARTNERSHIP

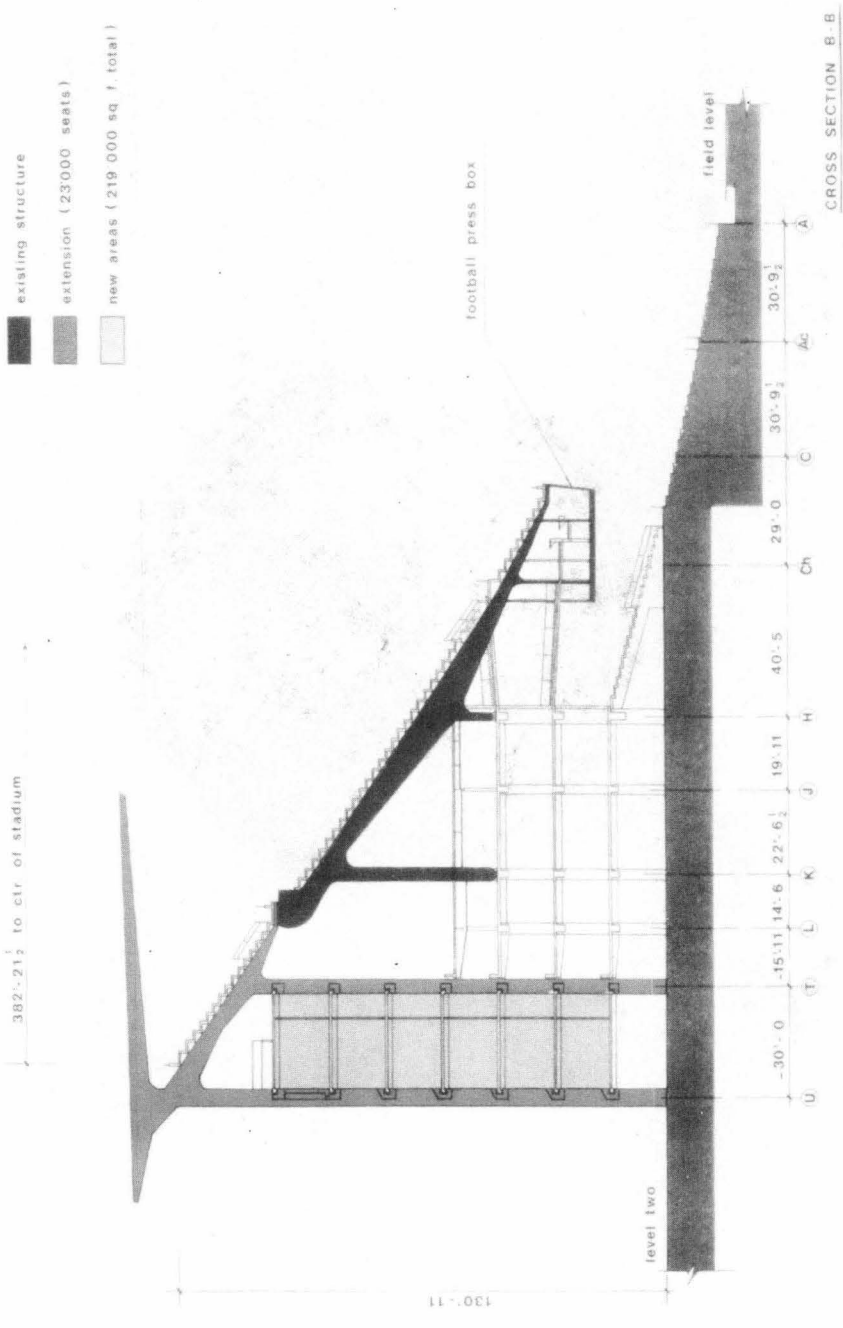


EXPANSION OF RFK STADIUM

THE WEIHE PARTNERSHIP


playing field
existing seats
existing areas
new areas (36 500 sq f t
ramps (142 700 sq. f tot
elevators
canopies
North
E
S
W
LEVEL THREE
East Capitol Street Entrance


playing field
existing seats
extension (23000 seats
UPPER DECK PLAN
roof projection
North
E
S
W


existing structure
extension (23000 seats)
new areas (219 000 sq ft total)
382'-2½" to ctr of stadium
football press box
field level
level two
130'-11
-30'-0
-15'-11
14'-6
22'-6½
19'-11
40'-5
29'-0
30'-9½
30'-9½
U
T
L
K
J
H
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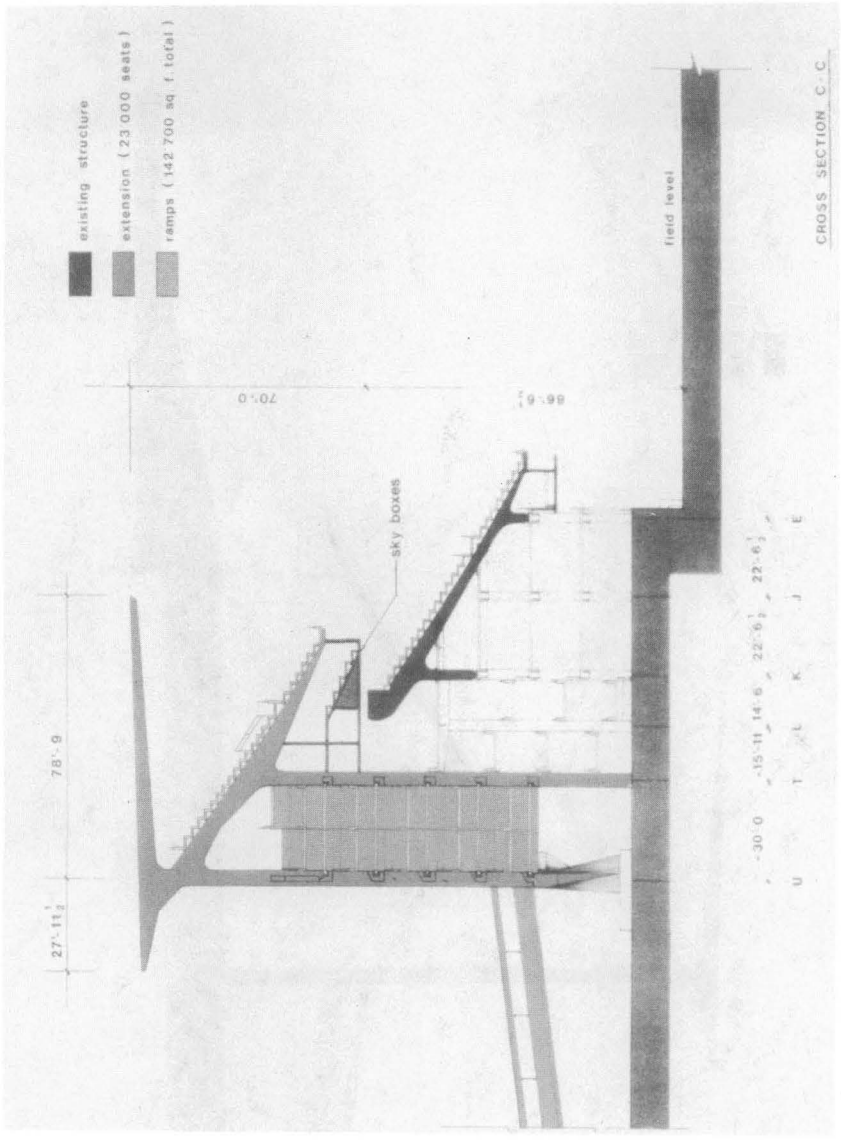
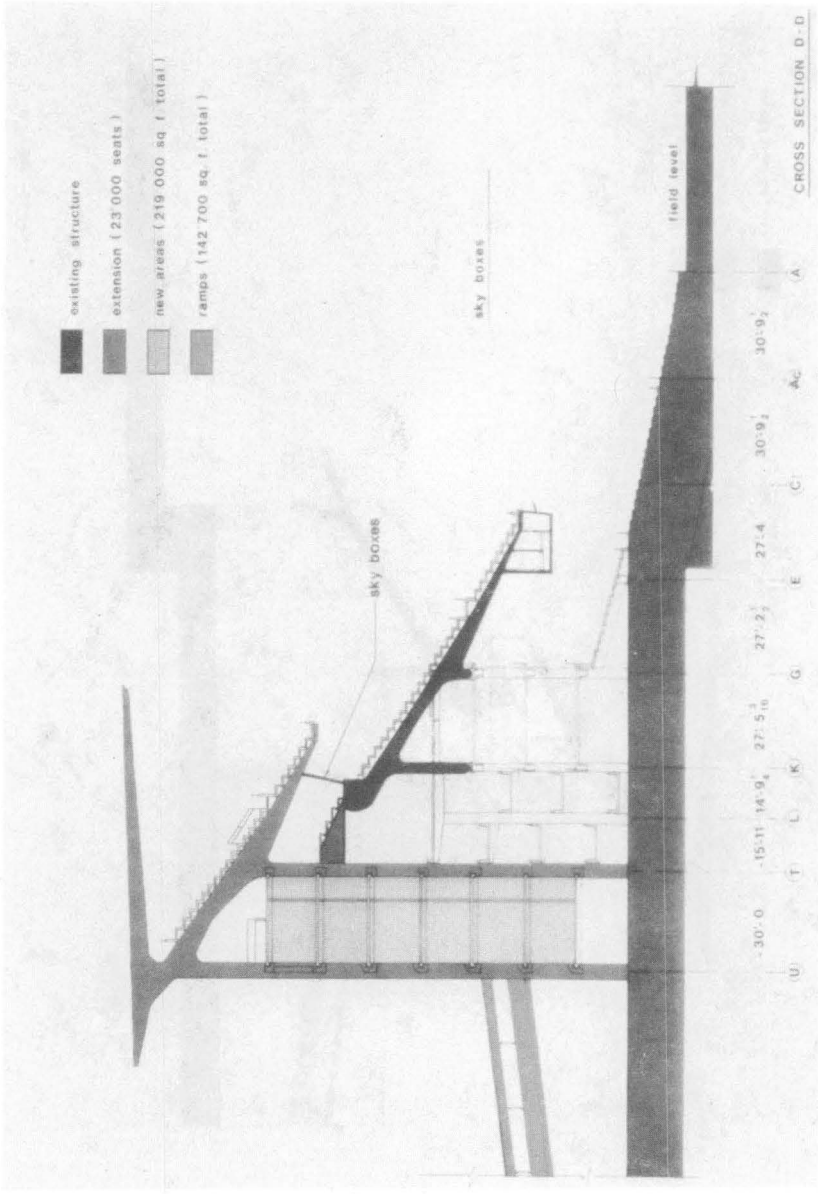
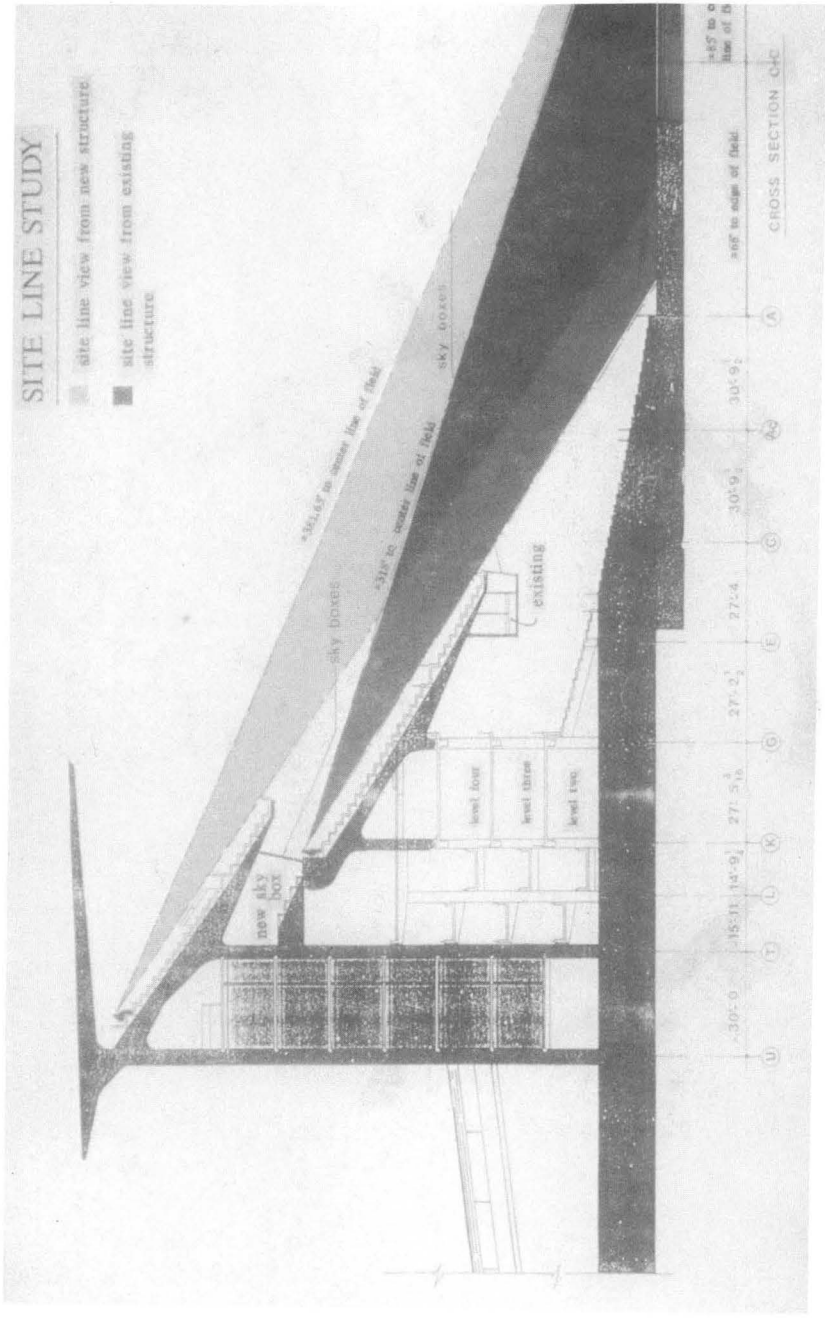
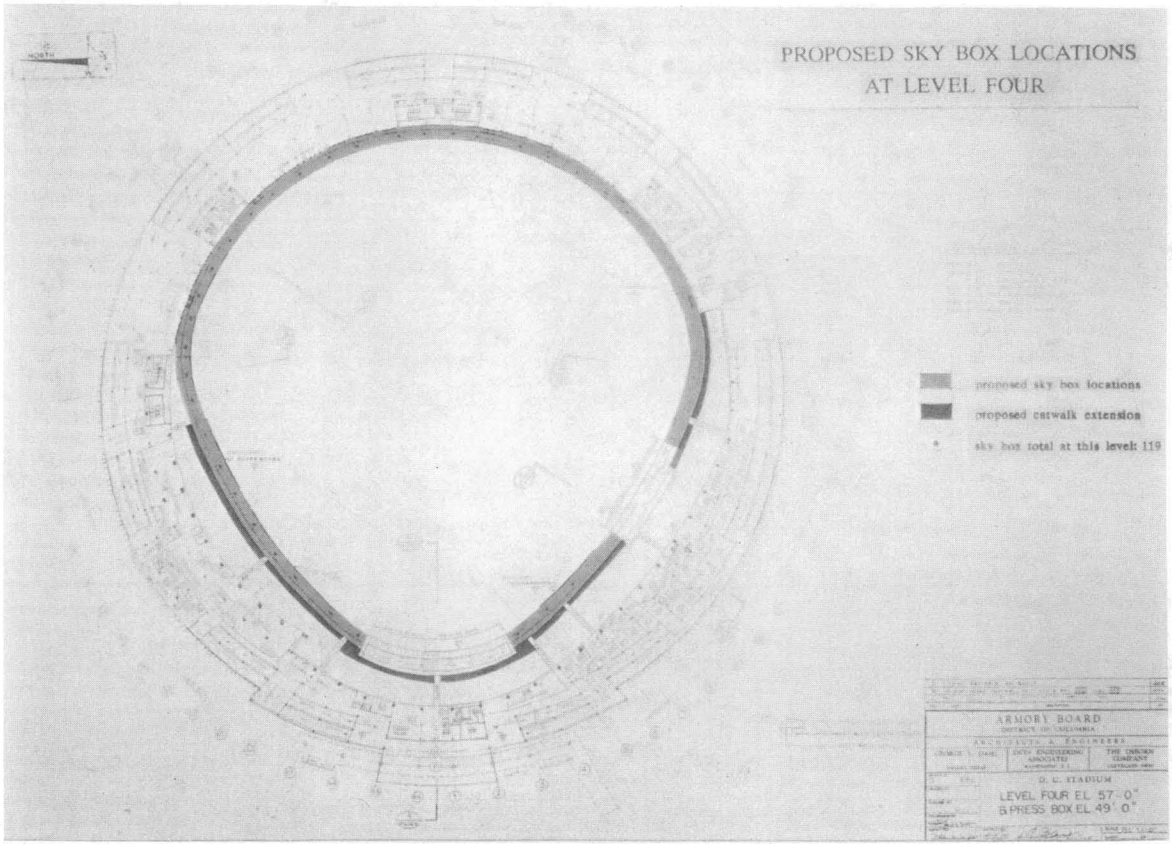
C
Ac
A
CROSS SECTION B-B

