

# Appendix D

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## Martin Luther King, Jr. Memorial Legislation

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Public Law 105–201  
105th Congress

Joint Resolution

Approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

July 16, 1998  
[H.J. Res. 113]

Whereas section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4157) authorized the Alpha Phi Alpha Fraternity to establish a memorial on Federal land in the District of Columbia to honor Martin Luther King, Jr.;

Whereas section 6(a) of the Commemorative Works Act (40 U.S.C. 1006(a)) provides that the location of a commemorative work in the area described as Area I (within the meaning of the Act) shall be deemed not authorized unless approved by law not later than 150 days after notification to Congress that the Secretary of the Interior recommends location of the commemorative work in Area I; and

Whereas the Secretary of the Interior has notified Congress of the recommendation of the Secretary that the memorial be located in Area I: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MARTIN LUTHER KING, JR., MEMORIAL.**

The location of the commemorative work to honor Martin Luther King, Jr., authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4157), within Area I is approved under section 6(a) of the Commemorative Works Act (40 U.S.C. 1006(a)).

40 USC 1003  
note.

Approved July 16, 1998.

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LEGISLATIVE HISTORY—H.J. Res. 113 (S.J. Res. 41):

HOUSE REPORTS: No. 105–589 (Comm. on Resources).

SENATE REPORTS: No. 105–210 accompanying S.J. Res. 41 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 144 (1998):

June 22, considered and passed House.

June 25, considered and passed Senate.



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# Appendix E

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Martin Luther King, Jr. Memorial Design Competition –  
Winning Design

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The Washington, DC Dr. Martin Luther King, Jr.  
National Memorial Foundation presents  
the winning design honoring the man,  
the movement, and the message.



MARTIN LUTHER KING, JR.  
WASHINGTON, D.C.  
NATIONAL MEMORIAL PROJECT FOUNDATION, INC.

Logo designed by Intellectual Properties Management as Manager of the Estate of Dr. Martin Luther King Jr., Inc.  
401 F STREET NW, SUITE 324, WASHINGTON, D.C. 20001 • (202) 737-5420 • <http://www.mlkmemorial.org>

# The Message, The Movement, The Man

## THE MESSAGE

When we look into the eyes of our children, we might wonder what legacy we shall leave for them. That legacy must serve as a solace in times of trouble and a solution in times of uncertainty. The message of the man we propose to honor is one such legacy worth preserving.

By erecting a monument in the United States' capital, along with other timeless figures of the nation's past, we will ensure that Dr. King's message remains alive. It will inspire others to emulate the great American. And what greater legacy can we leave our children than one of peace?

The monument will also send a timely and permanent message that the nation as a whole recognizes its heroes of every race. It will serve as a testament to the world that America is a place of inclusion rather than exclusion. A memorial will serve as a reminder of the global importance of this 20th century leader and how his vision affected the courtesies of our world.

We must honor this Man, Dr. Martin Luther King, because his leadership, charisma and sacrifice allowed a Message of equality to evolve into a Movement of peace—a virtue that must be continually heralded by our nation and the world.

## THE PROJECT

For more than 16 years, Alpha Phi Alpha Fraternity, Inc., has worked to make a memorial to Dr. Martin Luther King, Jr. a reality. It is an idea that has met with tremendous success and support.

- November 1976 - President Carter signs into law the authorization to raise funds and build a memorial to Dr. King
- January 1978 - The Department of Interior recommends that Dr. King's Memorial be placed on the National Mall
- July 1978 - Congress approves legislation authorizing the monument's placement on the National Mall
- December 1979 - The Memorial Foundation receives final approval of a four-acre site on the Tidal Basin
- January 2000 - International Design Competition is launched
- August 2000 - Winning design is selected

A prestigious jury selected the design of this monument from submissions to the international design competition. The competition challenged entrants to design a "living memorial" encompassing Dr. King's spirituality, his leadership and his personal sacrifice in the movement for social justice and the message of hope for all humanity. The design presented here must now go through the proper channels for approval.

## THE MAN

Out of the shadows and depths of despair, in an era of fear and shame, he was a clear and unwavering voice. Even today, the mere mention of his name, Dr. Martin Luther King, Jr., evokes the memory of this inspiring voice. A simple man of simple means, yet his extraordinary vision left a legacy yet to be fulfilled. His words, his hopes, his actions, his life and his death, bear immeasurable worth. It is this fitting and right that he be remembered for generations to come with a memorial in our nation's capital.

