The Gehry Towers Over Eisenhower

The National Civic Art Society
Report on Frank Gehry’s Eisenhower Memorial

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What has happened to our concept of beauty and decency and morality?
—President Eisenhower

There are no rules, no right or wrong. I’m confused as to what’s ugly and what’s pretty.
—Frank Gehry

It’s amazing what you can do when no one’s looking.
—Edward A. Feiner, Former Chief Architect of GSA, which oversees $12 billion in federal buildings

You can fool all the people some of the time and some of the people all of the time, but you cannot fool all the people all the time.
—Abraham Lincoln

I. Executive Summary

• The Eisenhower family opposes Frank Gehry’s design for the Memorial. The president’s grandson, the family’s sole representative on the Memorial Commission, has resigned from the Commission.

• The Memorial competition was secretive, exclusive, elitist, and undemocratic—if it was a true competition at all. Only 44 entries were solicited. This is hundreds fewer than the number of entries submitted in previous national memorial competitions, which were open to all, including non-architects.

• An unknown, unconnected designer could not have won, let alone even entered, the competition. It was thanks to America’s openness to talent that Eisenhower was able to rise to the presidency from a humble background. The Memorial competition should have been equally open.

• The Memorial’s only statue of Eisenhower depicts him as a life-size barefoot young boy, a shrinky-dink tikey Ikey. It is a travesty that cuts a great man down to size. Giving Eisenhower the boy treatment would be unthinkable were Eisenhower around to defend himself.

• The design of the boy Eisenhower statue is being advised by an an artist famous for his sculpture Oh! Charley, Charley, Charley, in which multiple fiberglass flesh-colored mannequin-like naked versions of himself engage in an orgy.

3 Talk at Georgetown University, November 22, 2011. Recording in possession of Georgetown Professor Mina Marefat.
• The statue of Ike as a Kansas farmer-boy is sentimental kitsch. This Happy McMonument does not befit a statesman who defeated the Nazis and who preserved America’s peace and prosperity. Leadership is not child’s play.

• The Memorial design has contained benches spelling out “IXXI,” the Roman numerals for 9 and 11. Whether this reference to the 9/11 attacks was intentional or negligent, the Memorial’s architect, Frank Gehry, can no longer be trusted with its design.

• In 2003, Gehry refused to help design a replacement for the Twin Towers since he was not offered enough money. That alone makes Gehry unworthy of Eisenhower, who exemplified selfless public service.

• The void at the heart of the Memorial makes it a temple to nothingness. It is a hollow temple, not a hallowed one.

• The Memorial’s crooked-appearing “columns” and tangled “tapestries” do not befit Eisenhower’s upright virtue.

• The Memorial’s titanic “columns” tower over the stone reliefs of Eisenhower and the puny Ike statute. The result is a Leviathan Memorial swallowing a small-fry Eisenhower. The behemoth commemorates Gehry’s ego, not Eisenhower’s greatness and humility.

• Eisenhower would be disgusted at the planning and design of his Memorial. As he lamented in 1962, “What has happened to our concept of beauty and decency and morality?”

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In 1999, Congress authorized the creation of a national Memorial to President Dwight D. Eisenhower and created the Eisenhower Memorial Commission to plan and build it. In 2006, Congress authorized the Commission’s selected Memorial site on or adjacent to the National Mall.

The Commission hired an executive architect who, with GSA’s Public Buildings Service, oversaw a closed design competition that was secretive, undemocratic, elitist, and exclusionary. Only powerful, connected, famous, and trendy architects were solicited. Unknown, powerless, unfashionable, and traditional designers were entirely excluded. A present-day Maya Lin—who was an undergraduate student when she won the open, blindly reviewed competition for the Vietnam Veterans Memorial—could not even have entered the Eisenhower competition, let alone won.

5 Photos of the work—which is indecent, explicit, and at least morally obscene—can be found on the website of the Rubell Family Collection: http://www.rfc.museum/component/phocagallery/category/84-gallery-10.
The competition solicited only 44 firms for entries. This is hundreds fewer than the number of entries submitted in open competitions for prior national memorials. Compare the numbers for national memorial competitions in the last 50 years:

<table>
<thead>
<tr>
<th>Memorial Competition</th>
<th>Open or Closed</th>
<th>Number of Entries</th>
<th>Design Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>First FDR</td>
<td>Open</td>
<td>574</td>
<td>No</td>
</tr>
<tr>
<td>Second FDR</td>
<td>Closed</td>
<td>55</td>
<td>No</td>
</tr>
<tr>
<td>Third FDR</td>
<td>Closed</td>
<td>7</td>
<td>Yes</td>
</tr>
<tr>
<td>Vietnam Veterans</td>
<td>Open</td>
<td>1,421</td>
<td>Yes</td>
</tr>
<tr>
<td>Korean War</td>
<td>Open</td>
<td>540</td>
<td>Yes</td>
</tr>
<tr>
<td>World War II</td>
<td>First Closed, Then Open</td>
<td>407</td>
<td>Yes</td>
</tr>
<tr>
<td>MLK</td>
<td>Open</td>
<td>900</td>
<td>Yes</td>
</tr>
<tr>
<td>Eisenhower</td>
<td>Closed</td>
<td>44</td>
<td>?</td>
</tr>
</tbody>
</table>

In the 1990s, when the commission overseeing the National World War II Memorial competition held a nearly identical closed competition, there was widespread public outcry and the original competition was scrapped in favor of an open one.

Opposition to the Memorial has been slow to arise for two chief reasons: 1) The entire process has intentionally taken place below the radar with as little public knowledge as possible. 6 2) The process has delayed finalizing a Memorial design until the very last second. Indeed, despite the fact that the Commission aims to break ground in 2012, there is still no final design. It has been hard for critics to attack a moving target—the designer and the Commission have been able to claim, no matter how disingenuously, that this or that feature is not necessarily going to be in the final version.

Antithetical to blind review, the Eisenhower Memorial competition focused on the reputation and portfolio of the entrants, who were never required to submit an actual design proposal to be built. In contrast to prior national memorial competitions, the competition design entries have never been made available to the public. The American people’s input—or even awareness—has barely been sought. 7

We wonder whether the Commission’s Executive Architect, Daniel J. Feil, arranged the entire “competition” to obtain a pre-ordained outcome: the hiring of celebrity architect Frank Gehry. The winner of the “competition,” Gehry has been awarded a government contract for a project estimated to cost at least $119 million, at least 80% of which is to be funded by taxpayers. (However, the Commission has long intended to seek 100% federal funding.) 8 This does not include the unusually expensive maintenance the Memorial will require in perpetuity.

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6 The Eisenhower Memorial Commission did not release any of their minutes until January 13, 2012. They still have not released their minutes from the crucial meetings circa 2008 at which they discussed and ran the design competition. Minutes available at http://www.eisenhowermemorial.org/thenews.php?n=236.
7 “Chairman Siciliano next remarked that the Commission has to date not sought publicity and hopes to continue its work without fanfare.” Eisenhower Memorial Commission Minutes, Feb. 28, 2002.
The construction cost alone is estimated to be $65 million to $75 million.\(^9\) The lower end of the range has been raised from the $55 million originally envisioned in the design competition.\(^10\)

Was the competition influenced by cronyism and conflicts of interest? The Commission’s chairman, Rocco C. Siciliano, has had a previous professional relationship with Gehry on at least three occasions. He mentioned Gehry repeatedly at Eisenhower Memorial Commission, long before the competition, even saying that Gehry had expressed interest in designing the Memorial. Skidmore, Owings and Merrill LLP (“SOM”), the firm hired to create the competition’s pre-design program, has worked intimately with Gehry on numerous occasions. The SOM pre-design program was led by the former Chief Architect of GSA, who is now a principal at one of the seven semi-finalists in the competition.

The competition and planning of the Memorial, including obtaining of the necessary authorization from the relevant government oversight agencies, has been occurring at an unusually rushed speed for a national memorial and in a suspiciously concealed manner. The Eisenhower family has complained that the government approval process has been “fast-tracked.” The intent appears to be to create “facts on the ground” as fast as possible, to ram the process through, no matter how heedless or undemocratic. The Commission aims to break ground in the fall of 2012 and to complete the construction by 2015. Executive Architect Feil said of this rushed schedule, “It’s aggressive, but doable.”\(^11\) The Commission’s Executive Director Carl W. Reddel also told Congress it was an “aggressive schedule.”\(^12\) He likewise told the National Capital Planning Commission, “we have moved faster perhaps than others would have anticipated.”\(^13\) Chairman Siciliano said “the Commission hoped to set a rapid pace for the project.”\(^14\) The Commission said it sought to “compress” even the GSA procurement process.\(^15\) Their excuse for this heedless rushing is that the Memorial needs to be built before too many more World War II veterans pass away.

The authorization process, overseen by the National Park Service (NPS), has not followed the letter or the intent of the most important preservation and zoning laws. NPS is failing in its appointed role as the guardian of the nation’s man-made heritage, in particular the 1791 L’Enfant Plan for Washington, D.C. (enacted by George Washington and Thomas Jefferson) and the National Mall perfected by the 1901-2 Senate Park Improvement Plan (commonly known as the “McMillan Plan”). Not only are NPS and other stakeholders not preserving what by law must be preserved, they are so confused that they have initiated processes to preserve what is unworthy of preservation, including the sterile Department of

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\(^9\) https://www.fbo.gov/index?s=opportunity&mode=form&id=08d5b0f94e62957582048a8196bb4ea8&tab=core&_view=1. Gehry’s early-2011 design submission to CFA and NCPC estimates the construction cost to be $72.6 million.

\(^10\) https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85dbe50fabc00dce.

\(^11\) Qtd. in Benjamin Forgey “Gehry on Eisenhower,” On Site Summer 2010: 10.


\(^14\) Eisenhower Memorial Commission Minutes, Sep. 27, 2005.

Education building. American conservationist values have been turned upside-down. The new de facto slogans include: UGLY IS BEAUTIFUL, GENERIC IS HISTORIC, EFFICIENCY IS GRANDEUR, INTERNATIONAL STYLE IS AMERICAN STYLE.

In its authorization process for the Memorial, NPS has gone so far as to slight the role of the Founding Fathers in the creation and design of the plan and core buildings of Washington, D.C. NPS has also ignored the Washington Monument when considering of the visual, cultural, and historic effects of the Memorial. It has also slighted the McMillan Plan that perfected the National Mall as we know it. NPS has even failed to acknowledge that the Memorial is on or adjacent to the Mall. This could all be due to the fact that NPS sought “an interactive partnership with [the] Commission rather than a more traditional, arms-length relationship.”16

Frank Gehry was precisely the wrong architect for the job. His self-stated philosophy of design and his avant-garde prior works—which glorify chaos, danger, and pandemonium—are antithetical to everything that Eisenhower stood for. They are also antithetical to the orderly, harmonious style of the Monumental Core and the nation’s capital, not to mention the order and balance of the American form of government.

In one of the three designs Gehry and NPS submitted to oversight agencies in January 2011—the very design that is the basis for the current working design—Gehry arranged the Memorial’s benches to spell out “IXXI,” the Roman numerals for 9 and 11. Whether this reference to the 9/11 attacks was intentional or negligent, Gehry can no longer be trusted with the Memorial’s design.

Just two years after the September 11, 2001 attacks, Gehry refused to help design a replacement for the Twin Towers explaining that insufficient payment was being offered. That fact alone makes him unworthy of Eisenhower, who exemplified selfless public service.

Gehry’s stated first-choice for the sculptor of the planned statue of Eisenhower as a young boy is Charles Ray, who is famous for his sculpture Oh! Charley, Charley, Charley, in which multiple fiberglass flesh-colored mannequin-like naked versions of himself engage in an orgy.17 Although Ray turned down the solicitation, Gehry has said that Ray is advising on the boy Eisenhower statue.

Gehry’s design for the Memorial dishonors and mocks Eisenhower, the National Mall, the nation’s capital, and the American people. Topsy-turvy in its proportions and symbolism, Gehry has created a Leviathan structure swallowing a small-fry Eisenhower. The Memorial’s only statuary depiction of Eisenhower—as a life-sized barefoot boy—is a travesty. It is sentimental kitsch that cuts a great man down to size: a shrink-dink tikey Ikey. The man who defeated the Nazis and preserved America’s peace and prosperity deserves better than this Happy McMonument. Leadership is not child’s play. Giving Eisenhower the boy treatment is a cheap shot that would be unthinkable were Eisenhower around to defend himself.

