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City of Hampton, Virginia**

**Testimony Before the
Natural Resources Subcommittee on Public Lands and Environmental Regulation
United States House of Representatives**

**Legislative Hearing on H.R. 1459,
“Ensuring Public Involvement in the Creation of National Monuments Act,” and
H.R. 250, H.R. 382, H.R. 432, H.R. 758, H.R. 1512, H.R. 1434, and H.R. 1439**

April 16, 2013

Thank you for the opportunity to testify before the House Natural Resources Subcommittee on Public Lands and Environmental Regulation on the eight proposed bills seeking to end, amend, inhibit or limit the President’s authority to create new national monuments from existing federal land under the Antiquities Act of 1906. I am Molly Joseph Ward, Mayor of the City of Hampton, Virginia. I served on the Fort Monroe Authority Executive Committee and Board for almost 3 years, and led the effort to establish a National Monument at Fort Monroe on behalf of that board.

The Antiquities Act is a law that has preserved some of the most important and cherished places in our country for the benefit of current and future generations. In 2011, this law helped to permanently protect a site that has been critical to the security of our nation for over 400 years located within the City of Hampton, Virginia. The Antiquities Act is an absolutely vital tool that has provided this nation, and very recently my own community, with protected public lands that boost our local economies and protect the history, culture and open space that define us as a nation. For these reasons, I am here today to testify in opposition to all eight bills.

Fort Monroe is one of the least known and most important historic places in America. The original Jamestown settlers recognized the strategic importance of the site and built the first fortification, Fort Algernourne there in 1609. In 1619, the fort was the landing site of the first enslaved people brought to the British Colonies, and the first African American child, William Tucker, was born at the Fort.

It has functioned as an assembly, training, and embarkation point for U.S. forces in the Seminole Wars and during the suppression of Nat Turner’s Rebellion, the Black Hawk War, the Mexican War and the Civil War. Fort Monroe protected important military and civilian resources located inland during both World Wars. Edgar Allen Poe was stationed and wrote poetry at the Fort. Robert E. Lee lived at Fort Monroe and helped design its stone fortress, the largest stone moat fortification in America, and his first son was born at Fort Monroe. It was where Abraham Lincoln planned the assault on Norfolk -- the last time a sitting President was actively engaged in a military operation. Near its shores is where the battle of the Ironclads took place. Jefferson Davis was imprisoned in a Fort Monroe casemate for two years after the end of the Civil War.

Harriet Tubman spent time at Fort Monroe. Most importantly, in 1861 Fort Monroe became the birthplace of the Civil War-era freedom movement that would seal the fate of the end of slavery.

On May 23, 1861, Virginia voted to secede from the Union. On May 26, three enslaved men, Frank Baker, James Townsend and Sheppard Mallory, were in forced service to the Confederates across the harbor when they learned that their master was planning to send them deeper into the South to work on Confederate fortifications. Fearful they would never see their families again, the three escaped and fled in a small boat in the dark of night to seek sanctuary at Fort Monroe. The next day, May 27, 1861 the Union commander, General Benjamin Butler, declared these men as “contraband” of war, an unusual legal maneuver that provided refuge for the three men and refused to return them to their owner. Soon over 10,000 enslaved Americans sought their own freedom by going to Fort Monroe and over the course of the Civil War, more than 500,000 African American women, children, and men would liberate themselves, following in the footsteps of those first three freedom seekers at Fort Monroe, leading to one of the war’s most extraordinary—and overlooked—chapters. Benjamin Butler's Contraband Slave decision was the beginning of the end of slavery in the United States as no longer could the country go back to the status quo of slavery before the war. There were now one half a million people who had crossed Union lines and were free. Fort Monroe became "Freedom's Fortress" and the Emancipation Proclamation became inevitable. Lincoln's secretaries and biographers Hay and Nicolay would write "Out of this incident seems to have grown one of the most sudden and important revolutions in popular thought which took place during the whole war."

In addition to being significantly historic, Fort Monroe is astoundingly beautiful. It is comprised of 565 acres, 170 historic buildings and 200 acres of natural resources including 8 miles of waterfront, 3.2 miles of which fronts the Chesapeake Bay.

In 2005, the Base Realignment and Closure Commission recommended Fort Monroe for closure, and the Army’s departure was set for September 15, 2011. The Commonwealth of Virginia established the Fort Monroe Federal Area Development Authority (now the Fort Monroe Authority) to serve as the “Local Redevelopment Authority” to study, plan and recommend the best use of the resources that would remain when the Army left because most of the lands were scheduled to revert to the Commonwealth of Virginia.