Dr. Martin Luther King sought to right the wrongs of oppression, hatred and violence. As a student of peace and a teacher of patience, this American brought the injustices of his contemporary society to the forefront of its conscience. He came at a time when the Civil Rights Movement was in a quagmire. He verbalized that which Americans of all races thought and felt. His devotion to enact change peacefully yet courageously, inspired the citizens of America and the world - from college students who sat quietly at a lunch counter in Greensboro, North Carolina to the thousands who gathered down a tank in the center of Tiananmen Square to fight for freedom long denied to the people of China.

## THE MOVEMENT

We must pay tribute to this great man now, because the prevailing message of Dr. King's Civil Rights Movement was one of peace and non-violence. Now is the time to remember and re-entrance the mantra of the movement. We'll gonna study war no more.

Dr. King's vision sought to peacefully create a nation that would embrace the diversity of its people, and the United States population has never been more ethnically diverse than it is today. In an age where "globalization" is the catch phrase of the day, now is the time to remind the citizens of the world that globalization refers not only to economic issues, but to social and cultural issues as well. King's vision of the United States and the world was that of a patchwork of cultural diversity. Today, as the globe grows smaller and international boundaries begin to blur, it is time to recognize and acknowledge the timeliness of King's vision. The beauty of our world lies in the quilt of differences that our individual cultures and histories create.

As a nation, we continue to struggle against violence - by terrorists, gangs, and even school children. And as a globe we continue the struggle for the freedom and human rights of all people. These global struggles have led to violence and war. But Dr. King's peaceful movement made large strides against oppression and civil rights violations. There is still much to do on the civil rights front, but what better time to hold up the tremendous progress of Dr. King's peaceful movement as an example for the rest of the world.

"What for years now have been talking about war and peace. But now no longer can they just talk about it. It is no longer a choice between violence and non-violence in this world. It is non-violence or non-existence."

—Dr. Martin Luther King, Jr.