17 Photos of the work—which is indecent, explicit, and at least morally obscene—can be found on the website of the Rubell Family Collection: http://www.rfc.museum/component/phocagallery/category/84-gallery-10.
The Memorial’s ugly avant-garde style—its crooked-appearing “columns” and tangled “tapestries”—together with its colossal scope and scale represent a fundamental cleavage with the tradition of national presidential memorials. The impious, soulless design evinces nothing sacred or transcendent. Base and plebian, it suggests nothing noble or heroic. It is an anti-iconic anti-monument contrary to the spirit of Eisenhower and America.

The Eisenhower family is opposed to the design, which, for obvious reasons, has barely been shown to the public. On December 15, 2011, just after The Washington Post ran an article about the Eisenhower family’s increasingly vocal opposition to the Memorial, the Eisenhower Memorial Commission announced that David Eisenhower, who had been the family’s sole representative on the Commission, had resigned from it. In the 1960s, when the ugly officially chosen design for the Franklin Delano Roosevelt Memorial was opposed by the Roosevelt family, the memorial’s architects resigned their commission. If the Eisenhower Memorial is constructed, it would be the first national presidential memorial built without the support of the president’s family.18

The Memorial design is totally inappropriate for its subject and context. It is also impermanent in its materials (which include a tangled web of industrial steel wire) and it is impermanence in its appearance, which is ephemeral and ghost-like. Since it is inappropriate and impermanent, the design violates the very Congressional law creating it. It also violates numerous other federal laws and regulations. In particular, the Memorial will have a permanent severe adverse effect on the National Mall and the L’Enfant and McMillan Plans such as to grievously violate their integrity. The Memorial will forever deface the view to the Capitol along Maryland Avenue SW, one of the city’s most iconic and historic sightlines.

II. Introduction: The History of the Eisenhower Memorial

President Dwight D. Eisenhower was one of greatest leaders and heroes in American history. His character was rock-solid, his virtue upright, his judgment unwavering. Along with George Washington and Ulysses S. Grant, he is one of only three generals to have led the nation as wartime general and president.

Eisenhower planned and directed the Allied forces in their total victory against Hitler in World War II, thereby saving European and Western civilization from Nazi barbarism and halting the genocide of the Jews. He commanded NATO in the face of a nuclear-armed Stalin, and served two masterful terms as president of the Unites States from 1953 to 1961. Once in office, he immediately negotiated an armistice ending the fighting in the Korean War, and guided America through an era of unprecedented peace, prosperity, and unity. During his years in office, not a single American soldier was killed in combat.

As head of state, Eisenhower publicly personified the uncommon common man, the statesman above politics. Behind the scenes he was a shrewd chief executive who judiciously

18 Chairman Siciliano “expressed the importance of family support to avoid a repetition of the problems encountered with the FDR Memorial.” Eisenhower Memorial Commission Minutes, Sep. 12, 2002.
wielded his formidable political power. He balanced the budget, fought inflation, and passed the first civil rights legislation since Reconstruction.\(^\text{19}\)

To honor and commemorate his greatness, on October 25, 1999, Congress authorized the creation of the official national Dwight D. Eisenhower Memorial (“Memorial”) and the bipartisan Eisenhower Memorial Commission (“EMC” or “Commission”) to plan the Memorial.\(^\text{20}\) Section 8162 of the law creating the Memorial reads:

> The people of the United States feel a deep debt of gratitude to Dwight D. Eisenhower, who served as Supreme Commander of the Allied Forces in Europe in World War II and subsequently as 34th President of the United States; and an appropriate permanent memorial to Dwight D. Eisenhower should be created to perpetuate his memory and his contributions to the United States. . . . [The] Commission shall consider and formulate plans for such a permanent memorial to Dwight D. Eisenhower, including its nature, design, construction and location. [emphasis added]

A. Sidebar: A Monument or a Memorial, and Why Does It Matter?

By “memorial,” Congress appears to have meant “monument” or “memorial that includes a monument.”\(^\text{21}\) In retrospect, it perhaps should have been more explicit.\(^\text{22}\) In current parlance, “monument” denotes a large (approximately at least 1.5 times the height of an average man) useless permanent immovable structure that honors its subject and was designed to be seen as such. A monument is useless in the sense that it is not meant to have a function other than honoring and commemorating its subject. A monument is not a shelter, playground, museum, or theme park. A monument is a thing, not a place.

Monuments are sacred structures situated on hallowed grounds such as cemeteries and temples, whether or not religious.\(^\text{23}\) As President Lincoln said in his eulogy on the Gettysburg battlefield, a speech that is inscribed on the monument in his honor:

\(^{19}\) For Eisenhower’s unjustly neglected role in civil rights, see David A. Nichols, *A Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution* (Simon & Schuster, 2007). Among other things, President Eisenhower desegregated Washington, D.C. (including its schools), completed the desegregation of the military (something he had already fostered as a general), and sent troops to enforce *Brown vs. Board of Education* in Little Rock, Arkansas, a former Confederate state.


\(^{21}\) Note the assumption in Fine Arts Commissioner Diana Balmori’s question to the EMC’s chief architect: “So your intentions are that of a building or not, or is it just a plaza with a monument?” CFA Transcript, Sep. 21, 2006 at 50-1, available at http://www.civicart.org/Eisenhower/cfa_trnscpt_20060921.pdf.

\(^{22}\) Compare how Congress worded the law authorizing the national memorial to United Flight 93: “For the purposes of this Act, the terrorists on United Airlines Flight 93 on September 11, 2001, shall not be considered passengers or crew of that flight.” [emphasis added] This shows how disturbingly little trust Congress placed in the memorial designers and the National Park Service memorial advisory committee overseeing the memorial. In fact, one of the designs in the competition for the Pentagon’s September 11 memorial contained five “seats” in memory of the terrorists on Flight 77. Catesby Leigh, “The Wrong Way to Remember,” *Wall Street Journal* Nov. 8, 2002, available at http://online.wsj.com/article_email/SB1036725137763060508-IMyQiAxMTAxMz2MTEzWjE1Wj.html?mod=wsj_share_email_bot.

\(^{23}\) Observe that tombs and tombstones are called monuments in a related sense of the term. Compare the ancient Mediterranean temenos, or sacred grounds. See http://en.wikipedia.org/wiki/Temenos.
We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead who struggled here have consecrated it far above our poor power to add or detract.

A memorial, by contrast, is a useless or even useful structure (such as a bridge, stadium, museum, or office building) or set-apart place (such as a park) of any size that remembers—without any necessary approving judgment—a dead person or past event. A memorial need not be designed to be seen as a memorial, nor need it be permanent in intent. A memorial does not need to be sacred.

All monuments are memorials, but not all memorials are monuments. Some memorials contain monuments. Monuments are clear and unequivocal in their meaning; memorials can be abstract and ambivalent. Monuments immortalize their subjects; the subjects of memorials can be permanently dead or finished. Monuments speak; memorials can stay silent. Monuments need no signage; memorials often do.

Thus, along with the Washington Monument, the national Thomas Jefferson, Abraham Lincoln, Ulysses S. Grant, Theodore Roosevelt, World War II, and Martin Luther King, Jr. “Memorials” are and were intended to be monuments. By contrast, the competition rules for the Vietnam Veterans Memorial required it to be a memorial.24 The Statue of Liberty is a monument to freedom. It is not a memorial of anything.

III. The Eisenhower Memorial Commission

The law creating the Commission requires it to have 12 members, four of which are non-political appointees, and eight of which are members of Congress.25 The law also requires that the Commission be bipartisan overall as well as in its leadership.

In 2000, President William J. Clinton appointed the four non-political members of the Commission: public relations expert Alfred Geduldig (New York, NY)26; attorney and former

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24 The winner of that competition, Maya Lin, has herself said, “I consider the work I do memorials, not monuments; in fact I’ve often thought of them as anti-monuments.” Qtd. in Erika Lee Doss, Memorial Mania: Public Feeling in America (University of Chicago, 2010) 39. See also James Inigo Freed’s comment on his design for the U.S. Holocaust Memorial Museum: “I choose to call it a memorial and not a monument because monuments celebrate things. Here there is no celebration. Also, monuments tend to be too unified, too unitary, restricting different possibilities of readings and interpretations. So ‘memorial’ seems to be better.” Id. Compare how the 1910 law creating the U.S. Commission on Fine Arts bestowed on it the duty to advise on “statues, fountains, and monuments,” and does not use the word “memorials.” 40 USC § 9102. Also note that the official government agency in charge of war monuments and memorials is called the American Battle Monuments Commission, a name that was chosen in 1923, when America took pride in all of the wars it fought. The ABMC is also in charge of overseas military cemeteries.


26 Until at least September 2006, Geduldig was the chairman of the Commission’s Public Liaison Committee. CFA Transcript, Sep. 21, 2006 at 20.
lobbyist Susan Banes Harris (Potomac, MD);27 retired businessman and charity leader Rocco C. Siciliano (Beverly Hills, CA), a World War II veteran who was Assistant Secretary of Labor in the Eisenhower administration; and public affairs professor D. David Eisenhower (Berwyn, PA). David Eisenhower is President Eisenhower’s grandson and was the Eisenhower family’s sole representative on the Commission until he resigned. The Commission announced David’s resignation on December 15, 2011, just after The Washington Post ran an article about the Eisenhower family’s increasingly vocal opposition to the Memorial.

The President Pro Tempore of the Senate and the Speak of the House of Representatives chose from their respective chambers the eight remaining members of the Commission, which have changed with time. The current political-appointee Commissioners are Senators Daniel K. Inouye (D-HI), Jack Reed (D-RI), Pat Roberts (R-KS), Jerry Moran (R-KS), and Representatives Leonard L. Boswell (D-IA), Mike Simpson (R-ID), William “Mac” Thornberry (R-TX), and Sanford D. Bishop, Jr. (D-GA).28

Not one of the Commissioners is an architect, architectural historian, or architecture critic. None of them is an artist, art historian, or art critic. It does not appear that a single one is a connoisseur of architecture or art, including traditional and federal American architecture and art. The sole historian on the Commission was the president’s grandson. Even on the Commission’s Advisory Committee, which appears to be largely ceremonial, there is only one historian and not a single architect or artist, historian of architecture or art, or critic of architecture or art.29 Thus, the Commission’s makeup is indistinct from any other blue-ribbon committee. It could just as much be a commission regarding nuclear waste as much as a national memorial. As discussed below, the most successful national presidential memorial commissions in American history were those that were led and advised by persons who were deeply knowledgeable of and concerned with American civic art and architecture.30

The Eisenhower Commission elected Siciliano its chairman and Senator Inouye, a World War II veteran, its vice chairman. It is unclear why Siciliano was elected chairman since Senator Inouye, the most senior Senator in Congress, has more relevant experience and greater influence and authority than any other Commissioner. Senator Inouye served on the Franklin Delano Roosevelt Memorial Commission from 1970 to 1997, and as Co-Chair of that commission from 1990 to 1997.31

28 The original eight congressional Commissioners were Senators Robert F. Bennett (R-UT) Daniel K. Inouye (D-HI), Jack Reed (D-RI), and Pat Roberts (R-KS), and Representatives Leonard L. Boswell (D-IA), Dennis Moore (D-KS), Jerry Moran (R-KS), and William “Mac” Thornberry (R-TX).
30 “Senator Inouye remarked that as a result of having served on the Roosevelt Memorial Commission for 25 years, he had the opportunity to study all of the memorials in the city and several different concepts.” Eisenhower Memorial Commission Minutes, Apr. 25, 2002.
Moreover, the Commission appears to have delegated its authority to the least powerful Commissioners: the non-political appointees. As mentioned above, it elected Siciliano its chairman. It also chose Susan Banes Harris, a lawyer and a former lobbyist, to chair its Architectural Committee. Harris does not appear to have had any prior special experience with or knowledge of architecture. The Commission also selected Geduldig to chair its Public Liaison Committee. It also made its Executive Architect, Daniel J. Feil, its agent for the Memorial competition and contracting. The Senators and Representatives on the Commission apparently did not want to take a leadership role regarding the Memorial.

Even Vice Chairman Inouye has fewer relevant qualifications than most of the previous chairmen of national presidential memorial commissions, at least the ones that successfully built a memorial. The Lincoln Memorial Commission was chaired by then-President William Howard Taft, who had been a champion of the 1901-2 McMillan Plan that created the National Mall as we know it. It was Taft who created the U.S. Commission of Fine Arts (“CFA” and “Fine Arts Commission”) to guide the development of the Mall and the nation’s capital according to classical American principles.

