

**Spoken Remarks of  
Maurice A. Barboza, Founder & CEO  
National Mall Liberty Fund D.C.  
Subcommittee on National Parks, Forests & Public Lands  
House Committee on Natural Resources  
H.R. 1693, National Liberty Memorial Act  
March 6, 2008**

**Mr.** Chairman, thank you for joining Rep. Donald Payne and over 50 other members, including Del. Donna Christensen and the entire Congressional Black Caucus, in cosponsoring the National Liberty Memorial Act.

Liberty Fund D.C. is seeking the site approvals forfeited in 2005 by the now-defunct Black Revolutionary War Patriots Foundation. This would enable us to preserve land on the Mall for a memorial to black soldiers, patriots and freedom seekers of the Revolutionary War. In 1988, Congress declared this history in perpetuity to be of "preeminent historical and lasting significance to the nation."

The memorial will symbolize how men and women without freedom made the nation free. It will ring a bell for the community we call "one nation." Through the providential design of the Mall, their aspirations and the site are inextricably bound.

In 2006, the Memorial Advisory Commission found that "the Commemorative Works Act could be interpreted to allow Liberty Fund D.C. to assume the site approvals." One member said, "there is enough of a nexus...that would be justification for extending the authorization for this site for the same memorial."

Rep. Payne incorporated all of the Commission's recommendations into H.R. 1693. Last September, the Senate subcommittee held a hearing on the companion bill. The Secretary of the Interior rejected the Commission's recommendation. In spite of overwhelming legislative history to the contrary, he called this a new memorial.

On February 19, 2008, Liberty Fund D.C. met with the National Park Service to discuss whether the Secretary would reconsider. He has not. Instead he asks you to revoke the site and reexamine the devotion of those patriots that President George H.W. Bush described in 1991 as "astounding" and "in a league by itself." This is tantamount to a declaration that the history is null and void and the memorial no longer worthy.

The Department is incorrect with respect to the language, "upon expiration of the legislative authority, any previous site and design approvals shall also expire." While the Clarification and Revision Act of 2003 mandates that approved sites and designs expire simultaneously with the lapse of a sponsor's authorization it is inapplicable here. Section 205 provides that "nothing in this title shall apply to a commemorative work for which a site was approved." This may be a loophole, but it is the law.

Beginning in 1986, exhaustive hearings (consuming 21 months) before multiple agencies considered precisely the same history that our legislation seeks to memorialize. No such procedure had existed before whereby a sponsor had to ask land managers their opinion on the worthiness of American history, particularly

chapters for which the U.S. Congress played an integral role – the Revolutionary War and the continued enslavement of its own citizens.

The Secretary says the bills would “designate a specific site for the memorial, rather than allowing for the site selection process...to determine the appropriate location of the memorial.” The draft amendment we floated would strike “Black Revolutionary War Patriots Foundation” in any grant of authority and substitute “National Mall Liberty Fund D.C.”. This is akin to a name change that might accompany any routine reauthorization.

The Congress could have decided before any of the questionable reauthorizations to transfer the authority to another entity. Despite having audited financial statements, among other proof, showing the Black Patriots Foundation was harming the history and the integrity of the Commemorative Works Act, the Secretary recommended it be reauthorized in 2000.

Before it expired, the Park Service counseled the group on manipulations that could have kept it spending donations it hadn't earned for another few years. The land managers were even unaware that the design approval had lapsed because it had not been renewed by the Commission of Fine Arts.

Had due diligence been exercised, the U.S. Mint would not have transferred to the group in 2003 nearly \$1 million in proceeds from the Crispus Attucks Commemorative Coin. The group could not have incurred thousands in debts when it had money in the bank.

Was this money poured down the drain? Were the years wasted ones? Should it doom the noble history? My answer: justice and nature waste nothing. I rather see it as fertilizer on a knoll yet to bloom in bronze and marble. Savvy donors and historians see the project as an asset that could rise beyond all prior expectations.

Historians Gary B. Nash and Henry Louis Gates, Jr. wrote to the Senate that in the span of those dry years, hundreds of books, articles, documentaries and research were produced to confirm why the Mall “will never be a ‘completed work of art’ until this memorial takes its place across from a memorial to the 56 Signers of the Declaration of Independence.”

Mr. Chairman, the site approvals are as vibrant as the renewal this history was quietly sowing over two score years. Oftentimes tearfully, African Americans are discovering that they are sons and daughters of the American Revolution. The potential for transforming the national psyche -- twisted by generations of slavery, Jim Crow and mendacity -- is limitless.

Mr. Chairman, we look forward to working with this subcommittee and Rep. Payne to preserve the Constitution Gardens site for liberty and its worthy sires, just as their descendants transformed the Constitution within the width of our memories.