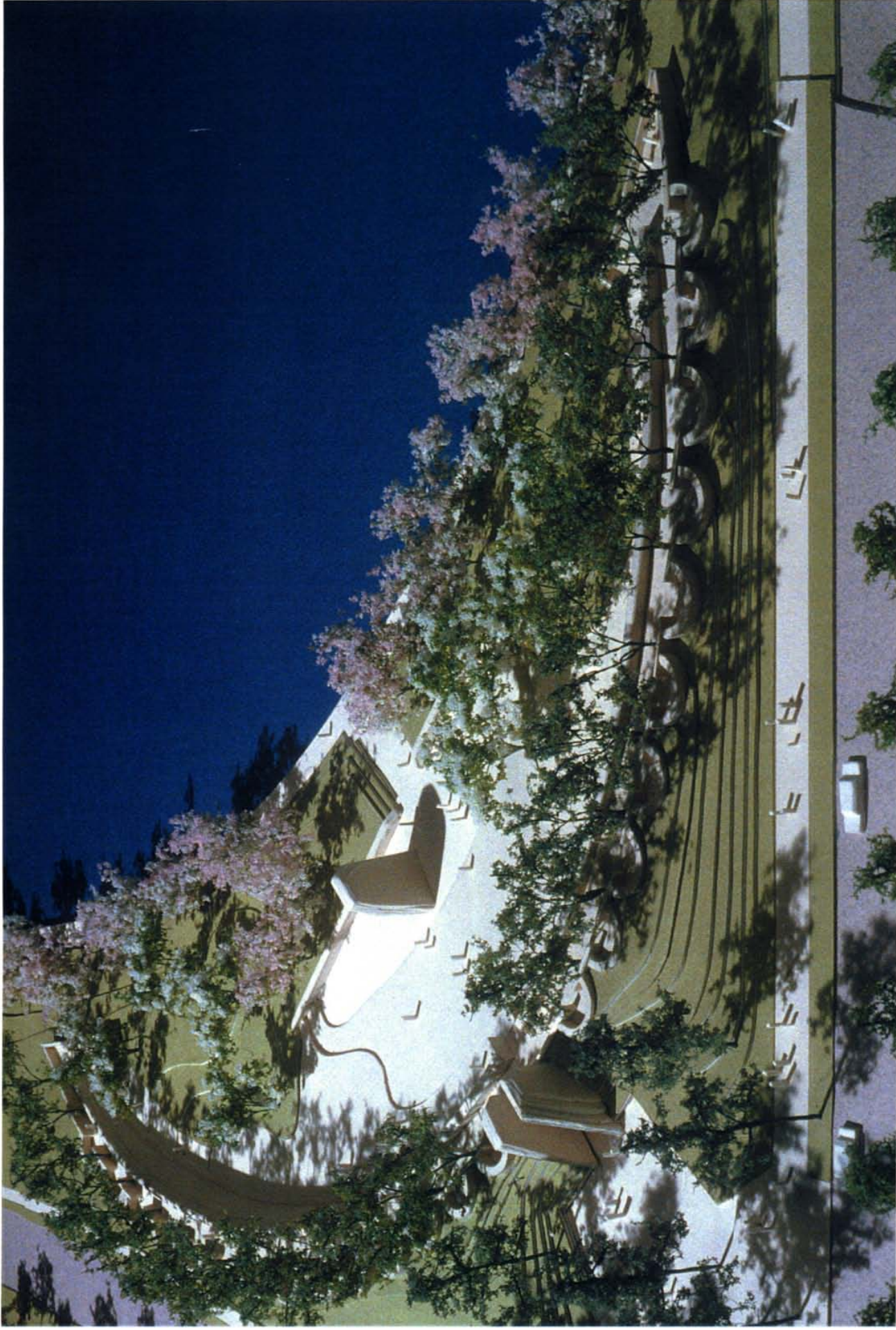
© ROMA DESIGN GROUP 2000

# Martin Luther King, Jr. National Memorial

*Prepared for the Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation, Inc. by ROMA Design Group*

*In Consultation with Dr. Clayborne Carson, Director of the King Papers Project • Christopher Grubbs Illustrator*





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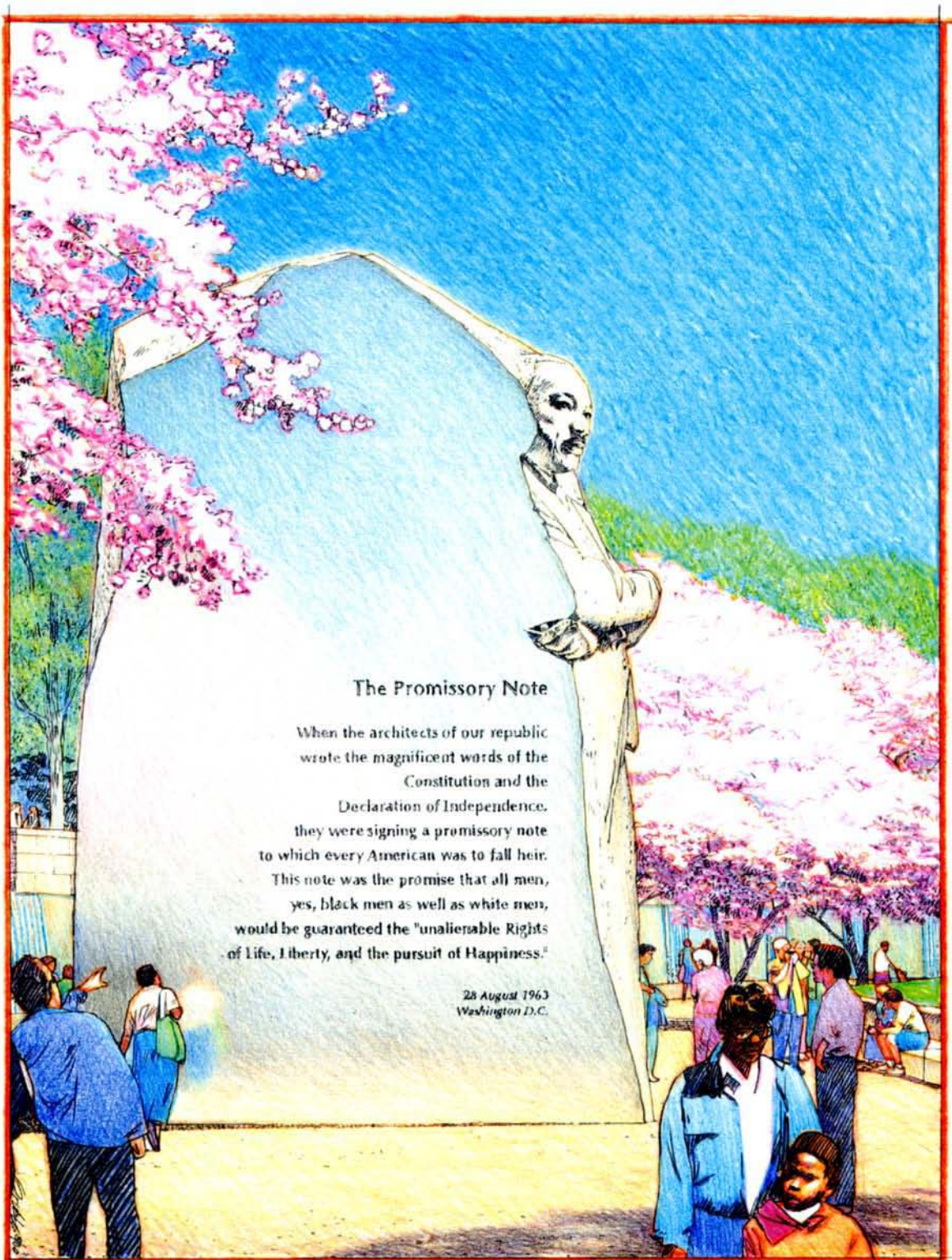
ENTRY THROUGH "MOUNTAIN OF DESPAIR"