The Thomas Jefferson Memorial Commission was chaired by Tammany Hall Representative John J. Boylan, who was a trustee of Monticello, Jefferson’s self-designed home. The de facto leader of the commission was Fiske Kimball, the esteemed classical architect and historian (including of Jefferson’s own classical architecture) who was the director of the Philadelphia Museum of Art from 1925 to 1955. President Franklin D. Roosevelt personally involved himself in the Jefferson commission’s work; but for his direct influence, the magnificent classical design would not have been built. FDR explicitly paralleled the importance of continuity of tradition in architecture to that in government:

[T]he principles of harmony and of necessity require that the building of a new structure shall blend with the essential lines of the old. It is this combination of the old and the new that marks orderly peaceful progress, not only in buildings but in building government itself . . . .

To turn to unsuccessful memorial commissions, the first iteration of the Franklin Delano Roosevelt Memorial Commission was chaired by Francis Biddle, the former attorney general. As discussed below, that commission selected an ugly Modernist memorial design, created by Marcel Breuer— one of the leading architects of the day, dubbed “Instant Stonehenge,” that was never built since the Roosevelt family objected to it.

The second FDR Memorial Commission was chaired by Eugene Keogh, a former New York congressman known for the pension plan named after him. It, too, selected an ugly Modernist memorial design, created by Marcel Breuer—one of the leading architects of the day,

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32 The commission also included three members of the Jefferson family, senators, representatives, and members of the Jefferson Memorial Foundation.
35 “Modernist” and “Modernism” are capitalized to reflect the fact that Modernism is a movement.
a Gehry of his time—that the Commission on Fine Arts rejected and thereby prevented from being built.

Keogh was still chairman in the 1970s when the third FDR competition handpicked the ultimate designer, a landscape architect. In 1988, the dormant FDR Commission was revived by the appointment of chairman Representative Claude Pepper of Florida. Pepper resigned in 1989 and was replaced by co-chairs Senators Inouye and Mark Hatfield, who oversaw the Memorial at the time of its completion in 1997. The honorary chairman of the FDR Commission was then-President Clinton. Its honorary co-chairmen were former presidents Bush, Carter, Ford, and Reagan. The Eisenhower Commission, by contrast, has no honorary chairmen.

A. Chairman Rocco Siciliano’s Relationship with Gehry

The irony is that whatever experience Chairman Rocco Siciliano had had in previously hiring architects appears largely to have dealt with the hiring of Gehry. In at least three prior instances, it appears that Siciliano, who lives in Beverly Hills, California (and whose late wife was a modern artist of some recognition), has had a significant professional and perhaps personal relationship with Gehry, who is based in Santa Monica.

Siciliano was a founding board member, director, and trustee of the Museum of Contemporary Art, Los Angeles (MOCA) since at least 1979 to at least 1985. Circa 1979, MOCA held a “competition” to choose the architect to design the new museum. As Gehry explained his role in the putative competition:

I then heard that [venture capitalist] Max Pavlesky had given a million dollars to select the architect, and that [the painter] Sam Francis was promoting [architect Arata] Isozaki. . . . I got a phone call one night not too long afterward. . . . It was Max Pavlesky saying “Frank, I need a big favor from you.” We’re going to select an architect for MOCA and we need to interview five other architects with Isozaki. We’re probably going to give it to Isozaki, but we need to interview a Los Angeles architect, and we would like you to be interviewed. You won’t get the job, it’s just to make it look good.36

Gehry again referred to his unpleasant experience with MOCA when explaining his reluctance to enter subsequent competitions he believed to be rigged:

FG [Gehry]: When I first heard that they were going to have a competition [for the Disney Concert Hall], I never expected to be asked. And when I got asked to be in the competition, I said no, I didn’t want to be in it because I assumed it would be like [the competition to design] MOCA, where they felt they had to have a local guy as a serious contender; I was a high-profile local guy, but I wouldn’t be chosen. I said, “Guys, I’ve been through this so many times. Don’t do this to me.”

BI [Barbara Isenberg]: You’re referring to what happened with the Museum of Contemporary Art here? Let’s go back to that.

36 Qtd. in Kurt W. Forster, Frank O. Gehry / Kurt W. Forster (Cantz Verlag, 1999) 77.
FG: Because the city was involved [in the building of MOCA], they had to have a competition, and so they interviewed six architects. I was told they needed to include an LA architect who would be credible, and was asked if I would do it. I said, “Okay, I’ll do it, but I’m going to say what I believe,” and that’s what I did.

BI: Knowing that you weren’t really a contender.

Gehry laughs a rather rueful laugh.

FG: I knew they had picked Isozaki . . . .

In 1982, as what some have termed a consolation prize, MOCA hired Gehry to design and install the Temporary Contemporary (now the Geffen Contemporary), a major new gallery for the museum. In 1983, the Temporary Contemporary staged performances of a dance piece for which Gehry designed the backdrop, a chain-link scrim.

In 1973, Siciliano joined the board of the Los Angeles Philharmonic. From 1977 to 1986, he was the Philharmonic’s president and chairman. From at least 1988 through at least 1989 he was its vice-chairman. He is currently an honorary life member of the Philharmonic Association’s Board of Directors, of which Gehry is a trustee. In 1980, Gehry was hired to design and install acoustic spheres in the Hollywood Bowl, the Philharmonic’s summer home, which he had previously worked on. In 1988, after holding a closed competition, the Philharmonic hired Gehry to design its Walt Disney Concert Hall. Siciliano was on the Building Committee that selected Gehry. Gehry began designing the hall in 1991, which opened in 2003. Siciliano was among the leading fundraisers for the $276 million hall. In his memoirs, Siciliano proudly writes, “And the spectacular Walt Disney Concert Hall (by noted architect Frank Gehry) opened in October 2003.”

Siciliano’s memoirs also include discussion of his involvement on the building committee that in 1984 chose Richard Meier, the internationally famous architect, to design the $1 billion Getty Center in Los Angeles. Meier was chosen in a competition that Gehry, not yet world-famous, entered but lost. The memoirs shed some light on Siciliano’s thought processes in selecting architects:

We had begun an international search for an architect in 1983 using an outside selection group. From that seven initial finalists were selected in February 1984, and then our building committee (none of whom had played a role in the selection of the initial seven)

37 Barbara Isenberg, Conversations with Frank Gehry (Alfred A. Knopf, 2009), 108-110.
38 Lucinda Child and John Adam’s Available Light. Photo of the backdrop available at http://lucindachilds.com/gallery/Lucinda-Childs/img018. For more on Gehry’s fondness for theatrical architecture and the use of chain-link, see below.
looked at the three finalists. . . . We visited museums that these men had designed. We went to London and then Stuttgart, Germany, to look at Jim Stirling’s work. Marion [Siciliano’s artist wife] loved his “purple socks” and his quixotic design with bright colors (a see-through orange elevator) in the Neue Staatsgallerie in Stuttgart. We flew to Japan and saw the incredible detail, requiring exceptionally skilled craftsmen, of Fumihiko Maki’s work. In Frankfurt, we had seen Richard Meier’s work on the Museum für Kunsthandwerk, though it was not finished. To me, it was clear that we should choose Richard Meier.  

Siciliano did express some regrets regarding his choice of Meier:

As we came toward the end of the project, Meier really pushed people’s patience. Some trustees even mentioned termination. His attitude often seemed impossible, which should not be regarded as anything unusual for an architect. He is also a genius, and few architects fit that category. A major difficulty was Meier’s frequent refusal to listen to anybody else. . . . This building complex became a memorial to himself. . . . And even though we threatened termination, and it scared him, he probably correctly figured that he would not be dumped because it would reflect on the trustees if, as was the case, the project was 70 to 80 percent complete.

Siciliano is a trustee emeritus of the J. Paul Getty Trust. According to Gehry, “the Getty has offered to age-test [the Memorial ‘tapestries’] for me with their laboratories.”

All the way back in September 2006, the Commission’s executive architect, Daniel J. Feil, stressed that the EMC’s executive committee sought to hire a designer such as Gehry:

The Executive Committee of my Commission has been very strong in wanting as high a level of design as possible. The Chair [Siciliano] was the Chair of the Building Committee for the Getty and he was on the Building Committee for the Disney Concert Hall. So when they speak of high design, that is the level they are looking at.

Chairman Sicilano’s interest in hiring Gehry for the Memorial is evident throughout the Commission’s minutes. According to the minutes from the April 26, 2001 meeting, which appears to be the first time the Commission met in person: “Chairman Siciliano expressed his thoughts about the kind of architect represented by Frank Gehry.” Note that that meeting occurred seven years before the actual Eisenhower Memorial competition. Chairman Siciliano also mentioned his experience with Gehry’s design for Disney Hall according to the March 9, 2005 minutes. He mentioned Gehry again at the March 30, 2006 meeting. According to the minutes: “Chairman Siciliano mentioned that he had a discussion several years ago with architect Frank Gehry, who indicated an interest in a possible design of the Eisenhower Memorial.”

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40 Siciliano at 247.
41 Id. at 248-9.
43 CFA Transcript, Sep. 21, 2006 at 46.
44 Eisenhower Memorial Commission Minutes, April 26, 2001.
B. The Eisenhower Memorial Commission Staff

1. Executive Director Carl W. Reddel

The Commission’s Executive Director is retired Air Force Brigadier General Carl W. Reddel. He served as the President and CEO of the Eisenhower World Affairs Institute from 1999 to 2000. A Ph.D. in history, he is a former professor and head of the Department of History at the U.S. Air Force Academy, where he specialized in Russian and Soviet studies and taught applied history. He served as a Team Chief of the On-Site Inspection Agency for the implementation of the Intermediate Nuclear Forces Treaty and led missile destruction teams in the former Soviet Union.

2. Executive Architect Daniel J. Feil

In July 2005, the Commission hired Daniel J. Feil as its executive architect on a full-time contractor basis. Feil is a planner who holds an undergraduate degree in architecture and a Masters in Urban Affairs. Feil oversaw the design and construction of such mega-projects as the renovation and expansion of the multi-million-square-foot Ronald Reagan Washington National Airport and the never-built 450,000-square-foot addition to the John F. Kennedy Center for the Performing Arts. The former was the work of the world famous architect Cesar Pelli. For the Kennedy Center project, Feil had hired the world famous architect Rafael Viñoly.

Feil’s official biography on the Commission website proudly states, “The selection process resulted in a contract awarded to Gehry Partners, marking the first time world renowned architect Frank Gehry has entered into a design contract with the federal government.” The choice of terms—“contract,” not “commission”—reflects the emphasis on commerce as opposed to aesthetics or culture. The Commission has likewise called the Memorial “an urban renewal project for the District,” “a major investment in the urban fabric of Washington, D.C.,” which is not something Congress called for or authorized. Moreover, it was been widely acknowledged, including by the District of Columbia Circuit Court, that “This vast expanse [the Mall] serves a multiple of purposes, none of them commercial.”

Feil reports directly to Executive Director Reddel and has oversight responsibilities on behalf of the Commission for the memorial project work of the General Services Administration (GSA); the chosen design firm, Gehry Partners LLP; and the firm hired to supervise the design team, the Gilbane Company. Feil oversaw the Memorial site selection (“approved in a record

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46 http://www.eisenhowermemorial.org/pages.php?pid=6#feil. Compare what the leaders of the Vietnam Veterans Memorial competition could have said: “The selection process resulted in a commission awarded to Maya Lin, marking the first time the unknown designer has won any commission whatsoever.”

47 By contrast, most people do not think of the Lincoln and Jefferson Memorials, for example, as primarily the outcome of a design contract with the federal government.


15 months,” his bio proudly states) as well as the three-volume Pre-Design Program, which was the basis for the design competition. Discussed in greater detail below, the Pre-Design Program was produced by the Washington, D.C. office of Skidmore, Owings and Merrill LLP (“SOM”), one of the largest and most powerful commercial architecture firms in the world. Its office at the time was run by former chief GSA Chief Architect Edward A. Feiner. According to Feiner, Feil is the person who controlled the entire Memorial competition from beginning to end.\(^\text{51}\)

On May 8, 2008, Congress authorized the Commission to appoint an architect as its agent, including to:

(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and
(ii) perform other duties as designated by the Chairperson of the Commission. [emphasis added]\(^\text{52}\)

This fulfilled the Commission’s earlier request to Congress to “empower the Commission’s Executive Architect” who “[a]s the Commission’s agent . . . will also be authorized to represent the Commission as a voting member on design and construction selection panels, thereby improving coordination, communication, and decision-making for our twelve Commissioners.”\(^\text{53}\)

Given this authority, the Commission accordingly made Feil its agent.