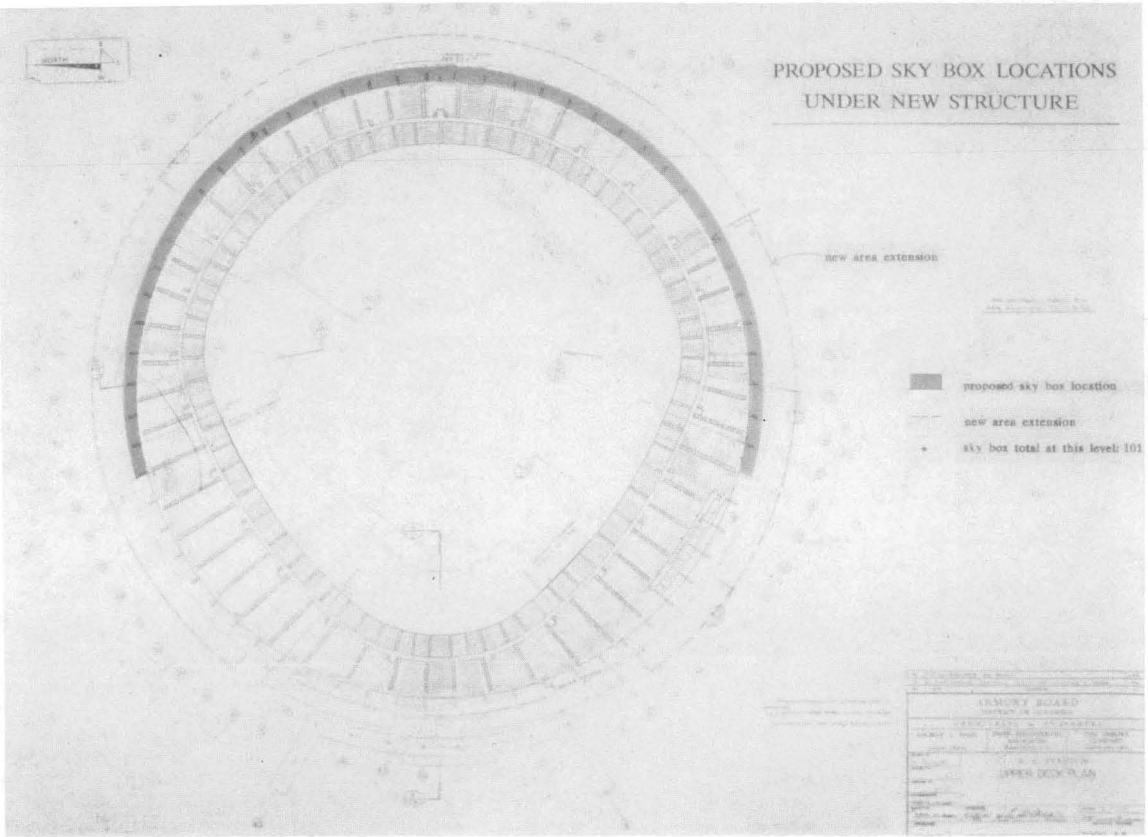

existing structure
extension (23 000 seats)
ramps (142 700 sq. f. total)
sky boxes
field level
CROSS SECTION C-C


existing structure
extension (23 000 seats)
new areas (219 000 sq. ft. total)
ramps (142 700 sq. ft. total)
sky boxes
sky boxes
field level
30'-0
15'-11
14'-9¼
27'-5⅜
27'-2½
27'-4
30'-9½
30'-9½
U
T
L
K
G
E
C
Ac
A
CROSS SECTION D-D


SITE LINE STUDY
site line view from new structure
site line view from existing structure
sky boxes
sky boxes
existing
new sky box
level four
level three
level two
CROSS SECTION CHC

PROPOSED SKY BOX LOCATION STUDY


PROPOSED SKY BOX LOCATIONS
AT LEVEL FOUR
proposed sky box locations
proposed catwalk extension
* sky box total at this level: 119
ARMORY BOARD
D. C. STADIUM
LEVEL FOUR EL. 57'-0"
& PRESS BOX EL. 49'-0"


PROPOSED SKY BOX LOCATIONS
UNDER NEW STRUCTURE
new area extension
proposed sky box location
new area extension
sky box total at this level: 101

THE SECRETARY OF THE INTERIOR

WASHINGTON

OCT 5 1993

Fern L. Shepard, Esq.
Sierra Club Legal Defense Fund, Inc.
1531 P Street, NW, Suite 200
Washington, D.C. 20005

Dear Ms. Shepard:

My Special Assistant, Ms. Glynn Key, has shared with me your recent meeting in which you and other representatives of citizen, planning and environmental organizations expressed concern about the planning and development process for the parks managed by the National Park Service (NPS) within the District of Columbia and its environs.

I am totally supportive of an open, comprehensive planning and compliance process for each of the units of our National Park System. Specifically, the process should include thorough public participation at all stages. In this context, I have asked NPS Director, Roger Kennedy, to review the best means of achieving an appropriate planning process for the 6000 acres of parkland within Washington, D.C.

I understand from Director Kennedy that National Capital Regional Director, Robert Stanton, has determined that a traditional general management plan should be developed for each of the major concentrations of parkland within Washington, D.C., that is, Rock Creek Park, Anacostia Park, the Fort Circle Parks, and the monument core, including the Mall and other memorials and statues in the heart of the Capital city. Of course, specific plans will need to be compatible with the already established goals for open space within the District as established by the National Capital Planning Commission in its adopted Comprehensive Plan.

I understand Regional Director Stanton will see to it that these plans are developed with full opportunity for public involvement. I also understand that Mr. Stanton intends to engage in a renewed effort to communicate regularly with the various constituent interests in the District.

Thank you for bringing this matter to my attention. I trust this approach will serve to better protect these parklands in the future.

Sincerely,

Bruce Babbitt

FAXED 10/27/93

WALTER E. LYNCH & COMPANY INC.

Via Fax - 202/727-6703
Page 1 of 2

October 29, 1993

Mr. George Brown
Assistant City Administrator
Office of Economic Development
441 Fourth Street, NW - #1140
Washington, DC 20001

RE: Jack Kent Cooke Stadium

Dear George:

Apparently there is confusion regarding our participation in the hearing proposed on Capitol Hill. Why there should be completely escapes me since I told you yesterday and again today that we not only are prepared to participate in all the hearings but, in fact, we insist that we be permitted to participate in them.

However, to do so at this time is premature since the following vital concerns must first be resolved. Failing resolution of these problems constitutes sheer waste of Mr. Vento's and his committee's time, as well as yours and ours.

To the point, we must have resolution of the following:

1. The amount of funds available from the Barney Circle project and the distribution of those funds.
2. The amount of the infrastructure bond to be issued by DC and any required guarantees.
3. The cost and who is responsible for providing community benefits (Council Member Harold Brazil's letter).
4. The cost and responsibility for environmental cleanup.
5. The size of the Oklahoma Avenue "buffer".
6. **City Council approval.**

1155 30th Street, NW, Washington, DC 20007
Telephone 202-298-8400
Fax 202-298-8160

Mr. George Brown
Jack Kent Cooke Stadium
October 29, 1993
Page Two

Let us resolve these points, then go to Capitol Hill properly prepared to answer all questions. Common sense dictates that this is the only course to achieve positive results.

I repeat, we are keen to appear before the Committee; but we are opposed to wasting the time and attention of all members who would attend such a meeting.

I look forward to your telephone call.

Best regards,

Walter Lynch

\Common\Stadium\GBrown03
cc: Ms. Mimi Magcr
File -100.0301
Chron

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPUTY MAYOR
FOR ECONOMIC DEVELOPMENT

441 4th St. N.W. Room 1140
Washington, D.C. 20001

November 2, 1993

DELIVERED BY HAND AND REGULAR MAIL
RETURN RECEIPT REQUESTED

Walter E. Lynch & Co., Inc.
1155 30th Street, NW
Washington, DC 20007

Re: Jack Kent Cooke Stadium

Dear Walter:

I am in receipt of your letter to me dated October 29, 1993 and your letter to Mimi Mager dated November 1, 1993. I regret that some confusion exists regarding your participation in the proposed hearing on Capitol Hill. Stated simply, as we discussed on Thursday and Friday of last week, the parties to this matter have long since agreed that as soon as the Final Environmental Impact Statement ("FEIS") was completed, an all-out effort would be made to arrange for a hearing at the earliest possible date before Congressman Vento's Subcommittee on National Parks, Forests and Public Lands of the House Committee on Natural Resources. The subcommittee has been extremely cooperative in arranging the hearing which is now scheduled for Friday, November 5, 1993. As you are aware, such a hearing is a necessary prerequisite to obtaining congressional action with respect to legislation which would authorize the construction of a second stadium on the current Robert F. Kennedy Stadium site.

Your letter of October 29, 1993 identifies a number of issues that remain unresolved among the parties and suggests that these matters should be resolved before proceeding with the congressional hearing. To be sure, in an ideal world, we would first resolve any remaining issues prior to any congressional hearing. However, we have been informed by members of Congressman Vento's staff that he intends to hold a hearing on Friday, November 5, on the proposed legislation for the stadium project, irrespective of whether representatives of the District of Columbia or the Cooke organization appear. It is my considered opinion that if the Cooke organization chooses not to appear at the hearing, Congressman Vento could well recommend that his colleagues oppose the proposed legislation.

Moreover, Congressman Vento and members of his committee are aware that all outstanding issues among the parties -- the District of Columbia, the Cooke organization and the National Park Service -- have not been resolved. Therefore, such a meeting will not necessarily be a waste of time and could well serve to remove a significant impediment to the project.

For these reasons, the District of Columbia and the National Park Service intend to appear at the hearing on Friday, as scheduled. We urge the Cooke organization to appear as well, so as not to endanger our project.

We appreciate Mr. Cooke's commitment and recognition that the District of Columbia is his preferred site for the new stadium. There is no question that the District of Columbia site presents many advantages not offered by sites outside the District of Columbia. Recognizing that time is of the essence for the successful completion of the project in the District of Columbia, we believe it absolutely essential that we not forego the opportunity to complete the congressional hearing at this time. Similarly, we are committed to resolving the issues set out in your letter within the next 30 days.

To reiterate, we remain committed to this project and are eager to meet with you at any time to resolve the remaining issues between us. Stated simply, we see no reason why we cannot reach an agreement quickly on these matters. In sum, while we would prefer to resolve all issues between the parties prior to the congressional hearing, we believe the failure to attend the hearing as scheduled could endanger the proposed legislation and necessarily threaten the project.

Your immediate attention to this matter is appreciated.

Sincerely,

George W. Brown

George Brown

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U.S. House of Representatives
Committee on
Natural Resources
Washington, DC 20515-6201

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JAY DICKEY, ARKANSAS

JOHN LAWRENCE
STAFF DIRECTOR
RICHARD MELTZER
GENERAL COUNSEL
DANIEL VAL KISH
REPUBLICAN STAFF DIRECTOR

November 1, 1993

Jack Kent Cooke
Kent Farm
Middleburg, Virginia 22117

Dear Mr. Cooke:

The House Subcommittee on National Parks, Forests, and Public Lands, which I Chair, has scheduled a hearing on H.R. 2176 and H.R. 2701, bills to authorize construction of a new stadium in the District of Columbia, for Friday, November 5 at 10:00 a.m.

This hearing was scheduled in response to the long-standing request of you and others that Congress consider this matter as expeditiously as possible. After receiving the final Environmental Impact Statement on this issue, I placed these bills on the Subcommittee's calendar for the beginning on November. I understand, now, that according to the October 29th letter of your associate, Walter Lynch, neither you nor the city of Washington, DC are ready to testify before the Subcommittee. However, staff from the city government has assured me that they are prepared to give their testimony regarding this issue.

While I realize many details still need to be finalized between you and the city, I am disappointed that you feel that you are not prepared to appear before the Subcommittee. I will not move forward on this legislation until the Subcommittee has the answers from you and other interested parties that are needed to make sound public policy decisions.

I hope that you will be prepared to appear before the Subcommittee this Friday so that we may hear you perspective on this legislation and address questions regarding the proposed Stadium. While I do not expect every detail to be resolved prior to this hearing, I am

not interested in "wasting" the Subcommittee's time if the parties interested in this legislation, including yourself, are not prepared to participate.