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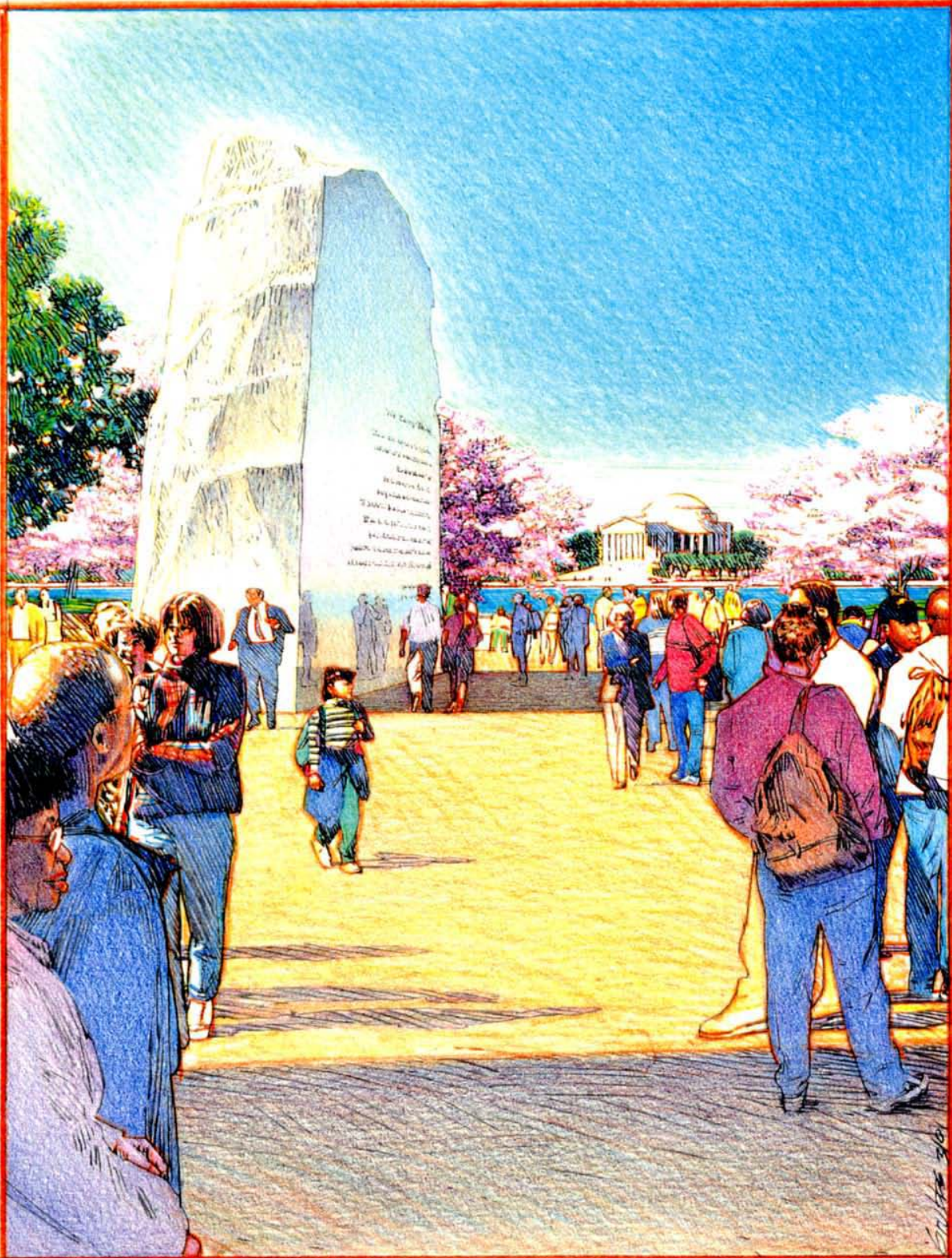
## THE STONE OF HOPE