Due to disagreements over how the competition was run, Feiner has said he is no longer on speaking terms with Feil. Speaking of the competition, Feiner said, with great deliberation, that “The client. Wanted. An Outcome.” (Compare the MOCA “competition” discussed above.) Since the competition was controlled by Feiner, it would appear that he was the one who arranged things to obtain that outcome. Note that Feil has praised Gehry as not just the right designer for the Memorial but as the best architect in America: “It would be extraordinary if we can build this memorial designed by the foremost architect in America in today.”\(^\text{54}\)

In December 2011, the American Institute of Architects (AIA) announced that it had awarded Feil its 2012 Thomas Jefferson Award for Public Architecture (an award Feil helped to create).\(^\text{55}\) Gehry wrote one of Feil’s letters of recommendation. AIA praised Feil as follows:

The General Service Administration’s Design Excellence Program guided the selection process for the memorial, and Gehry Partners was awarded the project . . . . Neither Cesar Pelli’s firm nor Gehry’s had worked with the federal government before they negotiated contracts with Feil, and neither had in their portfolio a project similar to the one they were awarded. This made their selection somewhat unconventional, and Feil is credited

\(^{51}\) See also Statement of Carl W. Reddel to the House Subcommittee on Interior, Environment and Related Agencies, Mar. 17, 2010.
with having opened up the field of eligibility by recognizing operational and aesthetic achievements as equivalent to experience with a particular building type. [emphasis added] 56

Subscribing to a kind of aesthetic and cultural relativism, Feil has publicly denied that there is a right or wrong style for the Memorial. Commenting on the winning designs in the National Civic Art Society’s Eisenhower Memorial Counter-Competition, which was an open competition that sought traditional designs, Feil said, “The neoclassical ideas they have, it’s just another approach . . . . There’s no right or wrong way. But we went this way.” [emphasis added] 57

3. Additional Staff

The Commission has an annual operating budget of approximately $2 million. Despite having a large staff (including eight full-time employees, several part-time contract consultants, and full-time contract consultant), the Commission does not appear to have a historian on staff other than its executive director, an expert on the Soviet Union and Russia. 58 This lack of on-hand historical expertise is evident in its official statement on the history and philosophy underlying the Memorial’s “tapestries,” which is riddled with factual and logical errors. In fact, the statement was written by an undergraduate student at The George Washington University. 59

The statement does not identify the author as such; neither, it appears, has the Commission. Similarly, at least one journalist has discovered numerous historical inaccuracies on the Commission’s website. 60

C. The Bleak Memorial Site

In 2005, the Commission selected the site for the Memorial: an urban four-acre rectangle (informally called “Eisenhower Square”) south of the National Air and Space Museum and north of the Lyndon Baines Johnson Department of Education Building—that is, a site within the Monumental Core, which is part of the Mall Park System. 61

57 Qtd. in Paul Needham, “Eisenhower Memorial: Frank Gehry Design Faces Scrutiny,” The Huffington Post (Jul. 26, 2011), http://www.huffingtonpost.com/2011/07/26/eisenhower-memorial-frank-gehry-design_n_908940.html. Compare also the epigraph quotation of Gehry above. At the extreme, would Feil admit that Nazi style, with swastikas, etc., is wrong for the Memorial?
58 The Commission does have, as its special advisor, Louis Galambos, the economic historian who is the co-editor of Eisenhower’s papers. It appears that the bulk of his work, as well as that of other historians on the Legacy Committee, occurred early in the planning stages of the Memorial.
61 The site is bounded on the north by Independence Avenue SW, to the east by 4th Street SW, to the west by 5th Street SW, and to the south by a setback 50 feet to the north of the Department of Education. For aerial and other photos of the site, see http://parkplanning.nps.gov/showFile.cfm?projectID=16139&docType=public&MIMEType=application%252Fpdf
Commission does not appear to have taken any aesthetic or architectural considerations into account, save for the view of the Capitol.\textsuperscript{62} Adjacent to the hardscaped plot are the Federal Aviation Administration Building and the Wilbur J. Cohen Federal Building. The site is located on federal lands owned by the National Park Service (NPS), the District of Columbia, and GSA. NPS is the lead federal agency for the project; GSA is a cooperating agency; the Commission is the sponsor.

Except for the Cohen building, which is in the stripped-down classical style, the immediate surrounding buildings are sterile Modernist office buildings in the International Style, the same anonymous style as the United Nations headquarters in New York.\textsuperscript{63} According to the D.C. State Historic Preservation Office, the adjacent buildings show the influence of the Swiss architect Le Corbusier.\textsuperscript{64} The Air and Space Museum is also Modernist.

Directly across Independence Avenue SW from the Memorial site is a glass pavilion containing the Air and Space Museum’s McDonald’s restaurant, something Gehry joked about in a denigrating way.\textsuperscript{65} NPS and others have called the site “bleak.”\textsuperscript{66} The Commission’s Executive Architect, Daniel J. Feil, called it “a Brutalist concrete plaza” and said that, except for the Cohen building, the surrounding buildings are “nondescript.”\textsuperscript{67} The Commission has described the site “as being somewhat blighted.”\textsuperscript{68} Then-Fine Arts Commission Chairman J. Carter Brown said the site “frightens you a little.”\textsuperscript{69} The Department of Education building’s own employees call its neglected sunken courtyard “the pit.”\textsuperscript{70} Gehry said of the surrounding buildings, “Some people don’t like ’em.”\textsuperscript{71} Contrasting the site with a “picturesque setting,”

\textsuperscript{62} The three basic criteria they used were 1) thematic context, 2) program capacity, and 3) review agency support.
\textsuperscript{63} Available at http://www.civicart.org/Eisenhower/cfa_trnscpt_20081120.pdf; CFA Transcript, Sep. 21, 2006 at 33.
\textsuperscript{64} CFA Transcript, May 20, 2010 at 48.
\textsuperscript{65} Available at http://www.c-spanvideo.org/program/302068-1. Partial transcript available at David Brussat,
Gehry has also said, “The architecture in the area is comprised of large, mid-century buildings, primarily of a Brutalist aesthetic. . . . The Southwest Federal District . . . reflects the Brutalist era with little existing green space or ground floor retail activity. . . . The existing building mass and its austerity are a major contextual site consideration.”

The bleakness, dereliction, and neglect of the site would appear to be the fault of the General Services Administration (GSA), the same agency that, in a performative self-contradiction, now claims that the Department of Education building and site is eligible for the National Register of Historic Places.

A portion of Memorial site is on the exclusive Area I of the District of Columbia (as defined by the Comemorative Works Act of 1986 as amended). Area I is reserved for commemorative works of “preeminent historical and lasting significance to the United States.” The 109th Congress passed a bill authorizing the Memorial site, which President George W. Bush signed into law on May 5, 2006.

The Memorial site is in fact on the National Mall or at least the Mall Park System delineated by the 1901-2 Senate Park Commission Plan (commonly known as the McMillan Plan). The official report from the House of Representatives on the legislation authorizing the Memorial’s location explicitly describes the site as being on the National Mall:

The 109th Congress authorized construction of the memorial at a specific site located within Area I on the National Mall (Public Law 109-220).

However, the Commission, NPS, and other stakeholders have downplayed the site’s relationship to the Mall. Gehry himself, in his early-2011 design submission to CFA and NCPC, acknowledged, “The Eisenhower Memorial is part of the larger context of the National Mall.” Some news reports have likewise described


72 Gehry’s early-2011 design submission to CFA and NCPC.
73 When the DOE building was being proposed, the CFA urged the architects to make the open space as “attractive as possible under budgetary limitations.” CFA Minutes, May 23, 1957 at 5. CFA archive.
75 Section 8908.
77 For the legal use of the term “Mall Park System,” see The Shipstead-Luce Act of 1930 (40 U.S.C. §121) and 45 CFR 2101.1.
79 As NPS representative Sally Blumenthal told the CFA, the Memorial site “ is not on the Mall, itself.” CFA Transcript Sep. 21, 2006 at 19. The Commission has repeatedly described the site as “one block south of the National Mall.”
http://www.ncpc.gov/DocumentDepot/ProjectMaterials/Eisenhower_Memorial_Project_Background.pdf and http://www.eisenhowermemorial.org/faq.htm. Even this fails to acknowledge that the site is at least across the street from the Mall, which the Air and Space Museum is located on.
the Memorial as being on the Mall.\textsuperscript{80} At the very least, the site is a component of the Mall System, the kite-shaped area delineated by the McMillan Plan.\textsuperscript{81}

It is highly significant that the Commission, NPS, and other stakeholders are attempting to downplay the Memorial site’s relationship with the National Mall. Since that relationship has barely been acknowledged, the entire authorization process, which is required by the National Environmental Preservation Act and the National Historic Preservation Act, has been insufficient. This includes the completed site authorization process and the ongoing authorization process for the Memorial design.

Any proposed building on the Mall or for which the Mall is in the Area of Potential Effects\textsuperscript{82} entails especially stringent standards under the law. The Mall is on the National Register of Historic Places and is eligible to be a National Historic Landmark, for which the Section 106 authorization process (required by the National Historic Preservation Act of 1966\textsuperscript{83}) has especially stringent requirements.\textsuperscript{84} Even if the Memorial site is not on the Mall strictly defined, it is on the Mall Park System and is just across the street (Independence Avenue SW) from the Mall. The Memorial is clearly visible to and from the Mall as well as to and from the heart of the Mall, its greensward. The Section 106 processes failed to take into consideration any of this. Those processes are insufficient on that basis alone. It would appear that the Commission, NPS, and other stakeholders have been trying their best to avoid those stringent standards. Furthermore, if the site is not considered to be on the Mall, one of the most important free-speech zones in the country, there will likely be fewer First Amendment protections for demonstrators and other speakers at the Memorial.\textsuperscript{85}

Denying that the Memorial is in the context of the Mall is also part and parcel with the attempts by NPS and others to suppress and ignore the 1791 L’Enfant and 1901-2 McMillan Plans. Those plans are the founding zoning plans for the nation’s capital. More than anything else, they are what created “the eternal capital of an eternal republic.”\textsuperscript{86} They are to the nation’s capital what the U.S. Constitution is to the United States.


\textsuperscript{81}Map of the McMillan Plan available at http://upload.wikimedia.org/wikipedia/commons/7/7c/McMillan_Plan.jpg.

\textsuperscript{82}“Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” [emphasis added] 36 CFR 800.16(d).


\textsuperscript{84}36 CFR 800.10. For more about the Section 106 process, see http://www.achp.gov/106summary.html.

\textsuperscript{85}According to the District of Columbia Circuit Court, the Mall is “the place where men and women from across the country will gather in the tens of thousands to voice their protests or support causes of every kind. It is here that the constitutional rights of speech and peaceful assembly find their fullest expression.” Iskcon of Potomac, Inc. v. Kennedy, 61 F.3d 949, 952 (D.C. Cir. 1995).

\textsuperscript{86}The expression was used by Senator John W. Daniel and Representative Sereno E. Payne on the occasion of the District of Columbia’s centennial celebration. William V. Cox, ed., Celebration of the One Hundredth Anniversary of the Establishment of the Seat of Government in the District of Columbia (Government Printing Office, 1901) at 115, 123, available at http://openlibrary.org/books/OL16313782M/1800-
The McMillan Plan—the creation of a Senate commission—clearly delineates a kite-shaped Monumental Core running east-to-west, with Pennsylvania Avenue and Maryland Avenue being the longest sides of the kite.\(^87\) Those two avenues remain twin sisters, even if the NPS and others would like us to forget this. Although few might remember it, in the 1960s, Pennsylvania Avenue itself was neglected and in poor condition. Thankfully, the Pennsylvania Avenue Development Corporation (PADC) was created to revitalize the avenue according to the intentions of the McMillan Plan. The success of the PADC is visible to all today. Many Americans, including the National Civic Art Society and the National Coalition to Save Our Mall, would like to see Maryland Avenue revitalized along similar lines. The goal is to undo the Brutalist damage done to the area since World War II. It appears that NPS, GSA, and others do not want this to happen. In fact, they are seeking to preserve what others think is blight and unworthy of the Monumental Core. As discussed below, NPS and other stakeholders not only are not preserving what needs to be preserved (such as the Mall and the McMillan Plan), they have taken steps to preserve what is unworthy of preservation, including the sterile Department of Education building.