Sincerely,

Bruce F. Vento
Chairman, Subcommittee on
National Parks, Forests, and
Public Lands

BFV:tm

cc: The Honorable Eleanor Holmes Norton
The Honorable Sharon Pratt Kelly

WASHINGTON REDSKINS
PRO FOOTBALL INC
MIDDLEBURG VA 22117 (703) 687-4000

JACK KENT COOKE
CHAIRMAN OF THE BOARD

November 2 1993

The Honorable Bruce F Vento
Chairman, Subcommittee on
National Parks, Forests, and
Public Lands
US House of Representatives
Committee on Natural Resources
Washington DC 20515-6201

Dear Mr Vento

I thank you for your very pleasant letter of November 1st, which I received via fax this morning.

With sincerity I say that a meeting with your committee would serve no constructive purpose because I am convinced the present existence of too many loose ends precludes the possibility of reaching any definitive decisions.

With the utmost respect to you and your committee, I remain

Yours very truly

Jack Kent Cooke

JKC/dmr
(Sent via Fax)

THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

SHARON PRATT KELLY
MAYOR

November 3, 1993

The Honorable Bruce Vento
Chairman
Subcommittee on National Parks,
Forests and Public Lands
Longworth House Office Building
Washington, D.C. 20015

Dear Congressman Vento:

I have received a copy of your letter to Jack Kent Cooke, dated November 1, 1993, and felt that a response from the District of Columbia is appropriate. First, let me thank you for your prompt attention to the proposed new stadium in the District of Columbia. We look forward to meeting with your subcommittee and moving forward on this important economic development project in the District.

As you know, the District of Columbia and the National Park Service have completed the necessary Environmental Impact Statement on the construction and operation of a new stadium, and are now entering the final planning stages of the proposed project. We feel that now is an excellent time for congressional involvement and we are prepared to answer a number of questions related to the proposed project, the environmental review process, and other related issues. However, there are several issues associated with the proposed project that have not yet been resolved. These include:

- Negotiations to determine the parties responsible for the removal of contaminated soils and the estimated costs to the respective parties;

- Detailed design of the buffer along Oklahoma Avenue (including its treatment and precise dimensions);

- A final lease agreement approved by the City Council;

- The precise amount of the infrastructure bonds to be issued by the District and paid for by the Jack Kent Cooke organization.

Now that the Final Environmental Impact Statement has been completed and we are assured that the project would not have any significant impacts on the environment which cannot be mitigated, District staff resources can be directed toward the resolution of these issues, in cooperation with the Jack Kent Cooke organization. Consequently, we would not be prepared to respond to questions related to these unresolved issues stated above at the November 5, 1993 hearing. Regardless, we would certainly welcome your subcommittee's input so that we can assure that the public good is maximized.

We have been informed that representatives of the Jack Kent Cooke organization have not confirmed their participation in the hearing that you have scheduled for November 5, 1993. However, let me reiterate that the District of Columbia is fully prepared to participate in this hearing as scheduled.

Please advise me as to whether the information contained in this letter would affect your schedule or plans.

Sincerely,

Sharon Pratt Kelly

cc: The Honorable Eleanor Holmes Norton
Jack Kent Cooke
Robert Stanton

for record

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U.S. House of Representatives
COMMITTEE ON THE DISTRICT OF COLUMBIA
ROOM 1310, LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

November 3, 1993

The Honorable Bruce Vento, Chairman
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Bruce:

I have been informed that your Subcommittee intends to hold a hearing on legislation authorizing construction of a new stadium in the District of Columbia. While the bills (H.R. 2176, H.R. 2702) have been jointly referred to our respective Committees, I would like to take this opportunity to highlight certain concerns I have about this project.

Among my concerns are the following: (1) The effect of the proposed new stadium on the existing height limits law; (2) Whether the public should share more in the apparently substantial profits that will result from use of public property; (3) Whether acknowledged environmental problems will be satisfactorily addressed; (4) Whether long-term health impacts are being adequately weighed against short-term benefits; and (5) The impact of the new stadium on the surrounding neighborhood.

I want to specifically bring to your attention my concern about height limits. Both H.R. 2176, introduced on May 19, 1993, at the request of the City by Representative Norton, and H.R. 2702, introduced on July 21, 1993, by Representative Faleomavaega, provide that the new stadium could be built notwithstanding the height limits contained in D.C. Code §§ 5-401 to 5-409, as long as it is approved by the Commission on Fine Arts and the National Capital Planning Commission. I oppose inclusion of such a provision in any final legislation.

The height limitation in the D.C. Code was enacted by Congress in 1910 and continues to serve important Federal interests. In addition to enhancing the security of the capital, the height limit protects the prominence of the city's monuments and public buildings. A building may be no higher than the width of the street on which it fronts, plus 20 feet, and in no event can a building exceed a height of 130 feet. Spires, towers, chimneys, and certain other structures may be constructed to a greater height if approved by the Mayor.

Nothing in the law exempts buildings constructed on federal property, and the National Capital Planning Commission (NCPC) has adopted a policy that federal facilities should be consistent with local zoning standards. While a few statutory exemptions have been granted in the past, such action should not be taken without carefully considering the visual impact and precedent that might be set for other structures. Thus, early in 1991 legislation was approved at the urging of the NCPC to reverse D.C. Council Act 8-329, waiving the 110-foot height limit that applied to a building in the Market Square North development of the Pennsylvania Avenue Development Corporation. *See* Public Law No. 102-11, March 12, 1991 (H.J Res. 158, S.J. Res. 84, 102d Cong., 1st Sess.).

The proposed stadium would be in a nearly direct line with three National Monuments and positioned at a major gateway into the core of the Capital. These considerations, and the fact that the facility would be under private control, militate against any action that could have a negative impact on the visual and architectural integrity that presently exists.

The Final Environmental Impact Statement publicly released on October 21, 1993, concludes that no waiver of the height limit will be needed because the stadium design comes in below the 130-foot limit. If true, the height limit waiver provision in the bill is superfluous and should be dropped. If on the other hand, a waiver of the height limit is deemed necessary, I would adamantly oppose such a special privilege for this private endeavor

The proposed stadium will rise 178 feet above sea level, and this *does not include* an additional 28 feet for steel light supports and field lighting. The structure described in the Environmental Impact Statement would be at least 30 feet taller than Robert F. Kennedy Stadium. This is 153 feet above C Street. If C Street were to be the basis for measurement, the new stadium would be more than 20 feet above the height limit – assuming that the light standards do not count towards the limit, and that the final design is consistent with what has been publicly presented. C Street apparently is **not** the basis for measurement, however.

I understand that as a result of inclusion of the stadium site in a federal reservation, C Street has not been considered a "public right-of-way" since the 1940's. Instead, it is a paved "cartway" within a larger tract. The developer is therefore entitled to measure from another location bordering the tract—in this case, a point on East Capitol Street 52 feet above sea level. If true, I believe we must consider whether a private party should be allowed to violate the spirit of the height limit restriction on account of a technical reading of the law.

Over the past several years, numerous government officials and private individuals have publicly described the new stadium and have given assurances that it would have little negative impact. At times, the public description has hastily changed in the face of new objections. Given the fact that federal land would be used for private financial gain, Congress has an obligation to make certain that federal interests are protected. We must make certain that our decisions are based on facts, and not just the opinions of interested parties.

Furthermore, all the promises that have been made will be worthless unless some mechanism exists to ensure protection of our federal interests. I offer one suggestion as we proceed. The owner of the Washington football team has not hesitated to give public assurances about the benefits of the stadium deal and his assumption of the financial risk. This is being sold as a no-lose arrangement. If so, then the team owner should not object to a requirement that the franchise serve as collateral against any default.

I appreciate your consideration of my concerns, particularly the height limits issue, and look forward to working with you.

Sincerely,

PETE STARK
Chairman

FOR RECORD

NATIONAL PARKS AND CONSERVATION ASSOCIATION
FRIENDS OF THE EARTH

November 3, 1993

The Hon. Bruce Vento, Chairman
Subcommittee on National Parks, Forests, and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

RE: Oppose Stadium Legislation until National Park Service Completes Management Plan for National Capital Parks

Dear Chairman Vento:

The National Parks are our national heritage, and the National Park Service is entrusted with the responsibility of protecting and enhancing national park lands for enjoyment by our citizens today and by future generations. This is no less true for the national park lands in the national capital area.

No general management plan -- required by federal law for all units of the National Park System -- has ever been prepared for several units of the National Capital Region, including Anacostia Park, and the Region apparently has little vision for public use of these lands. As a result, park lands along the Anacostia River have become vulnerable to assaults from public and private development proposals. Rather than seeking to define and protect the public interest in these lands, the National Park Service has willingly given away National Park lands for use by private individuals or for large construction projects in return for meager "enhancements" to remaining park lands.

For example, the Park Service has transferred to the District of Columbia jurisdiction over National Children's Island, a 40-acre wooded tract in Anacostia Park, for the construction of a for-profit theme park. The theme park will charge large admission fees and pave or build on up to 13 acres of prime urban wildlife habitat. A private corporation will reap much of the theme park's profits.

The Park Service has also proposed to permit the owner of the Washington Redskins professional football team to construct a new stadium on National Park Service land in Anacostia Park that will require the elimination of up to 17 acres of open space. The team's owner, Jack Kent Cooke, will obtain all revenue from the stadium, and 90% of all other parking revenues from the site for at least 30 years.

In addition, the Park Service is now considering granting permits to allow construction of a parkway as part of the Barney Circle Freeway that will eliminate more than a dozen acres of Anacostia Park. The parkway will bring an estimated 30,000 vehicles per day through Anacostia Park, with attendant air pollution and stormwater runoff impacts, and federal tax dollars will be used as part of the project to reconfigure stadium parking, from which Mr. Cooke will receive 90% of the revenues.

All of these projects provide huge benefits to private parties. None offer the public the type of natural recreational opportunities it is the Park Service's traditional mission to provide.

The National Capital Region has supported these give-aways, rationalizing the destruction of National Park land by pointing instead to the meager "enhancements" to remaining National Park lands they have obtained. For example, the Park Service may obtain a small public recreation area at one end of National Children's Island in return for giving away the rest. In return for the paving of green space for both the stadium and the Barney Circle Freeway, "improvements" are promised for to the remaining National Park land. Much of the "improved" open space will serve as parking during football games and other stadium events.

This apparently cynical strategy of eliminating National Park land to improve it should not be endorsed by Congress. We urge your subcommittee to ask the National Park Service what specific standards exist for evaluating land transfers, such as that for National Children's Island. Further, your subcommittee should determine the value that the federal government will receive if these transfers are completed.

Secretary of Interior Bruce Babbitt recently promised that the National Park Service would undertake its first-ever general management plan for its lands in the National Capital Region. A copy of the letter is attached. Unfortunately, Secretary Babbitt did not put a hold on the three development projects pending completion of the planning process.

In the absence of general management plans that reflect consideration of all reasonable uses of these lands, we believe Congressional action on stadium legislation -- H.R. 2176, H.R. 2702, S. 976, and S. 1207 -- is premature.

Letter to Chairman Vento Re: Stadium Legislation
November 3, 1993
Page 3

We urge you to oppose passage of the stadium bills and any other legislation enabling the projects discussed in this letter until the National Park Service completes a general management plan that lives up to the Service's mission of protecting our national natural heritage in the National Capital Region.

Sincerely,

Bruce Craig
Bruce Craig
Northeast Regional Director
National Parks and
Conservation Association
(202) 223-6722

Brent Blackwelder
Brent Blackwelder
Vice President for Policy
Friends of the Earth
(202) 544-2600

Enc. Letter of B. Babbitt, Secretary, Dep't of Interior, to F. Shepard, SCLDF, Oct. 5, 1993

(Editor's note.--Enclosure aboves above in the hearing appendix.)

Final Environmental Impact Statement
Executive Summary

for the
Construction and
Operation of a

PROPOSED STADIUM

Washington, D.C.

October, 1993

Final Environmental Impact Statement

for the Construction and Operation of a

PROPOSED STADIUM

in Washington, D.C.

Lead Agencies:
National Park Service
District of Columbia Government

Cooperating Agency:
National Capital Planning Commission

Abstract:

A new football stadium has been proposed for Washington, D.C., on federal property that is under the jurisdiction of the National Park Service. In accordance with the National Environmental Policy Act, this EIS has been prepared to analyze the potential environmental consequences of constructing and operating such a facility. This document includes an analysis of the potential impacts of three alternatives: (1) the Proposed Action, which involves construction of a new 78,600-seat stadium north of RFK Stadium in Washington, D.C.; (2) an alternative action to expand and renovate RFK Stadium to increase its seating capacity from 56,880 to 78,600 persons; and, (3) a No Action alternative. The document includes analyses of potential impacts each alternative may have on the local community, including land use, community character and facilities, economic and fiscal conditions, cultural, historic, and aesthetic resources, air quality, noise levels, public health, water quality, geology and soils, hazardous wastes, urban systems, and transportation, parking and traffic. Potential long-term adverse impacts would include the loss of open space and parkland within the proposed site area, visual impacts from sensitive viewpoints including some cultural resources, and traffic impacts caused by increased traffic during stadium events and changes to commuter routes to downtown D.C. Some short-term impacts would occur as a result of construction, including adverse effects on the local residential areas adjacent to the proposed site area, potential impacts from disturbance of contaminated soil, elevated concentrations of particulate matter and noise levels during the construction period, and disruption of local traffic patterns, particularly those caused by the reconstruction of C Street with the Proposed Action. Mitigation measures to alleviate these impacts have been identified. Positive impacts associated with the action include economic benefits from stadium construction and operation, including the assurance that Washington's professional football franchise will be committed to the District of Columbia for a 30-year time period, additional landscaping, improvements to the Anacostia River shoreline, and an improved storm water treatment system.

This report is printed entirely on recycled paper.

Executive Summary

Executive Summary

Purpose and Need for Action

The United States Department of the Interior, National Park Service, and the District of Columbia Government have prepared this Final Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the construction and operation of a stadium in Anacostia Park in the District of Columbia. The information presented in this EIS will serve to assist appropriate public officials and decision-makers in their deliberations on proposed legislation that would authorize implementation of the action that is the subject of this EIS. The purpose of the action that is the subject of this EIS is to provide a stadium designed primarily for football with a capacity of 78,600 seats, optimal sightlines, luxury box suites, and modern spectator amenities in Washington, D.C.

The proposed site of the new stadium is located north of Robert F. Kennedy Memorial Stadium (RFK Stadium) within an area currently utilized for stadium event parking. Existing vehicular parking spaces supporting RFK Stadium would be reconfigured and reconstructed within the limits of the approximately 190-acre site area to accommodate up to 18,500 automobiles, 200 buses, and other related vehicles.

The proposed stadium and associated parking lots would be located on federal land under the jurisdiction of the National Park Service. Under current authorization by Congress, this land is leased to the District of Columbia pursuant to the D.C. Stadium Act of 1957, as amended in 1986, to accommodate RFK Stadium and related parking facilities.