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ARRIVING AT THE STONE OF HOPE

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# Appendix F

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National Historic Preservation Act Section 106 – Signed  
Memorandum of Agreement.

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**MEMORANDUM OF AGREEMENT  
AMONG  
THE NATIONAL PARK SERVICE,  
THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
AND  
THE WASHINGTON, DC MARTIN LUTHER KING, JR.  
NATIONAL MEMORIAL PROJECT FOUNDATION, INC.  
REGARDING  
ESTABLISHMENT OF THE MARTIN LUTHER KING, JR. MEMORIAL  
WEST POTOMAC PARK, WASHINGTON, DC**

**WHEREAS**, Public Law 104-333, Section 508, enacted by President William J. Clinton on November 12, 1996, authorized the Alpha Phi Alpha Fraternity (Fraternity) to establish a memorial to Martin Luther King, Jr. (Memorial) on lands under the administrative jurisdiction of the Secretary of the Interior (Secretary) in the District of Columbia or its environs (Undertaking) in compliance with the Commemorative Works Act of 1986, as amended; and

**WHEREAS**, the Fraternity has organized the Washington, DC Martin Luther King, Jr. National Memorial Project Foundation, Inc. (Foundation) to implement the Memorial project; and

**WHEREAS**, Public Law 105-201, enacted on July 16, 1998, authorized the Memorial to be located within Area I (Attachment 1, Commemorative Works Act Map Number 869/86501); and

**WHEREAS**, the National Park Service (NPS), in its letter of March 4, 1999 to the District of Columbia State Historic Preservation Officer (DC SHPO), provided notice that selection of a site near the edge of the Tidal Basin and West Basin Drive had been proposed and that its selection and development had potential for an adverse effect on the landscape and National Register qualities of West Potomac Park; and

**WHEREAS**, in December 1999, the NPS, the National Capital Planning Commission (NCPC) the Commission of Fine Arts (CFA) and the Secretary selected, in conformance with the Commemorative Works Act and in scheduled public meetings of NCPC and CFA, the 4-acre site administered by the NPS on behalf of the Secretary that constitutes the site for the proposed Memorial; and

**WHEREAS**, the NPS, in cooperation with the Foundation, released for public comment the July 2005 Environmental Assessment for the Memorial; and

**WHEREAS**, on September 13, 2005, the NPS advised the DC SHPO that the proposed concept design for the Memorial would potentially have an adverse effect on the National Register qualities of West Potomac Park; and

**WHEREAS**, on September 19, 2005, the NPS provided the first of several opportunities for public participation in the review of the Undertaking by providing notice and conducting a consultation meeting in order to present information and solicit verbal and written comments so that the design of the Memorial could be revised accordingly; and

**WHEREAS**, the NPS's Environmental Assessment of July 2005 identified the need for a visitor support facility (Visitor Facility) to include restrooms and visitor information since the closest restrooms are 750 feet away and there will be great interest in the Memorial's subject matter from both domestic and international visitors and the Visitor Facility was incorporated into the concept design in December 2005; and