IV. **The Eisenhower Memorial “Competition”**

In 2008, the Commission voluntarily handed over responsibility for the Memorial competition to GSA—specifically, to the Design Excellence Program of GSA’s Public Buildings Service.\(^88\) Overseeing $12 billion in projects, the Public Buildings Service is the largest development program in the U.S. Its chief responsibility is to oversee the design and construction of all federal office buildings and courthouses. Design Excellence, which is discussed in greater detail below, is currently directed by Casey Jones (who replaced Thomas Grooms in 2009) with the involvement of GSA Chief Architect Leslie (“Les”) Shepherd.

On March 17, 2010, in his statement to the House Subcommittee on Interior, Environment and Related Agencies, Executive Director Reddel delivered what is perhaps the Commission’s fullest public explanation of their understanding of how the competition and planning process has worked: “The EMC intends the National Eisenhower Memorial to be of equal caliber to the Washington, Lincoln, Jefferson, and [Franklin] Roosevelt presidential memorials.”\(^89\) As Executive Director Reddel explained:

> In 2008, the Commission *engaged* with the General Services Administration’s Design Excellence Program to select a design team for the memorial. The initial request for proposals *garnered forty-four submissions*, with four design teams advancing to final consideration. [emphasis added]\(^90\)

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88 Any authorization for this was given by [http://www.govtrack.us/congress/billtext.xpd?bill=s110-2739](http://www.govtrack.us/congress/billtext.xpd?bill=s110-2739).
89 It is unclear whether the omission of the Grant and Theodore Roosevelt national memorials was intentional or inadvertent.
90 Executive Director Reddel did not mention that there were seven semi-finalists at an intermediate stage of the competition. The same evasive language (“engaged,” “garnered”) is used in the Commission’s FY2012 Budget.
The use of the evasive word “engaged” failed to disclose to Congress the nature of the relationship between the Commission and GSA, including how responsibility was assigned and contracted away. It is our understanding that while the competition was putatively run according to GSA’s Design Excellence Program, the Commission’s Executive Architect Daniel J. Feil controlled the whole process as the Commission’s designated agent.  

Executive Director Reddel’s phrase “initial request for proposals” is at best inaccurate and misleading. As discussed below, the Design Excellence Program requests not proposals but portfolios of the designer’s prior work. The Eisenhower competition made a Request for Qualifications, not a Request for Proposals. The original project description explicitly states, “This is not a request for Proposal.” And as Feil told the Commission of Fine Arts, “we will be paying [the three or four finalists] a stipend to give us a design vision. It is not a concept. We have made it very clear that concepts can’t start until the contract is awarded.” Emphasizing the secrecy of the process, Chairman Siciliano “emphasized that the design visions produced for the selection process would not be made public.” The competition never required the submission of an actual proposal or concept to be built. It was a competition of designers, not designs.

Moreover, while Executive Director Reddel makes it sound as if it was the “request for proposals” that were the cause of the “garnered” submissions, in fact, the mere 44 submissions were solicited by GSA and the Commission. (As paltry as this number is, the Commission had previously considered holding a design competition limited to just 5 entrants.) Forty-four submissions is a small number even for competitions for run-of-the-mill federal office buildings during the same time period. In 2009, Casey Jones, the director of Design Excellence, described the typical interest in federal projects as follows: “The growth in the private sector over the past five years meant that a lot of architects were pursuing private-sector projects. Now that the economy has reversed itself, we are seeing far more firms pursuing our projects. Where we used to have 20 or 30 firms pursuing a new construction project, we now have 80 or more firms.”

In other words, Executive Director Reddel did not tell Congress that this was a closed competition, in contrast to his later claim in the statement that the Commission has been “operating in a respectful and transparent manner.” Likewise, Feil told the Commission that the Design Excellence Program is “open,” when in fact it is open only to architects with

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91 See Edward A. Feiner’s comment below about Feil’s commanding role.

92 https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85d5e50fabc00dce

93 CFA Transcript, Nov. 20, 2008 at 27.


95 We would like to know how many of the solicited firms were women- or minority-run.

96 EMC draft timetable July 5, 2001. CFA archive.


portfolios, as opposed to artists and amateurs. It appears that there has been little or no public comment by the Commission regarding the lack of openness in the competition. This was almost surely in order to avoid the outcry (discussed below) that occurred when the World War II Memorial Competition, also run according to the Design Excellence program, was initially closed to the public.

Executive Director Reddel also did not tell Congress that the Eisenhower competition was not just closed but anything but blind. The diametrical opposite was the case, with the entrants’ portfolios and reputations having the greatest weight. Actual design proposals had zero weight; indeed, none were required to be submitted.

The way Executive Architect Feil described the solicitation is telling. Referring to the competition’s Volume 1 Program, part of the Pre-Design Program, he explained, “We actually intended it as a kind of prospectus to try to interest designers in submitting for the project.” In other words, Feil saw it as a challenge to entice designers to enter a competition for the first national presidential memorial approved in 40 years—a once-in-a-lifetime opportunity. This ignores the hundreds upon hundreds of design submissions in prior memorial competitions. Bizarrely, it was the Commission who sought to persuade the designers, not the other way around. Feil said he aimed to obtain the interest of the “design community” as he called it. Whatever “community” he was referring to, it was apparently a tiny one.

Feil also noted that in regard to the Commission’s interviews of entrants, “The key point with all of the interviews was that we did not find any conflicting ideas.” In other words, there was no true diversity among the entrants; it was a competition only among those already in lockstep agreement.

On March 31, 2009, the Commission and GSA announced that Gehry Partners LLP, led by architect Frank Gehry, was selected to design the Memorial. (The competition process is discussed in far greater detail below.) On January 8, 2010, GSA/National Capital Region awarded Gehry the contract on the Commission’s behalf, in purported compliance with the Brooks Act, among other federal contracting laws. Gehry’s design team includes landscape architects EDAW, Inc.; lighting designers L’Observatoire International; technical and management support from AECOM; and information designers ESI Design. The design and

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100 “None of the finalists have presented designs, and most likely won’t before the winner is selected.”
101 CFA Transcript, Nov. 20, 2008 at 19.
102 Id.
103 Id. at 19-20.
construction management contract was awarded to Gilbane Building Company. The E-Memorial itself is being designed by a firm called Local Projects.  

A. Former GSA Chief Architect Edward A. Feiner’s Disclosures About the Eisenhower Memorial Competition

On November 22, 2011, Edward A. Feiner, the former chief architect at GSA, gave a talk at Georgetown University. His subject was the Design Excellence Program he created and ran from 1994 to 2005. In 2003, Esquire magazine called Feiner the most powerful architect in America. His Design Excellence Program oversees at any one time approximately $12 billion in federal building projects. The event was videotaped at the behest of Georgetown Professor Mina Marefat. During the Q&A period, the author of this report had the following exchange with Feiner:

Shubow: Were you involved in the Eisenhower Memorial?

Feiner: Oh, absolutely, I was involved in the programming, not the design. I was at SOM [Skidmore, Owings, and Merrill] at the time.

Shubow: How do you think that competition went?

Feiner: I don’t want to get into it. I really don’t. I know too much... 

Shubow: The way it worked for the Eisenhower, could a Maya Lin108 of today have [won]?

Feiner: No.

Shubow: Why is that?

Feiner: Because that’s not how it was run.

Shubow: Do you think it was sufficient that there were only 44 entries in the competition?

Feiner: We had 409 entries for the World War II Memorial [which Feiner worked on at GSA]. And all that was required was a 20-by-20 [inch] page panel that you

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106 According to its website, “Local Projects is a media design firm for museums and public spaces.”  
http://localprojects.net/about/. For photos of the video-game-like E-Memorial, see  
107 “The most powerful architect in America today is not Frank Gehry. It is not David Rockwell, nor is it Robert A. M. Stern. It is Ed Feiner . . . .” Reed Kroloff, “Culture: Ed Feiner,” Esquire (Dec. 1, 2003),  
108 Maya Lin designed the Vietnam Veterans Memorial. When she entered the open competition (which was blindly reviewed), she was merely an unknown undergraduate student.
put your idea on. And we shortlisted based on that. There was a husband-and-wife student team from Princeton that made it into the finals.

Shubow: But if the idea of the Design Excellence Program is to level the playing field, what is more level than having an open competition?

Feiner: Nothing. And we did.

Shubow: But that’s what the Vietnam [Memorial competition] was, but the Eisenhower was a closed competition.

Feiner: And World War II was.

Shubow: But only after the controversy. Originally it was a closed competition, World War II, and there was a public uproar.

Feiner: The client wanted a more controlled competition.

Shubow: For the Eisenhower?

Feiner: No, for World War II. And we waited until the controversy to persuade the client [the American Battle Monuments Commission] that an open controversy was [the right way to go].

Shubow: Do you think that memorials are somehow different than public buildings?

Feiner: No.

Shubow: So they should be treated the same way, the same competition process?

Feiner: I think there should be a competition process, but the Eisenhower was not the one I would have used. I mean, for that one, and I told them that. But that’s all right. You know, you win some, you lose some. . . .

Shubow: Are you happy with Gehry’s design for the Eisenhower?

Feiner: I can’t say. I can’t say.

Shubow: You can’t say? You’re in the private world right now.

Feiner: I know too many people.

[. . .]
Shubow: Given the peer review process [in the Design Excellence Program], how do you prevent conflicts of interest or cronyism? I mean, how do you prevent someone from giving a project to their friends or people that they often collaborate with?

Feiner: They don’t. It’s very simple ’cause they only have one vote out of five. It’s very balanced. There’s only one private sector individual that has a vote on a five-person panel. The other four are government people.¹⁰⁹

Shubow: But what if those government people then go into private industry? Like you yourself: You went from GSA to Skidmore, Owings and Merrill, when you worked on the Gehry plan, and Skidmore has previously done tons of work with Gehry including the Bilbao Museum.

Feiner: I had nothing to do with Gehry. Gehry never did a project for GSA.

Shubow: No, no—with SOM is what I’m saying. That’s the connection. SOM and Gehry have done tons of work.

[talking over]

Feiner: There’s no conspiracy. There’s no conspiracy.

Shubow: You then go work for SOM, and now you work at Perkins+Will, which was one of the seven semifinalists in the Eisenhower competition.

Feiner: It was?

Shubow: Yes, I can verify, it’s online.

Feiner: For the Eisenhower? That would be good. I’m honored.

Shubow: I’m just saying it sounds like it’s the classic Washington revolving door.

[. . .]

Feiner: I went before a grand jury under the Design Excellence Program. One [federal] judge did not get the architect that she wanted [for a federal courthouse] and she claimed it was because there were people that were sympathetic to another designer. But she told that jury that, “If you don’t give me the architect I want, I will make your lives miserable.” And 20 people went before a grand jury in her court—and we came out with a totally, totally—in fact, the grand jury, some of the members said, “Why is that judge on the bench?” I’m not going to get into details, but the truth of

¹⁰⁹ By contrast, for the Eisenhower Memorial competition, two members of the Commission, Chairman Siciliano and David Eisenhower, sat on the Evaluation Board. Gedulding and Harris were also observers. Eisenhower Memorial Minutes, Mar. 25, 2010.
the matter is that there is a certain amount of integrity that exists. There still is something called integrity.

Feiner and the author of this report continued the conversation, which turned to the Eisenhower Memorial.

**Feiner:** There’s the political forces that led to that [the Eisenhower Memorial]—were very different. This was a client that hired their own people to run it. All that SOM did on that project was the site definition and the requirements as to the interviews of the Eisenhower [grand]children and that correlated into certain basic requirements. The program was about that thick. It was nothing.

**Shubow:** Then why did you say you wouldn’t have done it this way?

**Feiner:** I would have done the open competition. I recommended—it was just like World War II—20-inch-by-20-inch panels—

**Shubow:** It just seems so obvious to me that if you just open it up—

**Feiner:** [speaking with great deliberation] The client. Wanted. An outcome.

**Shubow:** Which means Gehry?

**Feiner:** I don’t know if it was Gehry, but they wanted an outcome. They did not want to take risk. They wanted—

**Shubow:** This is the exact opposite of what your program stands for.

**Feiner:** It was.

**Shubow:** You know, I wish you would say something. I don’t know—

**Feiner:** There’s hardly anything—even today, when I spoke with them [GSA] about a solicitation I saw that was antithetical to the way the program should be evolving. You know, it’s very hard because I am in private industry—for another couple of years. . . . If I’m still living after I finally do retire, I will probably be a little more outspoken.