The professional football franchise in Washington, D.C., is committed to playing its home games in a stadium with an enlarged capacity, improved sightlines, and upgraded seating and amenities. The current home facility of the team, RFK Stadium, was designed primarily for baseball and its configuration does not have optimal sightlines for football. The seating capacity of RFK Stadium is also considerably less than that found in contemporary football stadiums. For these reasons, the corporations that operate the Washington, D.C. franchise of the National Football League (NFL) have offered to construct a larger stadium designed primarily for football in Washington, D.C., with private funds.

One of the District of Columbia's primary economic development objectives as set forth by the Mayor is to keep the Washington professional football franchise in the District because of the mutually beneficial, long-standing relationship between the team and the District. The NFL franchise generates substantial revenues for the District through direct and indirect expenditures both on game days and throughout the year. In addition, the local team is extremely popular and serves as a unifying force for the diverse national and international cultures of Washington.

Framework for Environmental Review

The National Park Service and the District of Columbia Government are jointly responsible for the environmental analysis and documentation of the proposed stadium. The National Capital Planning Commission (NCPC) is a cooperating agency for the purposes of preparing the EIS. The Draft EIS was reviewed by Federal and District resource agencies as well as citizen organizations and private individuals.

The EIS has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as implemented by the Council on Environmental Quality and the National Park Service. The EIS is also in accordance with the D.C. Environmental Policy Act of 1989. NEPA requires that a full evaluation be made of the environmental setting and all direct, indirect, and cumulative impacts generated by the proposed and alternative actions to assist federal agencies in the decision-making process.

This Final EIS includes the following:

- A statement of the purpose of and need for the action that is the subject of this EIS.
- A description of the Proposed Action and Alternative Actions.
- A description of the environment affected by the Proposed Action and Alternative Actions.
- An analysis of the potential environmental consequences of the Proposed Action and Alternative Actions.
- An analysis of the cumulative impacts on the environment of the Proposed Action and Alternative Actions as well as other known planned or potential projects in the area.
- A description of recommended mitigation measures with implementation responsibility, monitoring responsibility, and schedule for implementation.

Public participation was sought continuously throughout the environmental review process. The scoping effort for this EIS consisted of verbal and written comments, including questions, concerns, and criticisms, received from public resource agencies, local citizen groups, and interested individuals. Follow-up meetings with certain agencies and two public scoping meetings were held in April 1993. During the 60-day public review period for the Draft EIS, written comments were requested and a public review meeting was held in June. In addition, meetings were held with local communities, appropriate Advisory Neighborhood Commissions, and the business community.

Consideration and Selection of Alternatives

The need for an expanded, modern facility for the local professional football team was first identified in 1988. Since that time, numerous sites throughout the Washington metropolitan area have been investigated as potential locations for a new stadium, with several opportunities for public and agency participation. The analysis in the EIS has been limited to reasonable alternative sites within the District of Columbia because such sites best satisfy the economic development objectives of the District and the desire of the football franchise to remain in the District of Columbia.

All potential vacant or underutilized parcels within the District of Columbia encompassing at least 60 acres were initially considered. Most of the potential sites of sufficient size to accommodate a stadium already were occupied by monuments and other significant buildings, or included historic parks and protected areas, and were therefore not suitable. Seven sites, however, were identified for more intensive evaluation.

The seven potential locations for a new stadium in Washington, D.C., were evaluated based on objective and analytical criteria, including site size, accessibility, planning considerations, natural features, and land availability. Following the primary evaluation, three sites were identified as the most viable sites for a new stadium: Bolling Air Force Base/Anacostia Naval Air Station, the RFK Stadium/D.C. Armory site, and the Parking Lot Northeast of RFK Stadium.

The three alternative sites for a new stadium in the District were analyzed in greater detail according to more qualitative secondary criteria. The Bolling site was rejected because (1) land acquisition would be difficult given the well-developed plans prepared by the Department of Defense, which had ownership of the site, and (2) the Bolling site was deemed to have far less accessibility to Metrorail and highway systems as compared to the two sites near RFK Stadium. Ultimately, the Parking Lot Northeast of RFK Stadium site was identified as the preferred site because the RFK Stadium/D.C. Armory site would require the demolition of a number of privately-owned residences, as well as the D.C. Armory, a valuable and necessary public facility. In addition, the Parking Lot Northeast of RFK Stadium site is well-located and easily accessible, compatible with the existing uses and adjacent facilities, and consistent with current "event day" experiences.

During 1992, in response to public concerns about the use of portions of Langston Golf Course and Kingman Island for parking and plans to fill a portion of Kingman Lake, the preferred site was modified and is now identified as the Parking Area North of RFK Stadium. As a result, the Parking Area North of RFK Stadium site (as opposed to the Parking Lot Northeast of RFK Stadium site) does not use any portions of Langston Golf Course or Kingman Island, and no portion of Kingman Lake would be filled.

In 1993, as part of this EIS, current documents on existing land use, environmental, and planning issues were re-examined to determine the current status of the three alternative sites. Again, the Parking Area North of RFK Stadium site was selected as the preferred site for a new stadium. The site is:

- Well-served by Metrorail and the Interstate highway system;
- Consistent with land use plans for the site;
- Currently authorized for the use of a stadium (RFK Stadium) and related parking purpose;
- Adjacent to the existing stadium and existing infrastructure on the site including established parking areas, pedestrian paths, Metrorail facilities, sanitary sewers, and other utilities;
- Consistent with current "event day" noise, safety, and security conditions; and
- Flat, vacant, and of adequate size to accommodate the proposed program.

The boundaries of the Parking Area North of RFK Stadium site are identical to the proposed site area described in the February, 1993 Memorandum of Understanding between the D.C. Government and JKCSI-PFI. The proposed site area does not include portions of Langston Golf Course, Kingman Island, or Kingman Lake.

Once the preferred location was selected, several alternative actions considered or proposed for portions of the site area adjacent to RFK Stadium were evaluated. In addition to the Kingman Fill Alternative, the Parking Lot Northeast of RFK Stadium Alternative, and the RFK Stadium/D.C. Armory Alternative, two other alternatives, including the RFK Stadium Demolition/Replacement Alternative, and the RFK Stadium Expansion/Renovation Alternative, would be located within the area surrounding RFK Stadium. The RFK Stadium Demolition/Replacement Alternative was eliminated as a viable alternative for operational and physical reasons. The RFK Stadium Expansion/Renovation Alternative was evaluated as an alternative action in the EIS.

Description of the Alternative Actions

Proposed Action

The Proposed Action includes the construction and operation of a new football stadium to be designed and built consistent with current NFL trends, and with a seating capacity of approximately 78,600 persons, including 59,300 stadium seats, 15,000 club seats, and 4,300 executive suite (sky box) seats. Existing vehicular parking spaces would be reconfigured and reconstructed within the limits of the approximately 190-acre site area to accommodate up to 18,500 automobiles, 200 charter buses, and other vehicles (security, emergency, police, etc.).

The proposed stadium would be built with private funds by JKC Stadium, Inc. (JKCSI). The estimated cost of the proposed stadium structure is $160 million in 1993 dollars. The District of Columbia would issue revenue bonds for the construction of all infrastructure and reconfigured parking areas in the site area surrounding the proposed stadium. The payment of these bonds would be paid for by tax revenues generated by the stadium. The estimated cost of the proposed infrastructure improvements is $46 million. This figure does not include the potential cost for contaminated soil removal. The cost for removal of contaminated soils disturbed during construction would likely be the responsibility of the federal government, which owns the site, and other parties to be determined before construction begins.

The proposed site plan would:

- Extend the urban grid pattern of the surrounding neighborhood into the site area;
- Expand and enhance open space along the edge of the Anacostia River;
- Provide a 10-foot landscaped buffer along the east side of Oklahoma Avenue. (However, a mitigation measure has been identified that would expand the landscaped buffer along Oklahoma Avenue to a width of 50 to 200 feet, thereby preserving 2.5 to 10 acres of open space. Such a mitigation measure would reduce the potential impacts of the Proposed Action on the adjacent neighborhood);
- Relocate the existing playground within parking area 7 to a site located within the Kingman Park neighborhood;
- Replace the RFK Stadium auxiliary field at Eastern High School;
- Relocate and depress the westbound spur of Whitney A. Young Bridge/C Street;
- Modify the ring/surface road encircling RFK Stadium; and
- Realign an existing stormwater sewer line around the proposed stadium.

The proposed site plan would not result in the taking of homes or businesses. The proposed plan would also not disturb the Anacostia River shoreline or fill any portion of Kingman Lake. Langston Golf Course and Kingman Island would not be utilized for stadium-related parking. The Proposed Action is not dependent on the proposed Barney Circle Freeway Modification Project.

The proposed stadium would be an oval-shaped structure with three primary seating levels and a below-grade playing field. The overall height of the structure would be approximately 163 feet (or approximately 175 feet above sea level). The stadium would be encircled by a pedestrian plaza. Columns supporting the pedestrian plaza would be located approximately 28 feet from the Anacostia River shoreline. The foundation wall would be located approximately 48 feet from the Anacostia River shoreline.

The proposed stadium is scheduled to be completed in time for part of the 1995 football season. The proposed stadium is expected tobe used for approximately 18 major events per year; the schedule for the proposed stadium would be coordinated with RFK Stadium and the D.C. Armory so that major events would not be held simultaneously at the proposed stadium, RFK Stadium, or the D.C. Armory. RFK Stadium would be maintained and used approximately 18 times per year for community-based events, soccer and other sporting events, and entertainment events. RFK Stadium could potentially be used for major league baseball should Washington obtain a baseball franchise.

The construction of the stadium, site infrastructure and parking is projected to directly generate more than 1,500 construction-related jobs over 23 months. JKCSI has pledged to make a good faith effort when hiring and contracting the construction-related jobs and contracts by (1) awarding to Minority Business Enterprises (MBE) contracts and/or subcontracts whose dollar value is at least 35 percent of the total cost of new stadium construction; and (2) having District residents constitute at least 51 percent of all new hires for full-time and part-time jobs in connection with each of the design, planning, construction, and operation activities of the new stadium. In addition to those jobs directly created by the Proposed Action, approximately 1,815 additional jobs would be indirectly created through economic multipliers.

Construction activities would occur during two shifts between the hours of 7 am to 7 pm. Construction of the proposed stadium and site plan is scheduled to commence in December 1993 and be completed in October 1995.

RFK Stadium Expansion/Renovation Alternative

RFK Stadium currently provides seating for approximately 56,880 spectators but does not currently have luxury suites. Based on a study commissioned by the D.C. Armory Board, an expanded and renovated RFK Stadium would provide 78,600 seats, including 145 luxury suites or 1,752 seats. An outer ring around RFK Stadium would be developed to accommodate two new seating decks, circulation and support spaces, and concession facilities. The proposed renovation would include providing additional restrooms and concession facilities, expanding and upgrading press facilities, and renovating team, administrative and service facilities. Existing vehicular parking spaces would be reconfigured and reconstructed within the limits of the approximately 190-acre site to accommodate up to 18,500 automobiles, 200 charter buses, and other related vehicles (security, emergency, police, etc.).

The proposed expansion and renovation of RFK Stadium would require the use of public funds and be the financial responsibility of the District of Columbia Government. The D.C. Armory Board would continue to own, operate, and maintain the stadium. The estimated cost of the expanded and renovated stadium is $80 million and the estimated cost of the site infrastructure and parking improvements is $36 million, for a total cost of approximately $116 million. The site improvement cost does not include the potential cost of contaminated soil removal. The cost for removal of contaminated soils disturbed during construction would

likely be the responsibility of the federal government, which owns the site, and the District Government, which would expand and renovate RFK Stadium.

The site plan for the RFK Stadium Expansion/Renovation Alternative would:

- Extend the urban pattern of the surrounding neighborhood into the site area;
- Expand and enhance open space along the edge of the Anacostia River;
- Provide a 12-acre landscape buffer of varying width along the east side of Oklahoma Avenue. (Assuming that an additional 2.5 to 10 acres of open space could be preserved as with the mitigation measure identified for the Proposed Action, 14.5 to 17 acres of open space could be retained along Oklahoma Avenue and, possibly, 5 acres of grass parking could be established along Benning Road);
- Retain the existing bike trail, RFK Stadium auxiliary field, and existing playground adjacent to Oklahoma Avenue; and
- Modify the ring/surface road encircling RFK Stadium.

The alternative site plan would not result in the taking of homes or businesses. The plan would also not disturb the Anacostia River shoreline or fill any portion of Kingman Lake. Langston Golf Course and Kingman Island would not be utilized for stadium-related parking. The RFK Stadium Expansion/Renovation Alternative is not dependent on the proposed Barney Circle Freeway Modification Project.

The expanded stadium would have a circular footprint with a new outer ring. The structure would expand in width by 120 feet, and its overall height would be approximately 132 feet (or 178 feet above sea level).

As part of the expansion and renovation of RFK Stadium, new or completely reconstructed facilities would include escalators and elevators, concession and food preparation areas, heating, ventilating and air conditioning systems, restrooms, storage areas, press facilities, video and spectator information systems, administrative facilities, sprinkler and smoke exhaust systems, and coaches' and players' locker rooms and training facilities.

Modern football stadiums also provide a variety of seating options, such as luxury suites and club levels, that generate the income levels necessary to successfully operate an NFL franchise. These options do not exist presently in RFK Stadium and would only be partially achievable in an expanded and renovated RFK Stadium. It should be noted that Washington's professional football franchise may decide to relocate outside of the District of Columbia or the Washington metropolitan area as a result of this alternative.

The expansion and renovation of RFK Stadium would be scheduled to take place over a two-year time period. According to preliminary studies, the football and event schedule would not

necessarily be interrupted by the construction. However, the construction would impact the season by reducing existing seating capacity and inconveniencing the team and spectators during the two-year construction period. The expansion and renovation of RFK Stadium would also compromise its suitability for major league baseball.

The expansion and renovation of RFK Stadium, site infrastructure and parking is projected to directly generate approximately 870 full-time construction-related jobs over the two-year construction period. Presumably, the D.C. Armory would meet the 35 and 51 percent goals, respectively, for MBE contracting and new hires for full-time and part-time jobs associated with the design, planning, construction, and operation activities of the stadium. In addition, approximately 1,052 additional jobs would be indirectly created through economic spin offs.

No Action Alternative

The No Action Alternative assumes that the existing conditions of the stadium and the surrounding site area would continue. This includes a stadium with a seating capacity of 56,880 and parking capacity for 14,610 vehicles. No new stadium construction or renovation would occur, and RFK Stadium would be maintained in its current configuration and capacity. Existing elements of the site area include:

- An open space edge along the Anacostia River;
- Open space along the east side of Oklahoma Avenue consisting of vegetation, a bike trail, a playground, and the RFK Stadium auxiliary field; and
- A surface ring road providing vehicular access and pedestrian access to RFK Stadium adjacent roadways, and parking areas.