Early in the process, Citizens for Fort Monroe National Park represented here today by Mark Perrault and Philip Adderly, began a campaign to support of providing public access to the historical and recreational features of Fort Monroe and its continued status as a “grand public place” for Americans including but not limited to a large-scale open-space park. In the summer of 2011 Senator Mark Warner and Senator Jim Webb introduced the Fort Monroe National Historical Park Establishment Act in the Senate and Congressman Scott Rigell introduced similar legislation in the House. Hampton City Council, the Fort Monroe Authority, and countless other organizations, including the entire 17 city and county delegation of the Hampton Roads Military and Federal Facilities Alliance endorsed the concept of a National Park unit at the Fort.

Nevertheless, with the Army departing in September of 2011, we were running out of time for a solution to keep Fort Monroe open to the public and at the same time, economically sustainable.

We needed quick action to create certainty about the future of Fort Monroe but after repeated trips to Washington swift reaction by Congress seemed unlikely. With our country's economic downturn, and the loss of over 3,000 jobs on the base, the economic future of Fort Monroe was and is of the highest importance to the citizens of the region. As a result, we began to explore the possibility of an Antiquities Act designation by the President. We had an urgent need to preserve the truly vital history of the Fort as well as its natural beauty.

We commenced a citizen engagement and outreach plan and our community was united in support for the inclusion of Fort Monroe in the National Park System by either legislative or administrative designation. We worked together at the city, region and state levels to urge the President to take immediate action and establish Fort Monroe as a national monument. In June 2011 there was a meeting with Secretary of the Interior Ken Salazar and 150 local stakeholders. In late July the National Park Service held two public meetings which were attended by over 800 concerned citizens seeking to preserve Fort Monroe's diverse and important history. We had unanimous support at each of the three public meetings for the inclusion of Fort Monroe as a unit of the National Park System. The City of Hampton, Governor Bob McDonnell, Senators Warner and Webb, Congressman Rigell, Congressmen Bobby Scott, Rob Wittman, Randy Forbes and Former Governor and now Senator Tim Kaine were all united in asking the President to take immediate action. We were overjoyed when the President fulfilled our request on November 1, 2011 and designated key buildings, historic areas and miles of pristine frontage on the Chesapeake Bay as part of Fort Monroe National Monument, not only preserving one of the most important historic sites in America, but creating a great urban park and generating excitement that has already led to new investments in our City. Our park superintendent was on the ground in Hampton 2 days after the President signed the Antiquities Act order and Fort Monroe National Monument was up and running almost immediately.

The entire region was overjoyed by the President's decision. The City hosted a public celebration the following Friday at the fort complete with a live band and fireworks.

Opposition to the Bills Before the Subcommittee

I appear today before this Committee to stand in opposition of all of the bills limiting the Antiquities Act and the ability of the President to take immediate and decisive action to establish national monuments. Additional requirements or limitations on such a designation would have created uncertainty that could have hampered the economic progress and certainty around the designation of Fort Monroe that we could ill afford. Amending the Antiquities Act would take the guts out of a law that has helped protect some of America's most beloved and well known national treasures and tourist attractions. It would be imprudent to alter a law that has served Americans to protect our most important historic, cultural and natural resources for over one-hundred years. Ten years ago we could not have predicted we would want or need a national monument designation for Fort Monroe or even know that such a law existed. Since then we have discovered that is a critical tool for the preservation and economic sustainability for our city and region. The bills before the Committee today would prejudge the needs and desires of other American communities and foreclose on an important tool by which they can enhance the economic opportunities and the enjoyment of historic and natural resources in their area.

In the February 2011 America's Great Outdoors (AGO) Report, the President recommends the implementation of a transparent and open approach to new national monument designations tailored to engaging local, state and national interests. The Obama Administration has kept their word outlined in the AGO Report and they have worked with local governments, Congress and Governors before making a designation. In the case of Fort Monroe, we were all working together to ask the President to make the designation. I would also like to recognize the similar experiences that other communities in our nation have enjoyed in recent years with protecting their own sites of historic, cultural and natural significance via this important public lands protection tool.

The bills up for discussion this morning will have but one result: to prevent other communities from enjoying the same kind of success that our nine communities recently enjoyed. These bills before the Committee today are a reaction to a problem that does not exist. The Antiquities Act should remain unchanged and ready for the current and future presidents to respond quickly when Congress is unable to proceed quickly.

Requiring Congressional approval for new national monuments amounts to the complete repeal of the Antiquities Act. Congress already has the authority to designate national monuments and has done so dozens of times. Further, if Congress disapproves of a national monument designation under the Antiquities Act, it is well within its power to eliminate the designation. Of course, history has shown that designations are rarely if ever overturned. On the contrary, Congress has repeatedly and regularly validated designations created under the Antiquities Act by upgrading monuments to National Park status or expanding monuments, including ones perceived initially to have some controversy, like the Grand Canyon for example. Twenty-four of our 59 National Parks started out as national monuments and were later upgraded by Congress to parks. In fact, the only public lands bill that the 112th Congress passed was to upgrade Pinnacles National Monument, designated by President Theodore Roosevelt, to a National Park.