[. . .]

**Shubow:** Do you know who was on the peer-review board for the Eisenhower?

**Feiner:** I have no idea. During that period, I left SOM just before the [competition] program was published. And Dan Feil is their consultant. He works with the Eisenhower Commission. *He actually ran the whole operation.*
Shubow: Got it.

Feiner: And you can talk to him.

Shubow: I’d be curious—

**Feiner: He doesn’t talk to me anymore.**

Shubow: Why is that?

Feiner: Because he doesn’t like the—we had a lot of disagreements on program.

Shubow: For the Memorial?

Feiner: Yeah, we had a lot of disagreements on program.

Shubow: Now, do they make these things public: who’s on the board, to give it some transparency?

Feiner: They don’t do it beforehand because they don’t want every architect—

Shubow: But now, it’s like you said, the ship has, you know, sailed.

Feiner: I don’t know who was on there, that group. I really don’t. I know who was on the World War II group, and it was really a—

Shubow: Is there a way to find out who was on it?

Feiner: I think you should talk to Dan, if you have an interest in it.

Shubow: I’ve become passionate about this recently. I mean, I don’t know, these things are so important. **I mean, as important as these public buildings are, the memorials are even more important.**

Feiner: I agree with you. In World War II, we learned the hard way that memorials are very emotional and we tried to counsel the client, which was the ABMC [American Battle Monuments Commission], that it should be an open competition.

[. . .]

Feiner: You know, I think there is some hope because it has to go through the Fine Arts Commission—the Eisenhower Memorial. [emphasis added]
V. Gehry’s Design Team Partner ESI and its CEO Edwin Schlossberg

One of Gehry’s partners on his Memorial team is ESI Design, which appears to be involved with the Electronic Memorial (the “E-Memorial”) component. The founder and CEO of ESI is Edwin Schlossberg (the husband of Caroline Kennedy), whom President Barack Obama appointed to the Commission of Fine Arts in March 2011. At that time, ESI was already working with Gehry on the Memorial, and the CFA had already been reviewing the Memorial design. Schlossberg has recused himself from oversight of the Eisenhower Memorial, though in the CFA minutes and transcripts he did not explain why he did so.110

Schlossberg did, however, apparently participate in the CFA’s visit to the Memorial site on September 15, 2011.111 Consider the extremely uncomfortable position the other CFA Commissioners have been put in: They are required by law to be the independent advisors on a project, which they have the power to reject in whole or in part, on which their fellow Commissioner has worked.

VI. The Memorial Budget and Financing

The Commission, which has an approximate annual operating budget of $2 million, has already received approximately $90 million in funding from Congress—though the Commission still has no final design.112 (For fiscal year 2012 the Commission requested $89.76 million.)113 In the Omnibus bill that was signed into law on December 23, 2011, the Commission was earmarked an additional $30.99 million.114 The Commission is now estimating that the Memorial will cost $119 million.115 The design cost, which includes Gehry’s fee, is at least $19 million.116 Compare the cost of the prior national presidential monuments and memorials.

110 CFA Transcript, Nov. 15, 2011 at 10.
111 See the CFA’s Memorial site visitor list for September 15, 2010 from 8 to 9:30 am. CFA archive.
112 Laws authorizing expenditures to the Commission include Public Laws 111-8 and 111-88.
http://www.govtrack.us/congress/billtext.xpd?bill=h111-1105
A. Table: Cost of Prior National Presidential Monuments and Memorials

<table>
<thead>
<tr>
<th>Memorial (Year of Completion)</th>
<th>Cost at the Time</th>
<th>Approx. Cost in 2010 Dollars&lt;sup&gt;117&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington (1885)</td>
<td>$1.87 million</td>
<td>$44.8 million</td>
</tr>
<tr>
<td>Grant (1922)</td>
<td>$250,000</td>
<td>$3.22 million</td>
</tr>
<tr>
<td>Lincoln (1922)</td>
<td>$3.63 million</td>
<td>$46.8 million</td>
</tr>
<tr>
<td>Jefferson (1943)</td>
<td>$3.19 million</td>
<td>$39.77 million</td>
</tr>
<tr>
<td>Theodore Roosevelt (1967)</td>
<td>$1.4 million</td>
<td>$9.04 million</td>
</tr>
<tr>
<td>FDR (1997)</td>
<td>$48 million</td>
<td>$64.91 million</td>
</tr>
<tr>
<td>Eisenhower (?)</td>
<td>$119 million (est.)</td>
<td>$119 million (est.)</td>
</tr>
</tbody>
</table>

In a newsletter distributed November 10, 2011, the Commission announced that they are seeking to raise $35 million in private donations, but there appears to have been little charitable interest so far. This is likely due to the public’s general lack of awareness of the Memorial. And it is easy to imagine that few people will be excited by the design once they see it. Some members of the public have begun to question the financing of the Memorial, which has gone against the recent trend of memorials being funded largely privately.<sup>120</sup>

VII. The Memorial’s Monstrous Design

A. The Benches Spelling Out “IXXI”—i.e., “9 11”

The current Memorial working design is a version of Design Concept 3, “Maryland Park,” which Gehry and the National Park Service submitted to the Commission of Fine Arts on January 6, 2011 and to the National Capital Planning Commission around the same time. Gehry and NPS stated in their submission that the design was their “preferred option.”<sup>121</sup>

In that design, Gehry arranged the benches at the central core to spell out “IXXI,” the Roman numerals for 9 and 11.<sup>122</sup> Note that they spell that out whether looking from the north or south. The numerals are quite prominent in bird’s-eye views, and are visible from the visitor’s perspective as well, as can be seen in one of the model images in the submission.

Someone at the CFA noticed the offensive design and stuck a post-it note on the page that reads: “IXXI,” below which is written, “9 11.” It does not appear, however, that the offensive

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<sup>117</sup> Based on inflation data from the Consumer Price Index using the cost at the year of completion.

<sup>118</sup> The EMC, however, estimates the total inflation-adjusted cost of the FDR Memorial to be $89 million. Eisenhower Memorial Commission, Presidential Memorials: A Preliminary Study at 8. CFA archive.


<sup>121</sup> CFA Transcript, Jan. 20, 2011 at 12.

<sup>122</sup> http://www.ncpc.gov/DocumentDepot/ProjectMaterials/Eisenhower_Memorial_Concept_3.pdf. “IX” is 9; “XI” is 11. If the benches had read “XIIX,” they would have spelled out “11 9.”
symbol was mentioned at a CFA, NPS, or NCPC meeting. The irony is that the Roman numerals are perhaps the only classical element in the design.

It is hard to believe that the 9/11 symbolism of the benches was an accident; it is a bizarre arrangement that makes no sense at the site. An architect as perfectionist and as controlling as Gehry does not do things inadvertently. (If the symbolism was inadvertent, such inexcusable negligence proves that Gehry cannot be trusted with the Memorial.) Moreover, as can be seen in the wristwatches he has designed, Gehry appears to be interested in numerals. Consider also how other persons have independently associated “IXXI” with 9/11, including a set of briefings at the London School Economics about the post-9/11 world that calls itself “iXXi.” Could it be that the Memorial’s symbol is a sick inside joke? Gehry has previously placed at least one inside joke in an architectural model planned for Washington, D.C. In 2003, when Gehry was designing his (ultimately never-built) addition to the Corcoran Museum, Washingtonian magazine reported:

Inside Frank Gehry’s spacious workshop in Los Angeles is a scale model of the Corcoran addition that stands about four feet tall and is precise in every detail. . . . There are tiny signs directing visitors to various exhibitions, and it is one of those that offers an inside joke: ROBERT MAPPLETHORPE.

He was the New York photographer whose images of homosexual acts (as well as some lovely flowers) caused a tumult over artistic freedom and taste at the Corcoran in 1989. . . . After announcing it would exhibit Mapplethorpe’s photos, the Corcoran backed out . . .

The 9/11 symbolism in the Eisenhower Memorial is all the more disturbing when one considers that in the same submission, Gehry described the Memorial design as that of “an object within a temple” with the towers and screens as the “temple.” The submission contains a drawing with a rectangle identifying the location of the “object”—a rectangle that precisely fits the benches. Given that understanding, the sacred object here—the equivalent of the statue of Lincoln in his memorial, of Athena in the Parthenon, and of the Holy of Holies in the Temple in Jerusalem—is the 9/11 symbol. If this is not sacrilege, intentional or negligent, we do not know what is.

This “joke” is not the only evidence of Gehry’s inappropriate attitude toward Eisenhower and the project. When Gehry was creating mockups to test the “tapestries,” the test image he

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124 [iXXi Briefings at the London School of Economics](http://www2.lse.ac.uk/businessAndConsultancy/LSEEnterprise/iXXiBriefings/home.aspx).


used was not of Eisenhower or something similarly respectful. Instead, he used the famous image of Marilyn Monroe with her skirt blowing up, a scene from the Eisenhower-era movie *The Seven Year Itch.*\(^{127}\) The iconic blond is smiling while erotically pushing down her skirt with her hands over her crotch. It would appear that Gehry could not restrain himself from inserting sex into the Eisenhower Memorial design process.\(^{128}\)

**B. The Tangled-Web Steel “Tapestries”**

The largest element of the Memorial’s design\(^{129}\) is a gargantuan tangled web of industrial steel wire, a “weave” comprising hundreds of thousands if not millions of welds. Viewed close up, the coiled steel resembles the snakes on Medusa’s head. Called a “tapestry”—though more accurately described as a scrim, screen, or curtain\(^{130}\)—it extends nearly the entire 535-foot length\(^{131}\) of the north face of the Department of Education Building, which is two city blocks long.\(^{132}\) Gehry has described the “tapestry” as a “cable curtain wall system.”\(^{133}\) Highly experimental in terms of engineering, the “tapestry” is unlike anything that has ever been built.

127 Volume 2 of the Eisenhower Memorial Competition Pre-Design Program at 84. CFA archive. Herbert Muschamp, then-architecture critic for *The New York Times*, described Gehry’s Bilbao Museum as a reincarnation of Marilyn Monroe. As Gehry said of Muschamp, “When I talked at Herbert’s memorial [service], I described how he came to Bilbao . . . . [H]e was aware that artists always have their sexuality stuck right in the middle of their work. I thought that he was trying to understand that in Bilbao and maybe trying to figure me out and get to my sexual triggers. So he used as a metaphor one of the great erotic photographs of our time—Marilyn Monroe with her skirt blowing up—as a way to talk about the sexuality of the building.” To which the interviewer responded, “But you did have that Monroe picture in your office for a while.” Gehry wondered out loud, “Maybe somebody sent it to me when the review came out?” Isenberg at 142.

128 See below for some of Gehry’s statements regarding sex and architecture.

129 The design concept was selected by the Commission and approved by the U.S. Commission on Fine Arts in January 2011.


131 When the building was initially proposed to be built, the CFA was concerned with its enormous length, calling it “bothersome.” *D.C. State Historic Preservation Office Determination of Eligibility Form for the Lyndon Baines Johnson Department of Education Building* at 20, available at http://parkplanning.nps.gov/showFile.cfm?projectID=16139&docType=public&MIMETYPE=application%252Fpdf&filename=16139LBJ%5FDOE%2E%2E3%2E22%2E111%2Epdf&clientFilename=16139LBJ%5FDOE%2E%2E3%2E22%2E111%2Epdf.


132 The “tapestry” can be understood as Gehry’s high-class version of the chain-link fencing he has long favored in his work. For instance, “floor-to-ceiling chain link has connotations of barrier and imprisonment, is very inexpensive, and can be quite beautiful.” Qtd. in Isenberg at 102. Regarding chain link, Gehry has also said, “The material itself inherently is a fabric. When you get rid of all those posts and things, you hang it swaying in the breeze. It is one of the only materials I know that you can do that with and get a kind of softness. . . . Chain link is like a scrim.” Gehry “Keynote Address” 186-7. Compare Robert Wilson, Gehry’s co-designer, on the proposed
The bottom of the 60-foot-tall screen is suspended 20-feet from the ground, thus making the top of the screen 80-feet above ground level. Dwarfing the Hollywood Sign in size, the screen depicts in photorealistic detail a landscape of barren leafless trees in winter—allegedly a landscape of Abilene, Kansas, Eisenhower’s boyhood home. No human faces, forms, or figures, let alone of Eisenhower himself, are depicted.

