

**Statement of
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National Mall Liberty Fund D.C.
Subcommittee on National Parks
U.S. Senate Committee on Energy and Natural Resources
S. 1051, National Liberty Memorial Act
September 11, 2007**

Mr. Chairman, I offer for the Record my complete statement and the documents attached concerning research on the identity of the persons we seek to honor. Thank you for scheduling this hearing on S. 1051 and for the superb and responsive work of both the majority and minority staffs over two years. As a member of the House in 1985, you were a cosponsor of the predecessor legislation that led to the prescient decision to set aside land at Constitution Gardens. There is far more evidence today of the worthiness of constructing a memorial there to the contributions of African Americans to Independence.

We thank Senator Chris Dodd and Senator Charles Grassley for their fidelity to the cause beginning 22 years ago. We thank Senator Elizabeth Dole and Senator Barack Obama for joining them in requesting this hearing and advancing the National Liberty Memorial. We also thank Rep. Donald Payne for his leadership. The entire Congressional Black Caucus has cosponsored H.R. 1693, his companion bill. We remember Senator Craig Thomas for his counsel when he met with us on October 5, 2005, and Charles Atherton, a board member and architect of much of Washington's built environment, including the Mall.

I am the founder and CEO of National Mall Liberty Fund D.C. (Liberty Fund D.C.), the organization seeking this authorization. My aunt, Lena Santos Ferguson, and I initiated the idea for such a memorial in 1984. I discovered that my grandmother was descended from white ancestors who served in the Revolutionary War. The memorial idea arose out of my aunt's four-year battle to join the Daughters of the American Revolution. She was rejected because of her brown skin, and I suspect that leaders were uncomfortable with her proven claim to white ancestors. Through her settlement agreement, more than 2,000 black soldiers were identified, from 1984 to 2001. Descendants have begun to discover family ties through "African American and American Indian Patriots of the Revolutionary War." (*Read names of descendants present.*)

By 1988, through the Black Revolutionary War Patriots Foundation, we had obtained the site, preliminary design approval and over 75 percent of the major donors who eventually leveraged the rest. When we departed in 1992, the name was held in high esteem. Thereafter, the group's goodwill plummeted. By 2004, it was irretrievable. Months before the authorization expired we sought the advice of Senators Dodd and Grassley and congressional staff. Congress allowed the authorization to expire on October 26, 2005, without protest. However, the door had been opened to demonstrate the history's continued vibrancy and the site's availability.

Incorporated on May 2, 2005, months before the expiration of the previous authorization, Liberty Fund D.C. is a non-profit corporation recognized under the laws of the District of Columbia. Form 1023, Application for Recognition of Exemption Under Section 501 (c)(3) of the Internal Revenue Code, was filed recently. We have a comprehensive website, www.libertyfunddc.org, and goodwill growing from 26 months of constructive activities and dialogue. Our sponsors, architects, sculptors, board, lawyers, and descendants have entrusted their sacred honor to this cause, as have I from 1978 when I entered the National Archives to uncover my family's heritage. The determination is as strong as ever. The potential of this project to raise the funds, construct the memorial and educate the nation is exceptional.

Liberty Fund D.C. has no connection to the now-defunct Black Patriots Foundation. This is not a "resurrection" of that group. We are not responsible for its obligations. We have not received any of its assets, if any still exist. We will not use its designs or indicia, including the previously approved memorial design. The only things we seek are the site approvals. These were never the possession of the group. They belong to the American people by virtue of a process the National Park Service describes as follows: "Area I authorizations are joint resolutions that Congress must pass deeming a subject matter of 'preeminent historical and lasting significance to the Nation.'" This is based upon history and not a sponsor's worthiness, or lack thereof.

The designation has never been revoked – nor could it be. Books, archeological discoveries, documentaries, genealogical research, and DNA extractions over the past two decades reinforce the wisdom of Congress. Nothing has occurred on or near the site to render the authorization impractical. Constitution Gardens remains unchanged, unencumbered and capable of accepting this memorial in conformity with the Commemorative Works Act. The National Liberty Memorial would be located -- (1) in surroundings that are relevant to the subject of the work and (2) so that it does not interfere with, or encroach on, an existing commemorative work.

In June 2006, the National Capital Memorial Advisory Commission concluded, “the Commemorative Works Act could be interpreted to allow Liberty Fund D.C. to assume the site approvals.” A member voting in the majority said, “there is enough of a nexus...that would be justification for extending the authorization for this site for the same memorial.” (*Transcript, National Capital Memorial Advisory Commission, June 27, 2006, page 25*) The honorees and concept are precisely the same. Only the name has been changed. Another member said, “[T]he reason Congress designates an organization is because the memorial is privately funded. So, there's nothing sacred about keeping the same name or the same organization.” (*Transcript, page 27*)

In 2003, Congress created a Reserve on the Mall and declared it “a completed work of art.” The Commemorative Works and Clarification Act imposed a moratorium on any new memorials except those “for which a site was approved.” Only the Black Revolutionary War Patriots Memorial and the Martin Luther King, Jr. National Memorial were exempted from the entire Act. Therefore, our request is a unique one that will never again be necessary. In addition, the 2003 Act changed this preexisting policy: “Upon expiration of the legislative authority, any previous site and design approvals shall also expire.” This does not apply to the site approved for the Black Patriots Memorial.

Mr. Chairman, Constitution Gardens cries out for this memorial and its poetry – even more so than our combined voices. When tourists look across the lake at the National Liberty Memorial from one honoring the 56 Signers, they will understand the true meaning of the Declaration of Independence.

This land was hallowed by events made possible by the descendants of those patriots, including Marian Anderson's 1939 concert and the 1963 March on Washington. Lincoln's granite stare may suggest how 185,000 blacks fought to preserve the union during the Civil War. The backdrop of the Washington Monument will tell Americans that thousands of African Americans served under General Washington.

The sound of water splashing the lakeshore will remind visitors of the harrowing ocean passage of some of these men and women and their ancestors from Africa. The contemplative nature of the garden, and the walk around the lake to the site, will give visitors an opportunity to think about the generations-long struggle for liberty.

On the Mall's North/South axis, the interrelationship with DAR Constitution Hall will announce the determination of persons of African descent to fully embrace their heritage. Together with the future King Memorial, Americans will understand what Dr. King meant by "a dream deeply rooted in the American dream."

John Carey of Washington, D.C. is proof of the power of this undying dream. He had to live 113 years -- just about as long as any American ever has -- to finally receive a pension for his service. This memorial means honor and justice, finally, for Mr. Carey and his African American compatriots.

If this Committee allows S. 1051 to move forward, the National Liberty Memorial could come to symbolize the unconditional love of African Americans for our nation, from the American Revolution to 911.