Existing open space areas along Oklahoma Avenue and the Anacostia River would remain in their existing conditions without any changes or improvements.

Cumulative Impact Projects

The environmental analysis included in this EIS includes an evaluation of potential projects in the study area, in addition to existing uses and projects, to determine the cumulative impact of the proposed and alternative actions on the study area. The planned or proposed projects include: the recently approved Barney Circle Freeway Modification Project, the proposed National Children's Island project, the renovation of Langston Golf Course, the redevelopment of the Old D.C. Jail Site, and the planned expansion of the Hechinger Mall Area.

Summary of Existing Conditions

The proposed site area consists of 190 acres located within Anacostia Park in Washington, D.C. The boundaries of the proposed site area can be generally defined by Oklahoma Avenue and Benning Road to the north; 21st Street, Constitution Avenue and Benning Road to the north; 21st Street, Constitution Avenue, and 19th Street on the west; the D.C. Armory, Independence Avenue, D.C. General Hospital, and the approximate extension of E Street, S.E., to the south; and by Kingman Lake and the Anacostia River to the east.

The proposed site area is dominated by the existing RFK Stadium and related vehicular surface parking areas. Other uses on the proposed site area include the Metrorail Orange/Blue Line that traverses a portion of the site on an elevated track and continues underground through the area, and a swirl concentrator sewer treatment facility. There are no residential or commercial buildings or structures, and no historic or archaeological resources, located on the proposed site area.

Little vegetation and wildlife habitat exist on the site. A narrow strip of unimproved open space and vegetation is located along the Anacostia River. Additional open space, including a grassy area, a playground, and the RFK Stadium auxiliary field, is located adjacent to Oklahoma Avenue.

The proposed site area has been found to contain contaminated soils, primarily including lead and semi-volatile organics that appear to result from various fill materials placed on the site more than 30 years ago. High levels of contaminants have been detected in localized areas distributed randomly throughout the proposed site area. The groundwater has not been found to be contaminated by the soil contaminants.

The Anacostia River in this area is characterized by high sedimentation, high bacteria counts, and low dissolved oxygen concentrations. Stormwater runoff from the highly urbanized Anacostia watershed upstream from the proposed site area and combined sewer overflows are the principal sources of contamination. Stormwater runoff from RFK Stadium and the existing parking areas currently discharges into the Anacostia River without treatment. The proposed site area is located within the 100-year floodplain of the Anacostia River.

The study area surrounding the proposed site area includes the Benning Road-Bladensburg Road-Maryland Avenue intersection to the northwest; the Benning Road-Minnesota Avenue intersection to the northeast; the Potomac Avenue Metrorail Station and Barney Circle to the southwest; and the Anacostia Freeway/Kenilworth Avenue corridor to the southeast. This area is generally of mixed-character and quality. It consists of a mix of urban uses, including commuter roadway routes, public and institutional facilities, residential and commercial uses, and open space including Kingman Lake and the Anacostia River to the east and Langston Golf Course to the north.

East Capitol Street/C Street, Benning Road, and Pennsylvania Avenue traverse or border the proposed site area and experience heavy AM and PM peak hour traffic. In addition to RFK Stadium, there are public facilities located to the south of the proposed site area, including the D.C. Armory, the D.C. General Hospital complex, the D.C. Correctional Facility, and the D.C. Correctional Treatment Facility. The nearest commercial areas are located along Benning Road.

Residential areas to the west include rowhouses in the Kingman Park neighborhood and multi-family units in the Langston Terrace area. Residents of these neighborhoods are primarily African-American with moderate incomes and above-average levels of home ownership. Public health data indicate that residents of the study area have relatively levels of serious illness.

Summary of Environmental Consequences

Given that an existing 56,880-seat stadium is located within the proposed site area, this EIS addresses the environmental impacts that would result from an incremental increase in capacity and activities relative to the existing capacity and activities of RFK Stadium, and other projects in the area. Thus, the primary impacts of the Proposed Action and Alternatives would be those generated by increased stadium event traffic volumes, the additional number of stadium events, increased stadium event crowds, construction activities, physical changes to the site, and the cumulative effects of this and other projects in the area.

The major findings of the analyses are as follows:

Land Use impacts were determined by the potential for physical changes to the site, effects on adjacent development, and compliance with planning policies and controls. As proposed, the Proposed Action would convert 17 acres of open space in Anacostia Park to stadium-related parking, provide physical improvements to the parkland along the Anacostia River, and include the development of a second stadium within the proposed site area. Expanding the landscape/open space buffer to an average width of approximately 50 to 200 feet along Oklahoma Avenue as a mitigation measure would preserve approximately 2.5 to 10 acres of open space and reduce the potential impacts of the Proposed Action on the adjacent neighborhood that would result from the loss of open space. The use of the proposed site for a stadium and related parking would be consistent with and complement the existing uses of the site, including RFK Stadium and the D.C. Armory. As with RFK Stadium and the D.C. Armory, the proposed stadium would not be consistent with the residential character of areas located to the west. The Proposed Action generally complies with planning objectives. The RFK Stadium Expansion/Renovation Alternative would retain 12 acres of open space along Oklahoma Avenue and result in physical improvements to the parkland along the Anacostia River. (Assuming that the same 2.5 to 10-acre open space mitigation measure identified for the Proposed Action could be applied to this alternative, 14.5 to 17 acres of open space could be retained along Oklahoma Avenue and, possibly, 5 acres of overflow grass parking could be established along Benning Road.) The expansion of an existing stadium facility would be more consistent with residential uses in adjacent areas than would a new stadium. The

alternative complies with most planning objectives. The No Action Alternative would not convert open space to parking nor would it provide physical improvements to the site. The alternative would be consistent with most planning objectives although it would not fulfill the District's economic development goals.

Residential impacts were determined by the potential for changes to the quality of life, housing conditions, and demographic characteristics that could result from stadium construction or operations. The Proposed Action would not displace any residential housing units. However, the proposed stadium would cause short-term disruption to the quality of life for nearby residents due to the increased traffic, noise, dust, glare, and visual intrusion associated with construction activities. These construction-related impacts would be substantial for a limited number of residents in immediately adjacent areas; more than one block from the proposed stadium, short-term impacts would be considered moderate; beyond three or four blocks, the impacts would be slight. The Proposed Action would not have a long-term effect on housing values or result in demographic changes. The RFK Stadium Expansion/Renovation Alternative would not displace residential housing units. The alternative would cause a short-term disruption to the quality of life for a limited number of residents due to the increased traffic, noise, dust, glare, and visual intrusions associated with construction; this disruption would be for a shorter duration and have a substantial effect on a fewer number of residents than would the Proposed Action. The alternative would have no effect on housing values or demographic characteristics. The No Action Alternative would not displace residences. The alternative would not cause a short-term disruption to the quality of life, nor would it affect housing values or demographic characteristics.

Economic and Fiscal impacts result from estimated changes in expenditure levels, retail and income tax revenues, and fiscal conditions. The Proposed Action would have a significant positive impact on the Washington area construction industry, including direct expenditures of approximately $160 million in private funds for the construction of the stadium and $46 million in revenue bonds for site infrastructure, and approximately $128 million in additional indirect expenditures. These construction-related expenditures would directly create approximately 1,500 net new construction jobs during the two-year period. In addition, approximately 1,815 net new jobs would be indirectly created during the construction period due to economic spin-off effects. The District of Columbia is expected to capture 51 percent of all direct expenditures and jobs, which would represent approximately $55 million in direct payroll spending and 756 net new jobs during construction. The Proposed Action would create approximately 50 full-time, permanent new jobs. The RFK Stadium Expansion/Renovation Alternative would require the use of public funds and be the financial responsibility of the District of Columbia. Approximately $116 million would be required for this alternative. Based on this amount, approximately 870 net new jobs would be directly generated in the metropolitan region. Approximately 1,052 net new jobs would be indirectly created during construction. The District is expected to capture approximately 357 of these net new construction jobs. No permanent, full-time jobs would be created with this alternative. The No Action Alternative would not generate additional expenditures, create new jobs, or alter current fiscal conditions. The No Action Alternative would represent an adverse economic and fiscal impact resulting from opportunity costs.

Impacts on **Cultural and Aesthetic Resources** were determined for historic, archaeological, and visual resources. It has been determined that the likelihood that the proposed site area contains any archaeological resources is slight. In terms of off-site resources, both of the Build Alternatives would have no adverse effects on existing or potential historic districts, sites, or structures. The Proposed Action would have an impact on the existing visual quality of views for adjacent residential areas that ranges from slight for most of the area to substantial for a limited number of homes immediately adjacent to the proposed site area. The visual impacts to residential areas could be reduced by expanding the landscaped open space buffer along Oklahoma Avenue to an average width of approximately 50 to 200 feet. Impacts on other residential areas, historic resources, open spaces, and parklands, and important road corridors and entrances to the District within the study area and on distant viewpoints outside of the study area would be slight to moderate. The RFK Stadium Expansion/Renovation Alternative would have a slight impact on the visual quality of views from historic and open space areas; a moderate impact on the East Capitol Street entrance to the District and views from adjacent residential areas, and no impact on distant viewpoints. The No Action Alternative would have no impact on historic, archaeological or visual resources.

Air Quality impacts were determined by computer modeling of traffic emissions. Vehicular traffic generated by events at either of the Build Alternative facilities would result in moderate impacts on air quality that would not cause violations of National Ambient Air Quality Standards. Air emissions related to sold out stadium events are expected to be similar to those generated during peak commuting periods. Short-term impacts of construction activities from either Build Alternative, particularly fugitive dust emissions, could be substantial; however, these impacts could be adequately mitigated by implementing control measures. The No Action Alternative would not affect existing air quality levels.

Noise Level impacts were identified for crowd noise, the public address system used during stadium events, traffic, and construction noise. For both Build Alternatives, stadium crowds and the public address system would generate moderate noise impacts in certain areas during major events; traffic noise impacts for the two Build Alternatives would be considered moderate. The Proposed Action would result in substantial short-term noise impacts on adjacent residential areas to the west due to the driving of piles during a 90-day period at the beginning of construction. The RFK Stadium Expansion/Renovation Alternative would result in less short-term noise impacts during construction due to the shorter duration of its pile driving period. The No Action Alternative would not have construction-related noise impacts.

Water Resources impacts were determined for surface and groundwater hydrology and quality. The Proposed Action would not impact surface water or groundwater hydrology and, through mitigation, the potential for surface water quality impacts would be reduced. As a result, the Proposed Action can be implemented without contributing substantially to violations of surface water quality criteria. In particular, proper erosion control measures and treatment of groundwater would be provided to ensure that contaminants remaining from past waste disposal on-site are prevented from entering the Anacostia River. Although the Proposed Action is located within the 100-year floodplain of the Anacostia River, it would

not increase flooding potential along the river. The proposed stadium would be designed to be floodproof. The RFK Stadium Expansion/Renovation Alternative would have most of the potential surface water quality impacts as the Proposed Action, but they can be similarly mitigated. RFK Stadium does not encroach on the 100-year floodplain (although some floodproofing measures would be required if the playing field is lowered during expansion). Other water resources impacts of this alternative were determined to be insignificant or readily mitigated. The No Action Alternative would not provide mitigating measures such as treatment of parking lot runoff, diversion of stadium washwater to the sanitary sewers or water conservation measures that would be provided with the build alternatives. Potential water quality impacts from soil erosion and dewatering would be avoided.

Public Health conditions are primarily a function of lifestyle habits, health care accessibility, and, to a lesser extent, environmental conditions. These environmental conditions primarily include air quality, particularly as it is affected by traffic emissions and dust, the quality of drinking water, and the presence of contaminated materials on site. Both the Build Alternatives would have an adverse impact on air quality due to increased dust particles during construction and increased traffic emissions during stadium operations; both actions would have no impact on the quality of drinking water; and both actions would remove soils contaminated with lead as they are disturbed in accordance with federal regulations so as to minimize potential public health impacts. Overall, both actions would have a negligible impact on public health. The No Action Alternative would not affect public health (but would also not remove the contaminated soils as they would not be disturbed).

Impacts related to **Soils, Geology and Topography** were identified within the urban context and disturbed nature of the site area. The Proposed Action, which would regrade and reconfigure existing parking areas, and excavate an area of approximately 15 acres for the proposed stadium, would have a slight impact. The RFK Stadium Expansion/Renovation Alternative would also regrade and reconfigure existing parking areas, resulting in a slight impact on soils and topography. The No Action Alternative would not physically impact the site.

Potential impacts associated with **Hazardous Materials** were related to the presence of high concentrations of lead and semi-volatile organic compounds found in test samples of on-site soils. If disturbed, the contaminated soil could have adverse impacts on the community and/or the environment if not handled properly. However, if appropriate control procedures for handling and transportation are closely followed during construction of either of the Build Alternatives, the potential effects of the soil contamination would be adequately mitigated. The No Action Alternative would not involve any construction or disturbance of the soil; therefore, the No Action Alternative would have no effect on hazardous materials.

Impacts to **Vegetation, Wetlands, and Wildlife** were determined through on-site analyses of biological resources. All Alternatives would not disturb the Anacostia River or its shoreline, would not affect jurisdictional wetlands, and would have minimal impact on the wildlife that may inhabit the area. The Proposed Action would result in the loss of some mature trees along Oklahoma Avenue and have a slight impact on vegetation.

Urban Systems include water supply, wastewater management, stormwater management, solid waste, and energy systems. The impacts caused by the Build Alternatives would be minimal for these systems, which are available at the site and have adequate capacity to support the proposed increase in stadium operations. Both of the Build Alternatives would have a positive impact on stormwater management since stormwater would be treated before leaving the site. The No Action Alternative, however, would not treat the stormwater runoff that enters the Anacostia River.

Transportation impacts are a function of: increased traffic volumes and increased public transportation usage, which result directly from the incremental increases in stadium capacities; long-term changes to the existing commuting patterns; and short-term disruptions due to construction and parking. The two Build Alternatives would generate traffic volumes at or below those for peak commuting periods, and would result in increased pressure for on-street parking spaces creating a slight impact on parking in the study area despite the provision of additional parking spaces on-site through smaller parking modules and increased efficiencies. Both of the Build Alternatives would result in increased use of public transportation; however, the Proposed Action would require a longer walking distance to the Stadium-Armory Metrorail Station. The Proposed Action would relocate and depress the westbound spur of the Whitney A. Young Bridge, which would have a moderate impact on traffic circulation during construction. The Proposed Action would also eliminate the "ring road" connection around RFK Stadium for traffic travelling eastbound on C Street, N.E., creating a substantial long-term impact on outbound commuting patterns; however, this impact can be easily mitigated through site plan modifications. The RFK Stadium Expansion/Renovation Alternative would modify the ring road encircling RFK Stadium, creating a moderate impact to commuting patterns during construction. The No Action Alternative would have no impact on transportation and parking.