Instead of being impressionistic or artistic, the screen’s image will be an imitative copy of a photograph, like a work of mass media or advertising. From a distance, the screens are intended to look like realistic photographs. As Gehry said of the screens, “The imagery will be black and white, like the photographic images of Eisenhower’s time.” [emphasis added] Gehry has stressed that the transparency and invisibility of the “tapestries” is not a weakness but a strength: “the transparency of this thing is kind of—the park is going to prevail. I mean, in the winter months, even in the winter months, the trees will prevail over it.”

The “tapestries” effectively forms one side of a three-sided outdoor room or theater, the perimeter of which is the rectangular site. The design’s “floor” is the ground plane at street level—i.e., one need not ascend to enter the Memorial. As a result the Memorial will be exposed to the disruptive noise of street traffic, including loading and unloading tour buses, from the adjacent eight-lane boulevard.

Memorial “tapestries”: “You know I work in the theater, and it’s a little bit like a theatrical scrim, which I’ve used in various productions. So this gauze, this tapestry, transparent tapestry.” Brussat, “Coming Up: Latest Twists.” Gehry’s Jan. 6, 2011 submission to CFA.

In Barcelona, Spain, Gehry once created his own metal mock-up of the Hollywood Sign “Frank Gehry as a Young Rebel,” TED video at 19:19, available at http://www.ted.com/talks/lang/en/frank_gehry_as_a_young_rebel.html. The Memorial’s screens also harken back to the 300-foot-long chain-link fence Gehry placed in front of the entire side of a shopping mall parking garage in 1979. Since demolished, the fence spelled out “Santa Monica Place” in bold italics almost as large as the Tinseltown sign: http://1.bp.blogspot.com/_VQFWTIdjD-M/RYjXGqKIQCI/AAAAAAAACo/J1q_ym_cmbw/s1600-h/RH01.04.03-011+Gehry+santa+monica+place.JPG. Gehry: “it has to be a dignified photographic image.” Gehry himself mentioned the Santa Monica Place parking garage in reference to the “tapestries.” Gehry’s May 20, 2010 at 50.

Speaking of the sycamores to be planted in the Memorial, Gehry noted, “when the leaves weren’t on them, they would be quite coincidental with the imagery in the tapestry. We have a model showing over here in the summer with the trees with foliage and it doesn’t seem to hurt our plans.” CFA Transcript, Jan. 20, 2011 at 28. Thus, winter (the season of allegorical death) is the ideal season for the Memorial, summer less than ideal. The Memorial will be especially bleak in the winter.

CFA Transcript, Sep. 15, 2011 at 34-5. Gehry said that the artist Chuck Close has been guiding him a little on the scrims. “An artist friend, Chuck Close, was making tapestries with perfect photographic images using the Jacquard loom. I wondered if that process could be brought to bear.” Qtd. in NCPC Transcript Jun. 3, 2010 at 34.


Compare CFA Transcript, Sep. 15, 2011 at 38. The giant stone pillars are anything but transparent and thus will always prevail.

Compare Gehry’s Bilbao Museum, where visitors enter by descending into the earth, like in I. M. Pei’s entrance to the Louvre Museum. Gehry is also designing the underground expansion of the Philadelphia Museum of Art. Gehry’s only sacred or ecclesiastical work, his chapel at Loyola Law School, is also placed below ground. Compare, by contrast, the temple-like ascending steps at the Lincoln Memorial, the Jefferson Memorial, the Metropolitan Museum of Art, and the Philadelphia Museum of Art, the latter of which were used to depict triumph in the film Rocky. Likewise, “Acropolis” in means “high city” in Greek. The Capitol and White House were built on hilltops, and the Washington Monument was built on a man-made hill.
On the shorter sides of the room—that is, orthogonal to the giant screen—are two less gigantic “tapestries”—each bigger than a basketball court—that depict the same frozen landscape that conjures permanent winter and, some might say, death.\textsuperscript{141} The three billboard-like silver screens\textsuperscript{142} will have an immersive panoramic visual effect like that of Cinerama and Circle-Vision 360\textsuperscript{2}, the film projection technique used at Disneyland that consisted of nine huge screens arranged in a circle around the viewer.\textsuperscript{143}

Speaking of the screens, Gehry has said, “We were thinking of visitors driving by. This is kind of like a theater.” He also has explained, ‘It is, after all, as the great Bard said, ‘All the world’s a stage.’ We are creating a scene, but it’s a complicated one.” Note that the only kind of signs and images legible to persons who are moving in automobiles are road-side billboards\textsuperscript{144} and drive-in theater screens. Gehry thus intends the Memorial to be a drive-by theater.\textsuperscript{145}

Film projection appears to be an important influence on Gehry in recent years. See, for instance, his just-opened New World Center (2011), a symphony hall in Miami, Florida. He designed the building so that films can be projected on the building’s exterior as well as in the concert hall itself.\textsuperscript{146} The concert hall has giant screens arranged to the front and sides of the audience—just like in the Eisenhower Memorial.\textsuperscript{147}

C. The Crooked-Appearing “Columns”

The Memorial’s JumboTron-like\textsuperscript{148} screens are supported by ten titanic pillars or towers (so-called “columns”)\textsuperscript{149} 80-feet tall and 11-to-12-feet in diameter.\textsuperscript{150} (The number ten is not intended to have any special significance.) The towers are so large that Gehry has admitted:

\begin{itemize}
\item \textsuperscript{141} Representing Gehry’s firm, John Bowers said at the Nov. 16, 2011 Eisenhower Memorial Section 106 meeting that they are now looking to use a springtime image for the “tapestry,” though it is not clear how that will make a difference since Gehry said at the National Archives event, “Unfortunately, we can’t put leaves on the tapestry.” Id.
\item \textsuperscript{142} For Gehry’s prior use of billboard advertising, see his design for One Times Square: http://www.designboom.com/weblog/cat/9/view/4092/venice-architecture-biennale-08-frank-gehry.html.
\item \textsuperscript{143} The first film was the 1955 America the Beautiful, shown at Disneyland (in Anaheim, California) in the Circarama theater. For a photo of a theater of that design, see http://www.arch.mcgill.ca/prof/sijpkes/expo/telephone_circle_vision.jpg. For a video of a Circarama movie from the audience’s perspective, see http://www.martinsvids.net/?tag=circlevision-360.
\item \textsuperscript{144} CFA Commissioner Witold Rybczynski said, “I am really not sure about the tapestry. Tapestries are works of art. Right now, this is a photograph so it is a work of media. It is a work of advertising. It calls to mind a billboard rather than a tapestry because it is not yet art.” CFA Transcript, Jan. 20, 2011 at 40.
\item \textsuperscript{145} Compare Gehry’s comments on Ventura Boulevard in Los Angeles: “it’s like a modern Fifth Avenue [in Manhattan], but done in cheap materials. That’s the scale of LA, as a drive-by.” [emphasis added] Qtd. in Isenberg at 63. Many of Gehry’s signature buildings are visible from fast-moving highways.
\item \textsuperscript{146} http://www.designboom.com/weblog/cat/9/view/12962/frank-gehry-new-world-center.html
\item \textsuperscript{147} As the first MTV-style symphony hall, the New World Center should perhaps be dubbed “Symphony Vice” in reference to Miami Vice, the TV show that combined music videos with the detective genre.
\item \textsuperscript{148} Speaking of the “tapestries,” Gehry said, “you could do all of this with LED [light-emitting diodes] . . . . It could be a big television set.” CFA Transcript, Jan. 20, 2011 at 46. Compare Gehry’s low opinion of TV shows: “They really have junk on television.” Isenberg at 170.
\item \textsuperscript{149} While they might be “columns” in engineering terms, the pillars are not columns in the architectural sense since they lack bases, capitals, and entasis (the inclusion of a slight outward curve in the sides). They also lack ornament and molding, Compare “COLUMN. An upright, usually circular on plan, but also polygonal or square, supporting a
\end{itemize}
They are almost buildings. . . . [T]hey are huge in this scheme. So they are more like buildings. [emphasis added]

When Fine Arts Commissioner Diana Balmori commented on the pillars, “You would feel like an ant next to them,” Gehry replied, “Yes, there is a whole different perception.” [emphasis added]

Made of concrete and clad in raw beige limestone (though Gehry has also considered a metal exterior), the towers are bare cylinders with flat, empty tops. Entirely undecorated, they do not have bases, fluting, or capitals (Latin for “heads”). Contrast what Gehry said prior to the Eisenhower Memorial:

“I’m a strict modernist in the sense of believing in purity, that you shouldn’t decorate. And yet buildings need decoration, because they need scaling elements. They need to be human scale, in my opinion. They can’t just be faceless things. That’s how some modernism failed.

According to those standards, the pillars are faceless and inhuman in scale. Yet Gehry has also previously fantasized about building the largest sculpture ever:

I said to myself, “Artists have trouble with scale in the city because the city is such a large scale. No one ever commissions artists to make sixty-story sculptures, and until one
of them makes a sixty-story sculpture, their works will not stand beside the Empire State Building and mean anything.”

It is important to understand that classical columns are modeled on three sections of the human body: feet (foundation), body (shaft), and head (capital), as can be seen in columns that are actual human forms. Gehry’s pillars are akin to columns on steroids that have been dehumanized via amputation—literally and metaphorically decapitated and shorn of feet. They also lack fluting and entasis (the inclusion of a slight outward curve in the sides), the technique used since antiquity to counteract an optical effect: perfectly parallel columns will appear out of parallel due to perspective. Gehry surely knows this. Thus, the Memorial’s looming towers will necessarily—and intentionally—look crooked to the eye. This is no small issue when it comes to symbolism and allegory: Our moral concepts are replete with metaphors regarding the crooked and the straight. In the words of the English nursery rhyme:

There was a crooked man, and he went a crooked mile,
He found a crooked sixpence against a crooked stile:
He bought a crooked cat, which caught a crooked mouse,
And they all lived together in a crooked house.

Yet Eisenhower was a man of upright virtue, not crookedness.

To get a sense of just how unprecedentedly huge the pillars are, they are even bigger than the National Building Museum’s interior columns, which at 75-feet high by 8-feet wide are among the largest in the world. Gehry knows those columns well; in 1988 he placed a giant steel installation, which he called a “Tower of Babel,” in that building’s Great Hall; he also referred to the columns at his National Archives talk and at the June 2010 National Capital Planning Commission (NCPC) meeting, where he used the building’s original name, the Pension Building: “Those columns [in the Memorial] are wider than the ones in the Pension Building. . . . They are about the same height so they are really architectural elements. They are strong and huge so they are not post-modern [pastiche] kind of things. They are really strong elements, strong sculptural elements.”

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156 Gehry Talks at 143.
158 Compare the ancient Neo-Assyrian sign for “temple,” which is recognizable as a temple to this day: http://en.wikipedia.org/wiki/%C3%89_%28temple%29.
159 See also Shmuel Yosef Agnon’s novella And the Crooked Shall Be Made Straight, the title of which is from Isaiah 40:4.
160 To mention just one example, Eisenhower refused a huge gift from the President of the Philippines for aiding the country in the 1930s. General Douglas MacArthur, by contrast, accepted $500,000 (the equivalent of $6.6 million today). David Halberstam, The Coldest Winter: America and the Korean War (Hyperion, 2007) 372.
161 For a photo of the National Building Museum’s columns next to a giant installation Gehry built next to them, see http://www.azahner.com/portfolio/100th-anniversary-smwia.
The size, shape, material, and arrangement of the pillars bring to mind hardened ICBM launch tubes, a forever uncompleted highway overpass, or bollards that could prevent a battleship from crashing into the plaza. The first reference is all the more warranted since across the street the Air and Space Museum (a “military-industrial complex”) contains huge missiles, including a 54-foot-tall Soviet nuclear missile, standing vertically. Consider that Gehry has previously designed buildings inspired by or even including such weapons as a catapult and an F-104 fighter jet. Regarding the “columns,” one of representatives on the NCPC, Robert E. Miller, said to Gehry, “The way they look to me now they are the biggest baddest bollards we’ve put up in the city and it invokes to me the military industrial complex that [Eisenhower] criticized.” To which Gehry replied, “Yes, maybe.” (One of Gehry’s surprisingly effective tricks is to disarm criticism by acknowledging it and then moving on as if it did not matter. Perhaps due to his charm or stature, few persons appear to be willing to press Gehry on any particular issue.)