By requiring Congressional approval, these bills would not only strike at the core of the Antiquities Act, but would further imperil the chances that locally driven conservation proposals have for success. The perception throughout much of the country is that Congress is unable to act to protect our national treasures, and Fort Monroe provides a compelling case study for why this belief is so widespread. With the support that this proposal enjoyed from both parties locally and in DC, it was the ideal candidate for swift congressional approval. Its failure underscores one of the key roles that the Antiquities Act can play in responding to community needs and requests. In fact, *no* legislation protecting new cultural sites, historic sites, or sensitive public lands were passed by Congress last year, despite bi-partisan support for many of them.

The bills presented today requiring Congressional approval would just add to the Congressional gridlock and delays we sought to avoid, and does not serve communities in need of immediate action. The people of Hampton are certainly grateful for the actions taken in the Senate and the House with the introduction of legislation for Fort Monroe. We are proud to have a united bipartisan front at all levels of our government for the action taken at Fort Monroe. And yet, even with the overwhelming support of the community and local and statewide elected leaders, we faced substantial roadblocks for a successful designation waiting for Congress to act. How

many years or decades would we have to wait to learn the fate of Fort Monroe? On behalf of the City of Hampton, we are grateful that we don't have to wait to find out that answer.

Monuments are Good for Our Economy

Due to the successful designation in 2011 we are now able to move forward in a permanent partnership with the National Park Service. A year ago the National Park Service began working on the first phase of planning for the management of the monument while the Fort Monroe Authority began our own Master Planning process to provide a mixed-use development alongside the historic components of the monument. Without the National Monument designation, this partnership for the stewardship of Fort Monroe would not have been possible.

Since the Army's departure and the monument designation, we have seen a dramatic use in public use at the fort. The number of visitors for concerts, the beach club, the fishing areas, and historic tours in 2012 well exceeded expectations. Since the designation, visitation to the Casemate museum has doubled. One-hundred and twenty homes have been rented and commercial spaces are being occupied by the Virginia State Police, the Virginia Fire Marshall and the Marine Services Corporation. The STEAM Academy has committed to establishing a new residential school for science, technology, engineering and math at Fort Monroe. In addition to the Fort Monroe Authority's work we know that the presence of a National Park within a community creates its own economic gravity. We don't have to look far from Hampton to see the economic benefits of heritage tourism at Colonial National Historic Park at Jamestown and Yorktown. Generally, the economic benefit of a national park in a gateway community has its own additional benefits including the following:

- Across the country, national parks support \$13.3 billion of local private-sector economic activity and 267,000 private-sector jobs.
- A recent study commissioned by the National Parks Conservation Association found that every federal dollar invested in national parks generates on average four dollars in economic value to the region.
- In 2009, as the recession took its toll on Americans' pocketbooks, national park visitation increased by nearly 4 percent, demonstrating the enhanced value of our national parks in difficult economic times.

The fact is that one of the reasons that many communities are supportive of public lands protection in general and national monument designations in particular, is because these designations provide communities with sustainable and tangible economic benefits. People across the country are demanding protection of deserving public lands, and the bills before this committee will result in those demands remaining unrealized.

Conclusion

In closing, thank you again for the opportunity to be here today and express our views on the Antiquities Act of 1906. Without this law, the future of Fort Monroe would still be uncertain and the long-term future of Freedom's Fortress would be unknown even as we commemorate the 150th anniversary of the Civil War. Thanks to the Antiquities Act, the vision of a "grand public space" and the preservation of our country's diverse and rich history at Fort Monroe will be realized.

It is also important to note that the people of Hampton were and remain completely unconcerned with *how* Fort Monroe was protected. It is of little interest to local restaurant operator or bed and breakfast owner whether Fort Monroe was ultimately protected by Congress or by the President. In the end, our community was just happy that it finally happened. In reality, many of my constituents likely are not unaware of the precise roles that the Congress or the President played in this designation, nor is it an important distinction. What my constituents do know, and are grateful for, is that Fort Monroe is now “on the map” as a world-class destination and it will draw people to our region, enrich our nation’s history, and give Hampton one more asset to attract business and investment. The designation of Fort Monroe was a positive experience for us and we are very proud to host the 396th unit of the National Park Service. Please come and visit our beautiful city on the sparkling waters of the Chesapeake Bay soon.

I do not claim to be an expert about the details surrounding every previous use of the Antiquities Act. But I do know what the recent process was like for Fort Monroe, and I can testify on behalf of local elected officials and local business leaders from the other eight monuments created by this Administration who have likewise enjoyed similarly positive experiences around the designation of their monuments over the past couple of years. There is a real disconnect between the intent of these bills and the facts on the ground in communities like mine.

I hope that our experience at Fort Monroe, and the experience of other communities throughout the nation will help convince you that creating additional requirements or limits to the Antiquities Act could harm communities who cannot – and should not – wait a decade or longer for Congress to take action. Thank you.