Cumulative Impacts would result from several major projects proposed or implemented in the study area. Overall, because events associated with the Proposed Action or the RFK Stadium Expansion/Renovation Alternative would occur during non-peak times, and because the proposed National Children's Island project could not be open during major stadium events, the potential for cumulative impacts is limited. The cumulative effects would be primarily additional incremental increases in ambient air quality and water resource quality impacts. Some projects such as the Barney Circle Freeway Modification Project, however, would have positive effects, reducing such cumulative impacts as traffic congestion and the associated ambient air quality effects. Generally, the cumulative impacts under All Alternatives would not be substantial.

Summary of Mitigation Measures

Mitigation measures and implementation responsibilities have been identified to reduce the impacts generated by the Build Alternatives on the community and the environment. While a number of mitigation measures have been identified, only those recommended to offset substantial impacts are summarized here.

To reduce the **land use** impacts associated with the Proposed Action, an open space buffer with an average width of 50 to 200 feet buffer should be established along Oklahoma Avenue. Such a buffer would preserve 2.5 to 10 acres of open space including a landscaped edge and usable recreation space. Such a buffer would also reduce the impact of the Proposed Action on the **visual quality** of adjacent residential areas. Off-site landscaping improvements are recommended to further mitigate the visual impacts that would result from the Proposed Action.

To reduce the adverse effects on the community from **construction** of either Build Alternative, a Construction Plan would be developed and implemented to: establish time restrictions on noise-generating activities (in particular, prohibiting pile driving during sensitive time periods); restrict construction vehicles to non-residential access routes; place construction storage and staging areas away from residential areas; utilize construction technologies and processes to minimize noise and vibration; and require best practice methods to control dust. In addition, structural monitoring would be conducted to protect residential foundations.

To protect the community and the environment from potential effects associated with the existing **soil contamination** on the site, construction of either of the Build Alternatives would adhere to detailed procedures for handling and removing soils that would be disturbed during construction. All soil would be considered potentially contaminated and would be periodically tested. Dust control procedures would be implemented during all soil disturbance. In addition, air quality monitoring would be conducted at the perimeter of the site to ensure that fugitive dust does not reach residential areas. Contaminated and hazardous soil would be handled and transported in accordance with established federal procedures designed to protect workers, residents, and the environment.

To reduce **traffic and parking impacts** associated with the Build Alternatives, a comprehensive transportation management plan would be developed and implemented. The purpose of the plan would be to: promote the use of public transportation, charter buses, shuttle buses, and ridesharing; expand the residential permit parking program area to prohibit parking on residential streets; implement parking management measures to control vehicles on-site; establish a neighborhood traffic control plan to route traffic away from residential streets; and provide a transportation kiosk to distribute information on public transportation operations and schedules. Minor changes to the local roadway network surrounding RFK Stadium are recommended for the Build Alternatives to accommodate commuter and event-related travel patterns. In addition, slight modifications to the site plan for the Proposed Action have been recommended to maintain commuter traffic flow.

Anacostia Watershed Society

Stop Trashing the Anacostia River Today (301) 513-0316 FAX (301) 513-9321

The Honorable Bruce Vento, Chairman November 5, 1993
Subcommittee on National Parks, Forests and Public Lands
U.S. House of Representatives
Washington, D.C. 20515

RE: HR 2176 and HR 2702, to amend the District of Columbia Stadium Act of 1957 to authorize the construction of new stadium.

Dear Chairman Vento:

On behalf of the members of the Anacostia Watershed Society, I would like to express our concerns about the National Park Service, National Capital Region's aggressive land distribution policies in the Anacostia Park. There are three examples, within the same neighborhood that require closer scrutiny by your committee as they will have a profound and permanent impact on the character of the Federal City: The proposed Jack Kent Cooke Stadium; the proposed National Children's Island Theme Park; and the proposed Barney Circle Interstate Connecter. The Society looks upon these proposed actions collectively as a betrayal of the Public Trust and a dangerous precedent set by the National Park Service, National Capital Region.

We would encourage that you consider congressional action to halt further development of any and all of these projects until such time as a comprehensive management plan has been crafted for this area that includes adequate public participation.

Today, I would like to comment on the Final Environmental Impact Statement, (FEIS), for the proposed Cooke Stadium in reference to HR 2176 introduced by the Honorable Eleanor Holms Norton (by request). This bill will in effect, award Mr. Cooke control of 190 acres of National Park land, for 99 years, within the 100 year flood plain of the Anacostia River, where he proposes to build a new stadium less than ten yards from the water's edge. In simple words, he is planning an oversized, flood-prone eyesore in a community where he is not welcomed and an environmental hazard to a river that thousands of volunteers and millions of dollars have been focused to restore.

While reviewing the Floodplains 3.3.5.2, p.3-100,ff., and the Water Resources section 4.3.5, p.4-150 ff., vivid images of the 'Great Flood of '93' along the mighty Mississippi came to mind. Now, people are calling it a man-made flood because everyone was allowed to build their dream in the 100 year flood plain and engineering calculations were inadequate. Rivers get no respect, especially the Anacostia.

From the FEIS I quote, "floodplain encroachments have little effect on tidal rivers"...p.4-155; ..."the increase in runoff flow would l have no measurable effect on the elevations of severe flooding events. This principally due to the fact that severe flooding in the tidal Anacostia is not sensitive to runoff from the watershed."p.4-151. My personal experience and discussions with long-time residents reveals a different story.

"Mining activities and urban development in the watershed result in an estimated 132,000 tons per year of sediment that flow by way of Northwest and Northeast Branches to the Anacostia at Bladensburg(Century Engineering, 1984 and Scatina, 1987, referenced in U.S.Army Corps of Engineers, 1990)....Since 1959, an average of 88,000 cubic yards of sediments per year have been removed from flood control and navigation channel between Bladensburg and the Benning Road Bridge(U.S.Army Corps of Engineers, 1990)." p.3-99.

The FEIS fails to take note that below the Benning Road bridge, there has been considerably less dredging activity and in fact the river is very shallow below Benning Road. The average depth of Kingman Lake is less than 3 feet. If you have a gallon bucket full of water, pour in half gallon of sediment, the bucket will no longer contain a gallon of water.

During a 50 year flood, the FEIS calculates that there will be 10.45 feet of water swirling around this building.p.4-155. There is a serious flaw here: the calculations for flood level projections are based upon the "Flood Insurance Rate Map for the Anacostia River (Federal Emergency Management Agency (1985)"... [with data collected from 1983]. Since 1985, urban development in Montgomery and Prince George's Counties has possible doubled the impervious surfaces in the upper watershed. This would double the volume of runoff. During the past three years, several upstream municipalities along Lower Beaver Dam Creek have reassessed flood plain delineations and have recorded significant changes.

Possible flood impacts caused by the location of the stadium to the western ramp of the Whitney Young Bridge bulkhead were not mentioned.

"Mitigation Measures...Proposed Action...will prepare and implement a system to restrict the use of parking areas when flooding of the Anacostia river to the level of the parking lots is predicted to occur during a stadium event.

"...will design the foot path and roadway adjacent to the river and stadium to reduce flooding frequency.

...will design and implement the stormwater stadium wash-down water and ground water collection systems to preclude backflow of flood waters into the stadium.

...will prepare plans to floodproof the proposed stadium to an elevation of 12.3 feet NGVD or higher." p.4-157.

Numerous other water quality problems present themselves with this proposed construction below the watertable. De-watering the construction site will require an 'average' pumping rate of 240 gallons per minute of turbid sediment-ladened water with a high probability of other toxic pollutants attached to the sediments such as the reported high concentrations of lead. If the pressurized aquifer below the site is punctured, or if it rains, there will be a considerably larger volume of water to dispose of. The de-watering would continue more than 30 days. This activity will create a sediment plume in the Anacostia and on to the Potomac you could see for miles. After construction, there will be a permanent de-watering requirement.

We feel that the flaws in the FEIS reflect the inappropriate location of this project and indeed the project itself. We are in support of the community's position to renovate of the Robert F. Kennedy Memorial Stadium

Thank you for this opportunity to express our concerns and appreciate your interest is this issue. If I can be of assistance please call 301)513-0316. My best regards,

Sincerely,

Robert E. Boone
Executive Director

enclosure: FEMA 100 year Floodplain map

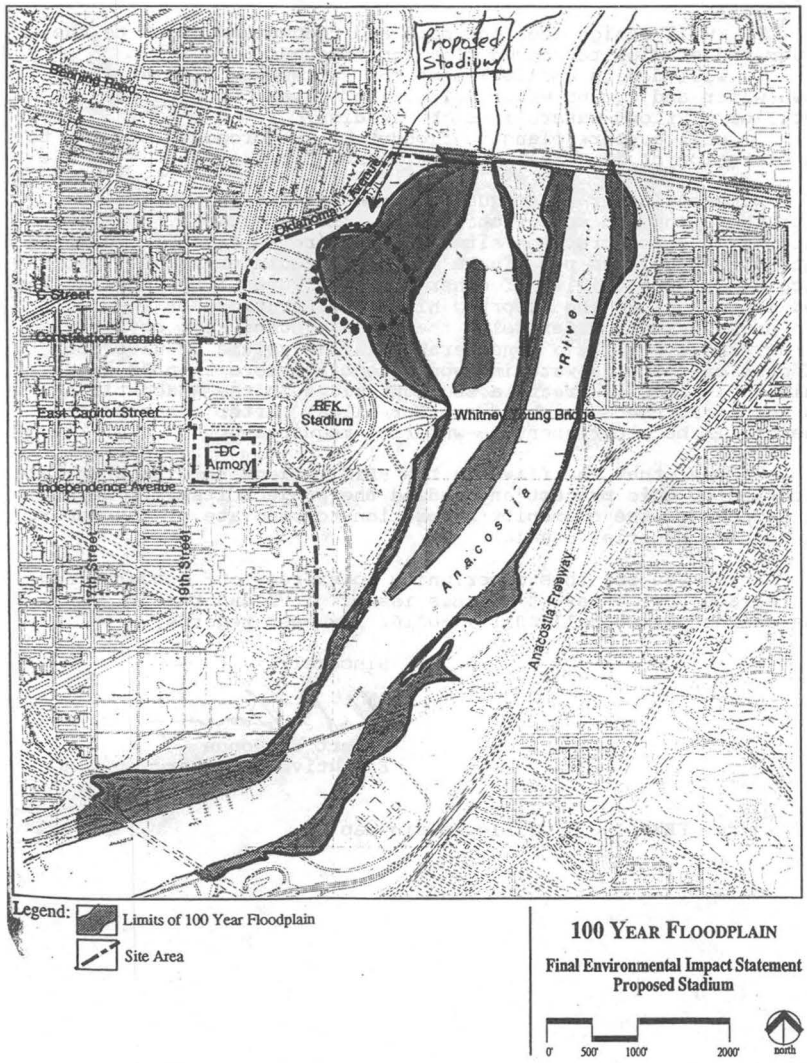
Proposed Stadium
Stanton Road
Pennsylvania Avenue
C Street
Constitution Avenue
East Capitol Street
Independence Avenue
RFK Stadium
DC Armory
Whitney Young Bridge
Anacostia River
Anacostia Freeway
17th Street
19th Street
Legend:
Limits of 100 Year Floodplain
Site Area
100 YEAR FLOODPLAIN
Final Environmental Impact Statement
Proposed Stadium
0'
500'
1000'
2000'
north

Figure 3.3.5-1

STATEMENT OF DR. BRENT BLACKWELDER, VICE PRESIDENT OF FRIENDS OF THE EARTH TO THE HOUSE NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, NOVEMBER 5, 1993

Friends of the Earth wishes to call the attention of this Committee to three major threats to the Anacostia River and the people who live in the area: 1) the Barney Circle Interstate, 2) the giveaway of Children's Island to a for-profit corporation, and 3) the new Jack Kent Cooke Stadium. All of these activities involve taking National Park Service land. All are being done in the absence of a master plan for the National Capital Region. Federal law requires a general management plan for all units of the National Park System.

Friends of the Earth believes that in addition to the issue of a master plan, the National Park Service has forgotten its obligation to protect national park lands. Along the Anacostia River, the Park Service is in the process of giving them away for use by private individuals or for large construction projects. This is being done in exchange for dubious enhancements, such as glorified parking lots. The cynical strategy of eliminating national park land to improve it should not be endorsed by Congress.

The Anacostia River has recently been the focus of much attention as an environmental justice issue. While the Potomac River has received the bulk of government cleanup attention, the Anacostia River, which runs through poorer communities, remains polluted.

Friends of the Earth opposes legislation which would facilitate stadium construction (H.R. 2176 and H.R. 2702) in the absence of a master plan. The environmental impact statement fails to give proper attention to the alternative of enlarging the existing stadium. This stadium will require the elimination of up to 17 acres of open space with Jack Kent Cooke obtaining all revenue from the stadium and 90% of other parking revenues from the site for 30 years.

We also wish to call the Committee's attention to the fact that the name "Washington Redskins" is offensive to native Americans and proper consideration of this issue should be given as the Committee deliberates this matter.

The National Park Service is now considering granting permits to allow construction of a parkway as part of the $200 million Barney Circle Interstate that will eliminate more than a dozen acres of

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Jane Perkins, President

Anacostia Park. This road will bring an estimated 30,000 vehicles a day through Anacostia Park with the attendant air pollution and stormwater runoff. Federal tax dollars will be used as part of the project to reconfigure stadium parking from which Jack Kent Cooke will receive 90% of the revenues.

The Park Service has transferred to the District of Columbia jurisdiction over National Children's Island, a 40-acre wooded tract in Anacostia Park, for the construction of a for-profit theme park. This theme park will charge large admission fees and pave up to 13 acres of prime urban wildlife habitat. A private corporation will obtain much of the profits of the theme park.

In summary, the situation confronting the Anacostia River borders on scandalous and the National Park Service is right in the midst of it. Friends of Earth calls on the House Natural Resources Committee to investigate the issues raised in our statement and to insist on completion of a master plan for the National Capital Region as required by law before taking action on legislation for Jack Kent Cooke stadium.

STATEMENT OF THE D.C. GREENS ON THE PROPOSED COOKE STADIUM
SUBMITTED TO THE HOUSE NATURAL RESOURCES SUBCOMMITTEE
ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
NOVEMBER 19, 1993

The D.C. Greens oppose H.R. 2176 and H.R. 2702, providing for the subleasing of National Park Service land by the District of Columbia and the waiving of building height restrictions in order to facilitate the construction of Cooke Stadium. We oppose this project because it would have drastic negative environmental and social impacts on the District, particularly on the neighborhoods adjacent to the proposed site, and because it would impose undue financial burdens on the already straitened District government.