**WHEREAS**, during 2006 and 2007, the design of the Memorial was further refined and revised as a result of the Foundation's selection of a design-build team and in consultation with the NPS, the future managers of the Memorial, as a part of the CFA and the NCPC conceptual and preliminary design review processes; and

**WHEREAS**, the NPS, by letter dated February 20, 2008, invited the Advisory Council on Historic Preservation (ACHP) to participate in the consultation process and the ACHP, having received the invitation on February 28, 2008, notified the NPS on March 7, 2008 of the ACHP's decision to participate in the consultation; and

**WHEREAS**, the Foundation has participated in the consultation, has been assigned responsibilities under this Memorandum of Agreement (Agreement) and has been invited to be a signatory to this Agreement; and

**WHEREAS**, the National Coalition to Save Our Mall and the National Trust for Historic Preservation (Consulting Parties) have also participated in consultation, and the National Coalition to Save Our Mall has been invited to concur in this Agreement pursuant to 36 CFR 800.6(b)(2); and,

**WHEREAS**, additional opportunities for consulting parties to comment on the design of the Memorial were provided at consultation meetings held on March 3, 2008, April 22, 2008 and June 30, 2008; and

**WHEREAS**, the NPS has determined that the Undertaking will constitute an adverse effect on historic properties through physical alteration of site features; relocation or removal of 9 cherry trees; demolition and reconstruction of a portion of West Basin Drive; provision of a Visitor Facility; and the potential realignment of West Basin Drive and introduction of security barriers; and

**WHEREAS**, the NPS has consulted with the DC SHPO and the ACHP to avoid, minimize, or mitigate the adverse effects pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

**WHEREAS**, the NPS has considered recommendations proposed by the signatories and the consulting parties and has addressed them through design modification to the extent possible at this time; and

**WHEREAS**: through the process of consultation and design analysis, the length, height, and location of Visitor Facility have been adjusted to minimize potential impacts of the structure and the north eave has been extended to provide shelter for visitors; and

**WHEREAS**, the CFA gave Revised Concept Approval on May 23, 2008 and the NCPC gave Preliminary Approval of the project which included the Visitor Facility; and

**WHEREAS**, the NPS and the DC SHPO agree that the adverse effect of the Visitor Facility has been minimized through design modification; while other consulting parties have requested that additional consultation be arranged before NPS makes a final decision on the design of the Visitor Facility; and

**WHEREAS**, the NPS has identified the need for security features to address potential threats to this specific Memorial after most of the design was complete and a limited number of bollards at



the 3 entrances were determined by the NPS to be the most compatible solution based upon a thorough design analysis; and

**WHEREAS**, all of the design modifications that have been incorporated into the Memorial plans thus far are dated June 24, 2008 and attached hereto as Attachment 2 (June 24, 2008 plans); and

**WHEREAS**, this Agreement provides for additional review and comment opportunities for any changes to the June 24, 2008 plans;

**NOW, THEREFORE**, the NPS, the Foundation, the DC SHPO, and the ACHP agree that the undertaking shall be carried out in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

### STIPULATIONS

The NPS shall ensure that the following measures are carried out:

1. (a) To the extent possible, the final design of the Undertaking will be compatible with the historic and architectural qualities of West Potomac Park in terms of scale, massing, materials; will be accomplished with the least possible disruption to features and facilities of the park; and will be as similar as possible to the June 24, 2008 plans. At present, three issues that have been introduced, but not resolved, include the potential realignment of West Basin Drive to reflect the curved edge of the Tidal Basin, the introduction of security barriers into the Memorial design, and the treatment of the Visitor Facility.

Before making a final decision on these issues, the NPS will consult in accordance with Stipulation 1(d) of this Agreement.

Before approving any changes to the June 24, 2008 plans that may be proposed subsequent to the execution of this Agreement as a part of a review by CFA, NCPC or NPS or for any other reason, the NPS shall:

- i. Review the proposed changes and make a determination as to whether the changes result in a new adverse effect that has not already been taken into account and/or an intensification of a known adverse effect that has already been considered and minimized pursuant to this Agreement; and
- ii. Forward its determination and all documentation necessary to explain the proposed changes to the signatories and the consulting parties for a 14-day review and comment period.