We appreciate and share the concern of Chairman Vento and other members of the Subcommittee that a virtual giveaway such as the subleasing of National Park Service land at $1.00 per year for 30 years (as specified in the Memorandum of Understanding between the District of Columbia, the Armory Board, and JKC Stadium Inc./Pro-Football Inc.[JKCSI/PFI]) should be granted only if some substantial public benefit would be realized thereby. In fact, substantial public harm would be accomplished. Environmental impacts would include the degradation and destruction of green space on the west shore of the Anacostia River; the increase of erosion and runoff into the river; the release of lead, chromium, and polynuclear aromatic hydrocarbons--found in excessive concentrations in the soil of the proposed site--into the air and water; increased air pollution due to an increase in automobile traffic; and possibly the filling in of portions of the river. Social impacts would include the loss of a children's playground and an auxiliary playing field currently used by the community; the taking of an unspecified number of houses in order to construct parking lots (according to the STARPLEX News, September 1991); damage to the foundations of nearby homes; and the subjection of the neighborhood to two years of heavy truck traffic and construction dust. Financial impacts include the obligation of the District of Columbia to build $46 million worth of supporting infrastructure for the new stadium, and a dramatic reduction in revenues from games, other stadium events, and parking lots.

It is difficult for us to imagine a public benefit sufficient to offset these harmful effects. Notwithstanding Mayor Sharon Pratt Kelly's advocacy of Cooke Stadium as an engine of economic development for the District, it would contribute a grand total of 50 new permanent jobs -- of which 51 percent are more or less set aside for District residents. Since no commercial areas with restaurants and bars are convenient to the site (as Harborplace is to Baltimore's Camden Yards), the District is unlikely to benefit from fans patronizing local establishments after games. The economic benefits of Cooke Stadium will accrue solely to JKCSI/PFI.

We would like to comment on three points in particular regarding the environmental impact of the proposed Cooke Stadium and related projects: the encroachment on parklands, the threat to the restoration of the Anacostia River, and the removal of contaminated soils.

First, the building of Cooke Stadium, as well as the construction of the Barney Circle Freeway and the Children's Island theme park, would perpetuate the deplorable pattern of encroachment on West Anacostia Park that has prevailed in the past. The McMillan Plan, precursor of the District of Columbia Comprehensive Plan, called for the creation of a park surrounding the Anacostia River similar to the park surrounding Rock Creek. Yet the parkland on the river's western shore has been used for the Robert F. Kennedy Memorial Stadium, the D.C. Armory, D.C. General Hospital, and the D.C. Jail. We see no such concentration of facilities in Rock Creek Park, which is situated in a whiter, wealthier neighborhood.

Second, construction of Cooke Stadium, the Barney Circle Freeway, and the Children's Island theme park, would undermine and reverse ongoing efforts to clean up the Anacostia, which has suffered a heavy burden of pollution for more than a century. The governments of the jurisdictions through which the river flows signed Anacostia Watershed Restoration Agreements in 1984 and 1987. The increase in vehicular traffic and impervious surfaces and the loss of green space and wetlands represented by these three projects would compromise the goals adopted pursuant to the restoration agreements, particularly the plans to "dramatically reduce pollutant loads in the tidal estuary," "sharply increas[e] the acreage and quality of tidal and nontidal wetlands," and "expand the forest cover throughout the watershed." ("A Commitment to Restore Our Home River," November 1991, quoted in In the Anacostia Watershed, published by the Interstate Commission on the Potomac River Basin, Fall 1991, 4-5.)

The Final Environmental Impact Statement treats these impacts offhandedly. To take two examples: Section 4.3.1, "Air Quality Impacts," lists projected annual air pollutant emissions from increased traffic attributable to Cooke Stadium and finds that they fall below the EPA's proposed de minimis levels (p. 4-120); acknowledges, with no apparent concern, that the information "necessary to determine if these de minimis levels are exceeded" for the Children's Island theme park is not currently available; and asserts -- we believe unrealistically -- that the Barney Circle Freeway will bring no net increase in traffic or in air emissions. In Section 4.1.1, "Land Use Impacts," we read that "[t]he adverse environmental impact of the loss of . . . parkland [from these three projects] is offset by the provision of $32 million in new, more intensive recreation facilities, enhanced open spaces and improved access all along the Anacostia River shoreline." (p. 4-16) No "improvements" can make up for the loss of this parkland, which serves as a green buffer zone for the river, and the consequent increase in impervious surfaces.

Finally, the construction of Cooke Stadium would necessitate the removal of contaminated soils from the site. We note with special interest the following sentence in Section 2.4: "The cost for the removal of contaminated soils disturbed during construction would likely be the responsibility of the federal government, which owns the site, and other

parties to be determined before construction begins." (p. 2-17) In addition to authorizing a thirty-year giveaway of public land for private benefit, the federal government is now being asked to assume considerable costs. If this "responsibility" is accepted, all U.S. taxpayers will join the ranks of those adversely affected by Cooke Stadium.

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CAPITOL HILL RESTORATION SOCIETY

COMMENTS BY
CAPITOL HILL RESTORATION SOCIETY
TO
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
NOVEMBER 4, 1993

The Capitol Hill Restoration Society (CHRS) submits the following comments to the Subcommittee on National Parks, Forests and Public Lands. These comments represent our organization's official position **against** the proposed construction of the Jack Cooke Kent Stadium on federal parklands.

Who We Are:

Founded 38 years ago, the Capitol Hill Restoration Society (CHRS) has a membership of over 900. The Society was the force behind the establishment of the 1976 Capitol Hill Historic District, one of the nation's largest. Our organization's interest are, as specified in our bylaws, much larger than the Historic District--encompassing the areas bounded by H Street, N.E. on the north; the Anacostia River on the east and south; and North and South Capitol Streets on the West.

CHRS is concerned with more than just historic preservation and restoration. Much of our work deals with land use through both enforcement of existing zoning and historic preservation regulations **and** comprehensive planning. To this end our City Planning Committee helped develop and maintain a Comprehensive Plan for the Capitol City. We took the lead in ensuring that our Ward, Ward 6, has a Ward Plan, one of only three Wards to have such plans.

Our Position:

These comments address our concerns about the proposed construction of a second stadium on federal parklands along the banks of the Anacostia River. **The final draft of the EIS still does not answer our concerns about:**

1002 PENNSYLVANIA AVENUE/SE ♦ WASHINGTON/DC 20003-0264

1. Public policy which permits the **conversion of 15 acres of scarce federal parklands for private, commercial use**

2. **Diminished quality of life in affected neighborhoods.** Additional noise, air pollution, and congestion from the cumulative effects of (a) an enlarged facility (b) **two** stadiums and (c) a proposed commercial theme park on Children's Island

3. **Direct conflicts with the Comprehensive Management Plan for the National Capital Parks** which states the Anacostia Park serve as a natural park and be protected from unnecessary demands for development

4. **Direct conflicts with key goals of the District of Columbia Comprehensive Plan** (D.C. Law 8-129) such as (a) preservation of natural parks and open spaces, (b) protection and enhancement the views and vistas of the Capitol City, and (c) safeguard of the city's horizontal character

5. **Failing to meet the requirements of D.C. Law 8-128, sec. 1201.620** calling for the suspension of "...the stadium projects pending comprehensive assessment of project impacts on Ward 6 and 7 neighborhoods". There has been no such study and the EIS is too narrow to supplant the required study.

6. Absence of data demonstrating any **long term economic benefits to the District of Columbia**

7. Incomplete analysis of the **feasibility of rehabilitating RFK Stadium--**the option with the least adverse impacts

8. No analysis of the **long term economic viability of RFK Stadium** and what capital expenditures are necessary for it to successfully compete with a new stadium

9. **Further degradation of the Anacostia watershed** and negative impacts on long-term plans for its revitalization

10. **Silence on use of federal Department of Transportation funds to pay for parking lots** (published in D.C. Department of Public Works pamphlet)

11. **No consideration of issues of environmental equity.** Surronding minority neighborhoods already have a disproportionate number of large public facilities.

Let us point out that the Capitol Hill Restoration Society supports the presence of a NFL football team in our city and does not want to lose it to another jurisdiction. We feel that its presence is important to the spirit, image and economy and image

CHRS Comments/November 4, 1993

of our city. However, we are not convinced that a second, new stadium must be built in order to keep the team here. There are alternatives--the rehabilitation of RFK or the demolition of RFK and re-use of its site.

A truly open and unbiased examination of either of these options has not been undertaken. The EIS only considers the HNTB/Devrouax and Purnell proposal, one that could not meet the project's objectives. The EIS essentially ignores a second study--the 1988 Weihe Partnership study which found the re-use of RFK to be an economically feasible alternative. **We urge the subcommittee to request a fuller examination of the RFK Stadium renovation/re-built alternative before moving this legislation.**

Furthermore, we are deeply troubled that the EIS has not addressed the future of RFK in the event a second stadium is built. Can RFK compete with Mr. Cooke's stadium and be economically viable? Alternatively, if RFK is successful what impacts will its success have on the affected communities?

First, let's assume that RFK proves to be a successful venue for non-football events, and/or become the home of a baseball team. Two, as opposed to one, fully booked stadiums would clearly compound the problems of noise, pollution, and congestion and inconvenience for all the surrounding neighborhoods. Add to this mix, the proposed Children's Island and its projected 3 million annual visitors. Just imagine a Sunday in July with a concert at Cooke Stadium, a baseball game at RFK, and Children's Island swarming with visitors. The EIS does not address these cumulative impacts. **We urge the subcommittee to request that a supplemental EIS be prepared to correct this defeciency.**

A more likely outcome is that RFK will **not** prove a successful competitor to Mr. Cooke's stadium. Is there evidence of a plan or a commitment by the DC Government to insure RFK's economic viability? What capital improvements are needed to make RFK a successful venture? Is it realistic to assume these improvements can be funded? We can't imagine, given the city's financial deficit.

Further in its Memorandum of Understanding with Mr. Cooke, the city has already relinquished much of its control over the scheduling of events in RFK. Mr. Cooke must have five months notice for all RFK events, giving him ample time to outbid the Armory Board. Nor is it likely that RFK can attract a baseball team now that Mr. Cooke will get 90% of parking revenues from RFK events. The city now gets 100% of these revenues. **RFK's likely fate is to sit idle and deteriorate.**

The renovation of RFK or the re-use of its site would mitigate many of the most troubling impacts of a new stadium such as:

- Negating the compounded effects of two major stadium on the surrounding communities.
- Preserving scarce parkland and open space.
- Not adding to the degradation of the Anacostia watershed.
- Preserving the symbolic and visual integrity of a gateway into our capital city.
- Proving the most prudent use of a valuable capital asset that otherwise risks neglect.

Lastly, suggestions have recently appeared in the local press that federal highway funds from the Barney Circle project may be used to construct the proposed stadium's infrastructure. The Capitol Hill Restoration Society supports the Barney Circle Freeway project, **but** strongly objects to diverting resources to the pay for access roads or parking lots for the proposed stadium. The Barney Circle project should be responsible only for the costs to connect the Barney Circle project with RFK.

Statement of

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Department of Political Science

College of the Holy Cross

To

Subcommittee on National Parks, Forests, and Public Lands

Committee on Natural Resources

U.S. House of Representatives

Regarding

Proposal for use of federal lands to build a football stadium in the District of Columbia

November 5, 1993

The relationship between professional sports leagues and the cities that host their teams has reached a pivotal moment. Sports franchises have long exploited the cities whose names they bore. But in recent years, the control and cynicism that has characterized the teams' approach toward the cities has reached an all-time high. The latest example of the exploitative relationship is the Washington Redskins' successful lobbying for a new stadium in the District of Columbia. This committee, and the U.S. Congress as a whole, should intervene to make sure that the federal government is not a party to this betrayal of the public interest.

I urge this committee to do whatever it can to block the grant of federal park lands to the District of Columbia. Such a grant would result in the gift of this land to the Washington Redskins organization for the purpose of constructing a new football stadium. The transfer of this property does not serve the public interest and further distorts already bothersome processes of economic development at the state and local level. This committee, and Congress as a whole, should act swiftly to pass HR 2176 and HR 2702.

By exercising its responsibility of stewardship of the national parks system, this committee can play a positive role in confronting the Redskins' attempt to use the public trust for private gain. If the committee acts to block this very bad plan, it could help to open the national debate about the proper role of professional sports in America.

Then other committees of Congress -- as well as state and local governments -- can extend the scrutiny to other issues like antitrust privileges and community involvement in publicly oriented enterprises.

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The United States has a long and controversial history of using public lands and other resources to promote public and private interests. The federal government's land grant programs were essential to the settling of the frontier. Right-of-way grants were essential in clearing the way for construction of a national rail system. State and local governments have used their power of eminent domain to take property for a variety of public and private purposes, such as public housing, downtown revitalization schemes, infrastructure such as highways and utility systems, schools and other public buildings, and convention centers and sports facilities.

The Washington Redskins of the National Football League have entered into an agreement with the District of Columbia to obtain land now held by the federal government for the purposes of building a new football stadium. This stadium does not measure up to even the most modest definition of the public interest and would entail unacceptable costs to both the national and local governments. In addition, the project would set the disastrous example of using precious public space for the private gain of an already prosperous business.

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The Redskins' deal for a new stadium complex is part of a powerful trend in the sports industry. For more than a decade, the major professional sports leagues have used their power to limit the supply of teams. The leagues have expanded, for the most part, only as a result of pressures from Congress or players unions. At the same time, the leagues have acted skillfully to increase the number of cities in competition for those limited number of teams by "delocalizing" the industry. In the old days, only major cities qualified as potential "big league" sites; now, any locality with access to a transportation network and part of a major media market is a potential bidder for a team.

As any introductory economics student knows, when the supply is limited and the demand expanded, the cost increases. Too many cities chasing too few teams simply means that the teams can extract a wide range of benefits from cities. Teams have ruthlessly used this supply-demand advantage to gain benefits at the expense of cities. Teams gain these benefits by threatening to move. Often, teams conduct a controlled bidding process to determine which city is most willing and able to provide exorbitant benefits like new or renovated stadiums, tax breaks, land deals, and even guaranteed profits. Literally dozens of cities -- from powerful New York City to tiny Irwindale, California -- have been involved in this cynical manipulation.

This is the situation Washington, D.C., has encountered in recent years with its N.F.L. Redskins franchise. The

Redskins management threatened to leave the District unless the city financed a new facility. Despite the fact that the team's current facility, Robert F. Kennedy Memorial Stadium is regularly filled -- indicating that it is an adequate facility for more than 50,000 fans a week, not to mention thousands who comprise a ten-year waiting list for Redskins tickets -- the Redskins maintain that they need a new facility to keep up with the rest of the league. After negotiations with District officials broke down, the Redskins announced a deal to move to a new facility in suburban Virginia financed by that state. After the deal fell through, the Redskins returned to the District. Mayor Sharon Pratt Kelly's administration negotiated a deal to keep the Redskins in Washington by providing land for the team to build a new stadium. That land would come from the federal government's parks system.

The Redskins deal stipulates that the federal government would give land to the District of Columbia. In return, the District would provide approximately 150 acres of land to the Redskins for private development of the stadium. This land is worth millions of dollars. The Redskins renew the lease on the property as they saw fit for as long as 90 years. The deal gives the Redskins 90 percent of all revenues from parking and other activities of all events at the stadium and the Armory, and the same portion of revenues from the area lots connected to the Metro public transportation system. Control of the parking concessions is

important because it could hamper the District's attempts to obtain a new major league baseball team for the city. The District would have to pay the Redskins $46 million to reacquire the rights to revenues from the lots. The agreement commits the District to providing $30 million to $60 million in infrastructure improvements at a time when the general infrastructure of the city suffers from disrepair and neglect. The deal also gives the Redskins special dispensation in awarding construction contracts. The project could circumvent District standards for affirmative action and union labor, thereby seriously undermining important labor policies in the District.

The Redskins and their supporters make a number of questionable claims about the proposed stadium and its operations. First, they claim that the "multiplier" would be more than 2 for the Washington area. That might be a fair estimate for the metropolitan area, but it cannot be true for the city itself. As noted below, most economists doubt that the multiplier can be much greater than 1 and may even be less than 1. The stadium's proximity to an easy-access highway network almost guarantees that the approximately 80 percent of fans coming to games by automobile will exit the city right away. The claims about non-football events that might be expected to take place at the proposed and current stadiums is also improbable. Some 15 to 20 events such as concerts are now held every year at R.F.K. Stadium; Redskins officials estimate that 36 events would occur at the two

stadiums. This seems implausible because the overbuilding of stadiums creates intense competition for a relatively stagnant number of events.

The poor economic and social effects of a new stadium would not be unique to Washington. All cities that spend millions of dollars to subsidize new facilities can expect to lose when they "win" a franchise. To be fair to the Redskins, they are probably contributing more to the project than other franchises. But at the same time, they are asking too much of both the American national government and the District of Columbia to make the project justifiable.

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When professional sports franchises demand benefits from the federal, state, and local benefits, they claim that those benefits will produce an important spur to local economic development and redound to the benefit of the entire community. These arguments are often buttressed by reports from consultants, as well as well-orchestrated campaigns by municipal officials and business boosters. But the numbers and the arguments do not hold up to careful scrutiny. The economic argument is poor justification for hundreds of millions of dollars in subsidies given to the sports industry.

Independent studies indicate that sports facilities do not pay for themselves. Indeed, it might be expected that private firms might construct facilities without public subsidies if the facilities were profitable. Robert A. Baade

and Richard F. Dye, two economists, provide a rule of thumb for financing stadiums: for every $1 million of debt for stadium construction, the facility needs two big-crowd events. For a $100-million stadium, 200 big-crowd events would be necessary. This is problematic for two reasons. First, the number of events available for stadiums declines every time a new facility is erected because of the greater competition for events from other facilities. Stadiums and other public facilities like convention centers have been overproduced in the 1980s and 1990s. In addition, the trend in leases negotiated between cities and teams is toward restriction of outside events at stadiums. Second, even if many big-crowd events were possible, the costs of facilities has exploded so much that no number of events would pay for them. Most facilities cost in the neighborhood of $200 million to $250 million. The pricetags for proposed facilities has reached $500 million in New York and $700 million in Boston.

When the impossibility of a direct payoff is exposed, boosters resort to an argument based on the "multiplier effect." The argument is that the dollars spent at sporting events gets respent over and over in the city. After fans spend on tickets, concessions, parking, and local taverns and restaurants, the workers and firms that receive those dollars will spend them on other things in the city. The recipients of those dollars, in turn, will spend that money. Over and over, the money that originated at the stadium will

be respent throughout the city. Some boosters claim a multiplier of 3 to justify direct and indirect public subsidies.

But the multiplier effect breaks down because money spend at the sporting event does not usually stay in the city. Metropolitan economies are extraordinarily fluid and porous. Workers and businesses circulate stadium money not just within the city, but even more in surrounding areas. To begin, the single largest expense of a professional franchise, salaries, are almost immediately taken out of the city. Few players on any team actually live in the city where they play. Buying a ticket, in effect, subsidizes the home towns of players more than it helps the team's host city. The firms enjoying spillover from stadium events also take event money out of the city. Surveys have found that service-sector jobs are held by more suburbanites and urbanites.

Even if spending at the stadium stayed within the city limits, it would still be problematic. Spending at the stadium detracts from spending elsewhere in the city that might redound to the city in more significant ways. A dollar spent at a game is a dollar not spent at a theater or neighborhood festival. Other events might attract dollars that are more likely to stay within the city limits. The tendency of stadiums to rearrange spending, rather than promoting new spending, is especially pronounced when a team moves from one part of the city to another. Some new

facilities do indeed attract larger numbers of fans because of a greater seating capacity and the excitement generated by the newness of the facility. But most of the business at the facility would exist with the old or new stadium. It is simply transferred from one part of the city to another.

Cities also should consider the displacement of established businesses when land needs to be cleared for construction of a new facility. Rooted residences and small businesses are often evicted from their properties to make way for the facility. Frustrated and shut out of other affordable locales in the city, they take their business elsewhere. rather than attracting new residents and businesses to the city, stadiums often actually exacerbate suburban and even regional flight.

One final argument claims that sports benefits the city economy: the "advertising effect." This argument states that the prominence of sports in the national media and culture causes people to consider cities with teams when making location decisions. Businesses and families considering relocation, the argument goes, are more likely to consider a cities with teams because the teams advertise the cities' names every time they attract media coverage. The argument seems peculiar with relation to the nation's capital, which is one of the nation's most glittering and economically stable cities. Besides, even if Washington did not already enjoy great advertising of its name, surveys of businesses show that other factors -- taxes, labor, infrastructure,

public safety, delivery of basic services, education, affordable housing -- influence location decisions even more. To use the words of two prominent geographers, a region's "windows of locational opportunity" -- the availability of the many different factors of production most suitable to a firm's production and distribution operations -- are more important than anything else.

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Once the claims of economic development have been answered, public officials should consider the larger issues of public priorities. Public projects do not necessarily need to be economically viable to deserve support. The city is more than a collection of money-making operations. The public sector exists to promote a notion of the commonweal broader than economic wellbeing. But public subsidies of sports stadiums -- particularly the deal involving the Washington Redskins -- also fail to meet the broader standards of the public interest.

Projects financed by government funds might be justified by a wide variety of public standards. Public officials and officials considering the worthiness of various projects might ask themselves a series of questions. Does the project improve the overall capacity of the city to serve its citizens' basic needs? Does it enhance the openness of the system? Does it provide benefits that all citizens might enjoy regardless of wealth or status? Does it improve the education, health, or community spirit of

citizens? Does it enhance the ability of people to govern themselves, to thrust themselves into neighborhood and community life? Does it challenge groups and individuals to improve themselves? Can it provide citizens with greater access to the resources that the city has to offer? Can it be used by groups and individuals on a year-round basis?

When put to projects like the Redskins' proposed new stadium, the answers to all of the above questions is "no." A number of other projects would clearly serve the public interest better. Examples of publicly oriented facilities might include parks, health clinics, year-round schools, libraries, music halls, computer centers, public gymnasiums and dance centers, foreign language centers, adult education programs, facilities for a variety of self-help groups, bike trails, storefronts for neighborhood groups, public transportation improvements, arts centers, theaters, and publicly available facilities for community groups.

In contrast with these kinds of facilities, stadiums are constructed for the use of a small and elite group. The franchise, already wealthy, would be the chief beneficiary. An increasingly elite group of fans -- most of them suburban -- would also benefit. Specific features in modern stadiums like luxury seating, not to mention outrageous ticket prices for all seats, makes that a day at the stadium prohibitively expensive for most ordinary people. In addition, as former Olympian Bruce Kidd pointed out in his campaign against a new stadium in Toronto, professional sports is biased by

gender. Stadiums appeal mostly to males, exacerbating the isolation of women and girls from public life. Even if a stadium were oriented toward the average citizen, it still operates only a few days a year. N.F.L. teams play at most ten games a year at their home facility. Baseball teams play eighty-one games at home in a season.

Sports boosters claim that a good team can create an excitement that reverberates throughout the community. This claim has a kernel of truth. As a lifelong baseball fan, I can attest to the excitement of a September pennant race. As a former resident of Washington, I remember some joyous scenes on the streets of Georgetown when people celebrated Super Bowl victories. But as real as the excitement can be, sports spectatorship does not engage people directly in the life of the community. It encourages people to watch others perform feats rather than getting involved in their common life as a community.

By the most modest standards of the public good, sports stadiums fail to measure up. As trivial as they may seem, small-scale projects at the neighborhood level would do more to help people improve the lives of people in cities. Professional sports certainly has a place in American life. But when public bodies apportion their scant resources, they should concentrate on the projects that engage citizens in improving their own lives and the community as a whole.

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The bill forbidding the use of federal monies for enterprises bearing offensive nicknames and logos might seem a trivial matter, but it underscores a troublesome attitude on the part of the Redskins management as well as the entire sports industry.

For some time, Native Americans have protested the ways that professional and amateur teams use their names and stereotypical images. Some team names and images are intended to honor Indians, but most are used in a way that degrades them. The logo of the Cleveland Indians baseball club -- with a savage-looking Chief Wahoo -- is particularly offensive. In response, some teams have changed their nicknames, but most have resisted on the grounds that their names are their own private businesses.

To the extent that the businesses are indeed privately supported, they should not be subject to government coercion to change their names. But when they receive vast public subsidies, these franchises ought to be willing to at least listen to the concerns of aggrieved citizens. The management of the Washington Redskins has cavalierly rejected the entreaties of people concerned about the Redskins name and logo. That indicates an inattentiveness to public concerns that ought to be considered by any public body that approves direct and indirect subsidies.

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Ultimately, the power of the sports industry over its host cities will not be checked -- and seriously flawed deals like the Redskins' land and stadium development deal with the District of Columbia will continue to be negotiated -- until the fundamental structure of the sports industry is challenged.

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For the Record.

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November 19,1993

The Honorable Bruce Vento
Chairman
House Interior Subcommittee
National Parks, Forests and Public Lands
OHOB Washington DC 20515

Subject: Cooke Stadium/ NPS Land Transfer Legislation

Dear Congressman,

As an environmental activist from California, and a friend of the Campaign Against Cooke Stadium, I would like to commend the Sub Committee for the time that it took to hear the opposition to the legislation introduced by Washington DC Representative Eleanor Holmes Norton providing for a land transfer of National Park Service lands for the construction of Cooke Stadium. Thank you also for allowing testimony regarding the related Barney Circle Freeway and Children's Island along the Anacostia River. In asmuch as Anacostia is, like the Los Angeles River, severely degraded does not mean that sometime in the future it cannot be restored. Is not this in the best interest of the people, and of the National Park Service to encourage future recovery, rather than to constrain the river forever by further degradation.

It is clear to anyone who visits the area proposed for the Stadium adjacent to the Anacostia River, presently a parking lot and community park, that a simpler solution would be to add to the present park and open space including planting trees where the community has its weekly market. There is certainly not room enough for this vast project and protected open space. Kingman Park is a nice place and does not deserve this, neither do DC taxpayers who will have to come up with $50 million dollars for infrastructure (Probably far more). But what does one do when the community has only a local goverment which is heavily in debt to represent it, a local government which has bought into the growth model.(One should examine the pressure on the city by Lazards Freres and Merrill Lynch to increase indebtedness as a result of this project, throwing arbitrage and other financial benefits to special interest).

Our nation's capitol, a major city, has no representation to speak of in Congress, but it does have the constitution and laws which should protect the community from a National Park Service approved land transfer. Although from my reading of situation, I am not all that sure that there is anyone there who is going to want to hold to those laws. Hopefully the Sub Committee will have something to say about the National Park Service action and refuse to mark up the legislation.

Respectfully yours,

Susan B. Nelson

STATEMENT
PROPOSED COOKE STADIUM LAND TRANSFER

With the construction of a new stadium, the Anacostia River and surrounding areas, historic Kingman Park and other neighborhoods, green space and playgrounds will be degraded and sacrificed to the football cartel.

On any weekday in early spring you can see students from local schools rowing on the Anacostia River in preparation for spring and fall regattas sponsored by the Organization for Anacostia Rowing and Sculling (OARS).

You can see standing on the seawall between the Sousa and 11th Street bridges a great blue heron and mate. On a sandbar in front of the Anacostia Recreation Center you can see smaller blue herons, white cranes, ducks, ducklings, geese, goslings, and abundant minnows in the submerged grasses.

My family for five generations has lived in Anacostia. I am amazed at how alive the river looks and at how much life there is in and on the river--it looks better than it has in my lifetime.

Ten years ago the Anacostia River was muddy in color and crowded with styrofoam flotsam floating alongside old tires on their way to the Chesapeake Bay. Studies showed heavy metal contaminants and a murkiness that prevented sunlight from nourishing underwater plant life.

Contributing factors were urban runoff from city streets and construcion sites, erosion from stream banks and abandoned strip mines; and storm water overflow. Governors of Maryland, Virginia, Pennsylvania and the mayor of the District of Columbia committed their respective jurisdictions to an effort to save the Bay by signing the Chesapeake Bay Agreement in 1983. In that time, interest in the Anacostia watershed has led many to become involved with its restoration, conservation and revitalization. The result is a river that is more vibrant than it has been for many years.

Sediment control measures and regular cleanup campaigns are obviously working. How else to explain the growth of submerged aquatic vegetation (SAV) along the east seawall in a river where it was said the water was too full of particulate matter to sustain life. Now hatchlings hide in and ducks browse on the SAV that the sun now reaches.

Equally amazing is the intention of the city to negate this marvelous revitalization by allowing construction of a new stadium to take place 25 feet from its shoreline.

The final environmental impact statement is a whitewash. Prepared with a slant toward development, it would have us believe the consequences

are minimal. This conclusion is an insult. The statement totally disregards the basic incompatibility between asphalt and wildlife, runoff and clean water, and traffic and air quality.

The river is *the* most polluted urban river in the country, according to D.C. Congresswoman Norton. This despite the strides made in the past ten years. Yet, it is developing into a viable recreational resource for non-motorized boating and an urban scenic attraction.

To allow the National Park Service to transfer land that would make a billionaire richer while diminishing our neighborhoods and natural resources is unconscionable. Why should Jack Kent Cooke, a private citizen with plans for personal and commercial aggrandizement, be allowed to enter into an agreement that will forever alter the habitat of the Anacostia River watershed and surrounding communities, undoing years of concerted effort?

Greenspace and parks are diminishing far too rapidly as money interests are permitted to gain improper use of U.S. resources this way. This land belongs to the people! How can one man cast the shadow of his vanity across neighborhoods and usurp what belongs to all of us in such disregard?

If the mission of the National Park Service and the Interior Department has changed from a protect-preserve-conserve posture to that of real estate brokerage then someone should let the people know, don't you think? Otherwise, just say no.

Respectfully submitted,

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