(b) If the NPS determines that no new adverse effects would result or no known adverse effects would be intensified and all signatories and all consulting parties agree in writing within the 14-day review period, the NPS shall be required to take no further action other than submitting copies of the final plans pursuant to Stipulation 2 of this Agreement. The NPS may assume concurrence with its finding if any party fails to respond in writing within the review and comment period.

(c) If the NPS determines that no new adverse effects have been found or no known adverse effects would be intensified and any signatory or consulting party objects in writing within the 14-day review period, the NPS shall consult with the objecting party as follows:

NPS shall consult with the objecting party to seek ways to resolve the objection. If NPS determines that the objection cannot be resolved, NPS shall forward the objection to the ACHP with a request for recommendations, along with relevant documentation not previously furnished to the ACHP. Within 14 days of receipt, the ACHP will either:

- i. provide the NPS with recommendations, which the NPS will take into account in reaching a final decision regarding the objection; or
- ii. notify the NPS that it will comment pursuant to 36 CFR 800.7(c), and proceed to comment within 45 days. Any ACHP comment provided in response to such a request shall be taken into account, and responded to, by NPS in accordance with 36 CFR 800.7(c) (4) with reference to the subject of the dispute.

Any recommendation or comment provided by the ACHP will be understood to pertain only to subject of the objection; the NPS's responsibility to carry out all actions under this Agreement that are not subjects of the objection will remain unchanged.

(d) If the NPS determines that a new adverse effect would result or a known adverse effect would be intensified, NPS will consult further with all signatory and consulting parties to identify means to avoid, minimize, or mitigate the adverse effects and to consider amending the Agreement pursuant to Stipulation 6 [not ] of this Agreement.

2. The NPS will submit a copy of the final plans for Memorial to the DC SHPO, the ACHP, and to any other signatory or consulting party which requests a copy for their records.
3. The NPS will update the public via the Planning, Environment, & Public Comment (PEPC) website on actions taken to implement the terms of this MOA.
4. The NPS will provide update semi-annual status reports for the signatories and consulting parties
5. This Agreement will be valid for a period of five years from the date of the last signature.
6. This Agreement may be amended when an amendment is agreed to in writing by all signatories. The amendment will be effective on the date of the last signature.
7. If any signatory to this Agreement determines that the terms of the Agreement cannot be or are not being carried out, that signatory shall so notify the other signatories and consult with them to seek amendment of the Agreement. If within fifteen (15) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories. Once the Agreement is terminated, and prior to work continuing on the Undertaking, NPS must either (a) execute a new Memorandum of Agreement pursuant to 36 CFR Section 800.6 or (b) request, take into account, and respond to the comments of the ACHP per 36 CFR 800.7. NPS will notify the signatories as to the course of action it will pursue.

Execution of this Agreement and implementation of its terms evidences that NPS has afforded the ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, and that NPS has taken into account the effect of the Undertaking on historic properties.

**SIGNATORIES:**

Lisa A Mendelson-Telmini  
Regional Director, National Capital Region, NPS

8/25/08  
Date

see attached  
District of Columbia State Historic Preservation Officer

\_\_\_\_\_  
Date

John M. Bowler  
Executive Director, Advisory Council on Historic Preservation

8/25/08  
Date

[Signature]  
Executive Architect, Washington, D.C. Martin Luther King, Jr.  
National Memorial Project Foundation, Inc.

8.25.08  
Date

**CONCURRING PARTIES:**

\_\_\_\_\_  
President, National Coalition to Save Our Mall

\_\_\_\_\_  
Date

**Attachments:**


1. Commemorative Works Act Map
2. June 24, 2008 design brochure handout at June 30, 2008 106 consultation

The National Register nomination for East and West Potomac Parks is available at the website: <http://www.nps.gov/nationalmallplan/> by selecting "History". This website can also provide access to the viewer: Cultural Landscape Inventories, and the Jefferson Memorial Cultural Landscape Inventory.

**SIGNATORIES:**

\_\_\_\_\_  
Regional Director, National Capital Region, NPS

\_\_\_\_\_  
Date

 DAVID MALONEY  
District of Columbia State Historic Preservation Officer

8/22/08  
Date

\_\_\_\_\_  
Executive Director, Advisory Council on Historic Preservation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Architect, Washington, D.C. Martin Luther King, Jr. National Memorial Project Foundation, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, National Coalition to Save Our Mall

\_\_\_\_\_  
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