Gehry has claimed that his pillars accidentally resemble silos of a different kind (in his words, “giant grain elevators”), but cylindrical grain containers do not resemble unadorned stone, nor do they have flat tops, nor do they come in colonnades except in factory and industrial—not family—farms. The size and arrangement of the pillars also is reminiscent of the avenue of giant towers Gehry designed for Festival Disney at EuroDisney near Paris. In what was perhaps a telling slip of the tongue, Gehry described the Memorial’s pillars as representing soldiers:

The two missing soldiers here, the columns, partly I got self-conscious about them . . . there was push-back [as to] why you needed them.

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164 Since Eisenhower created the Interstate Highway System, officially the “Dwight D. Eisenhower National System of Interstate and Defense Highways,” the pillars could be read as a joke on him. Compare also the similarity of the pillars to the giant illuminated glass cylinders (up to 10-stories tall) at the entrance to LAX airport, where Gehry has previously done work: http://www.segd.org/design-awards/2001-design-awards/lax-gateway.html.

165 For a photo rendering from Gehry’s firm showing the similarity between the pillars and the bollards across the street, see http://parkplanning.nps.gov/showFile.cfm?projectID=16139&doctype=public&Mimetype=application%252Fpdf&filename=05%20Section%202010%202011%20D08%20D31%20Epdf&clientFilename=05%20Section%202010%202011%20D08%20D31%20Epdf at 1 (page 29). The Chairman of the CFA, Earl A. Powell, called the towers “big bollards” and pointed to the city’s common bollards as a positive precedent for the round pillars. CFA Transcript, May 20, 2010 at 41 and CFA Transcript, Sep. 15, 2011 at 33. http://www.worldarchitecturenews.com/index.php?fuseaction=wanappln.projectview&upload_id=10128 and http://travelphotobase.com/s/CAAPA.HTM.


168 Gehry on any particular issue it did not matter. Perhaps due to his charm or stature, few persons appear to be willing to press Gehry on any particular issue.)

169 For a photo rendering from Gehry’s firm showing the similarity between the pillars and the bollards across the street, see http://parkplanning.nps.gov/showFile.cfm?projectID=16139&doctype=public&Mimetype=application%252Fpdf&filename=05%20Section%202010%202011%20D08%20D31%20Epdf&clientFilename=05%20Section%202010%202011%20D08%20D31%20Epdf at 1 (page 29). The Chairman of the CFA, Earl A. Powell, called the towers “big bollards” and pointed to the city’s common bollards as a positive precedent for the round pillars. CFA Transcript, May 20, 2010 at 41 and CFA Transcript, Sep. 15, 2011 at 33. http://www.worldarchitecturenews.com/index.php?fuseaction=wanappln.projectview&upload_id=10128 and http://travelphotobase.com/s/CAAPA.HTM.


The pillars also bring to mind the six hollow 68-foot-tall glass “elevator” towers in Stanley Saitowitz’s New England Holocaust Memorial (1995), which is located in Boston next to the Brutalist City Hall. This is worth mentioning since Gehry was the chairman of the competition that selected that memorial design. Given Gehry’s elephantine visual memory, and given the Holocaust subject, which has personal meaning for him, there can be little doubt that he remembers the memorial in detail. Disturbingly, inside the glass chambers of the memorial, “smoke” hellishly rises from grates in the ground; it suggests both Zyklon B gas and the fumes of the flesh burnt in the Nazi crematoria. In his competition entry, Saitowitz included the following poem:

Some think of it as six candles,
Others call it a menorah. A menorah actually has seven candles.

Some a colonnade walling the civic plaza
Others six towers of spirit.
Some six columns for six million Jews,
Others six exhausts of life.
Some call it a city of ice,
Others remember a ruin of some civilization.
Some speak of six pillars of breath,
Others six chambers of gas.
Some think of it as a fragment of Boston City Hall,
Others call the buried chambers Hell.
Some think the pits of fire are six death camps,
Others feel the shadows of six million numbers tattoo their flesh. [emphasis added]

Whether or not that memorial is appropriate for the Holocaust or New England, anything like it is inappropriate for Eisenhower, a man who halted the genocide.

As if this possible influence was not bad enough, Gehry and his firm has described the “tapestries” as a “shroud”  and the Memorial as a “ghost building.” In a number of his works, Gehry has been fascinated by the living dead, by re-animated material. As Gehry has described his own house, which he entirely remodeled himself: “We were told that there were ghosts in the house. I decided that they were cubist ghosts. I wanted the windows to look like they were crawling out of the house.”

173 Compare their design to the permanently silent “bell” tower Gehry designed for the Loyola Law School chapel.

174 A menorah actually has seven candles.


176 NCPC Video, Oct. 6, 2011 at 76:16.

177 Nov. 17, 2011 Eisenhower Memorial Section 106 meeting. Compare Gehry’s explanation of the considerations he relied on in changing his given surname (“Goldberg”): “I liked that my initials were F.O.G. and I didn’t want to give that up. In fact, my new boat’s name is Foggy.” Qtd. in Isenberg 32. See also the cutaway signage on Gehry’s office, which represents ephemerality: http://www.foga.com/contact.asp. In the woods nearby his famous glass house Philip, Johnson built the Ghost House, a chain-link cage that is an homage to Gehry. Belinda Rathbone, “Chain Reaction,” The World of Interiors Dec. 2008: 70, available at http://philipjohnsonglasshouse.files.wordpress.com/2010/09/the-world-of-interiors-article.pdf.

178 Qtd. in the documentary Sketches of Frank Gehry (Sony Pictures Classics, 2005) at 9:30.
Furthermore, Gehry has previously sought to build a ruined structure that symbolized a ruined Western civilization. He explained that when designing the campus for Loyola Law School in Los Angeles, he needed something:

that would look like it had something to do with the legal profession . . . . I had just visited Rome as I was working on the design, and I got interested in the Roman Forum, with all the columns, broken, lying around, and I came back, and I had that kind of idea for this, but I think that having a few columns lying on the ground, might not have been too easily accepted. [emphasis added]\(^{179}\)

Whether the Memorial design is intended to resemble an archaeological ruin or artifact—in which the pillars are the petrified bones of the carcass, the “tapestries” the mummified skin—or whether the Memorial is meant to be ghostly in appearance, such intentions and associations are totally inappropriate for a national presidential memorial. Fine Arts Commissioner Michael McKinnell said the following about the permanence of the “tapestries”:

[I]f I can be facetious, the tapestry, when you and I are long gone, will disintegrate and the columns will be left and it will be like [the Roman ruins of] Paestum and it will be marvelous. So I think that is wonderful. I seriously think that is wonderful.\(^{180}\)

Thus, McKinnell sees the Memorial’s lack of permanence—its planned obsolescence—as one of its strengths.

The hubristic scope and scale of the Memorial will cause it to have a calamitous permanent visual, historical, and cultural impact on the immediate precinct, neighborhood, district, and, indeed, the entire city.\(^{181}\) The Memorial will be visible from a distance along the grand boulevards of Independence Avenue SW and Maryland Avenue SW, including from the Capitol (a half-mile away). In fact, in the design concept the EMC unanimously selected, the tapestries entirely blocked the view of the Capitol from the site’s core—perhaps the most grievous architectural sin imaginable in the city. If the Memorial is not on the Mall itself, it is certainly visible from the Mall, as Gehry has emphasized.\(^{182}\)

The Memorial will also be visible from the observation deck of the Washington Monument (0.9 miles away). And of course the idiosyncratic Memorial design will mar aerial

\(^{179}\) Qtd. in Frank O. Gehry and Rosemarie Haag Bletter, *The Architecture of Frank Gehry* (Rizzoli, 1986), 43.
\(^{180}\) CFA Transcript, Jan. 20, 2011 at 41-2.
\(^{182}\) CFA Transcript, May 20, 2010 at 48.
views, including from the president’s Marine One helicopter and planes heading to and from Reagan National Airport, as well as on satellite, internet, and paper maps.

D. The Memorial’s Core of Kitsch: A Statue of Eisenhower as a Barefoot Boy

The vast majority of Gehry’s efforts and attention, as well as that of the Commission and the oversight agencies, has focused on the screens and towers—the exterior or shell of the Memorial—as opposed to the interior. Gehry has previously admitted that interiors are his weakness:

The interior [of my Disney Ice rink] is better than the exterior. It’s a reversal of my usual problem.

We do know, however, that the Memorial’s only planned statue of Eisenhower depicts him as a life-sized “barefoot boy.” For a while, it was unclear whether there was going to be a statue of Eisenhower at all. The Commission apparently would have been satisfied had there been no depiction of Eisenhower of any kind: “Art work images, if any [will] be finalized.” [emphasis added]

The interior and core of the Memorial is essentially a gaping void, something that will especially be apparent in winter. As Benjamin Forgy, the former architecture critic for The Washington Post, described it, “It may seem odd that there is, essentially, a void at the center of this memorial . . . .” Given Gehry’s description of the Memorial design as “an object in a temple” akin to the Lincoln Memorial, the void is all the more telling. It shows that the design is a temple to nothingness. It is a hollow temple, not a hallowed one.

Depicted as an adolescent or younger, the boy is to be sitting on a 42”-to-48”-high “plank” with his legs splayed out in front of him. It is unclear what material that statue is to
be composed of—for example, white-painted fiberglass—but Gehry has stated his opposition to bronze. In the latest models, the ephebe does in fact appear white in color, and Gehry has spoken of the statue being white.

Charles Ray, the L.A.-based sculptor who is advising Gehry on the boy statue, has in recent years created statues of young boys made of white-painted fiberglass. Ray is famous for his sculpture Oh! Charley, Charley, Charley, in which multiple fiberglass flesh-colored mannequin-like naked versions of himself engage in an orgy. Ray is also famous for his sculpture Family Romance. Four anatomically mannequin-like humanoids are distorted in dimension so that all of them are the same height, approximately that of an adolescent. As the Museum of Modern Art catalogue describes the work:

Its manipulations of scale also imply a disruption of society’s balance of power: *not only have the children grown, but the adults have shrunk.* [emphasis added]¹⁹³

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¹⁴⁰ "I have a personal bias against bronze representations because they never quite live up to the great Greek statues that I’ve studied over the years.” Qtd. in “Honoring Eisenhowzer; Architect Frank Gehry Unveils Plans for a Memorial to the Former President and WWII General,” *Los Angeles Times*, Mar., 26 2010: A22. “I personally have an aversion to bronze statues. The ones that have been made in my lifetime mostly aren’t very expressive. They are cold. They don’t move me or a lot of people.” NCPC Transcript, Jun. 3, 2010 at 33. See also CFA Transcript, May 20, 2010 at 32.

¹⁴¹ Photos of the work—which is indecent, explicit, and at least morally obscene—can be found on the website of the Rubell Family Collection: [http://www.rfc.museum/component/phocagallery/category/84-gallery-10](http://www.rfc.museum/component/phocagallery/category/84-gallery-10).


¹⁴³ *Id.*
Perhaps on Ray’s advice, the boy Eisenhower is to be positioned at the east-west center of the Memorial site and close to the giant screen, looking north—that is, toward the Air and Space Museum. On one will be a graven image of Eisenhower as Supreme Allied Commander Europe, on the other a graven image of him as president. These images are to be imitations of photographs, and the images like will be photorealistic, as opposed to artistic, in quality. Like the “tapestries,” they will look more like mass media, such as television and advertising, than art. Indeed, both of the planned images are mere reproductions of already existing photographs, at least one of which is quite famous. Why copy photographs when an artist could make something new and monumental?

E. The Memorial’s Inscriptions: Verbose and Unreadable

Behind the boy will be a long stone wall 42”-high (“guard-rail height”) on which will be inscribed two of Eisenhower’s speeches. One of them is his January 1961 Farewell Address, which includes his famous warning against the “military-industrial complex.” The other is his June 1945 Guildhall Address. Delivered in London, it contains more praise of Britain and trans-Atlantic comity than of America. The rear wall will also include a brief inscription from Eisenhower’s June 4, 1945 Abilene homecoming speech. The planned excerpt reads:

Because no man is really a man who has left out of himself all the boy, I wanted to speak first of the dreams of a barefoot boy. . . . . Always in his dreams is the day when he finally comes home to a welcome from his hometown. Because today that dream of forty-five years ago has been realized beyond the wildest stretches of my own imagination, I came here to thank you and to say that the proudest thing I can claim is that I’m from Abilene. . . .

There seems to be no plan to use any part of Eisenhower’s iconic order to the Expeditionary Force (quoted below).

Gehry has explained that the message of the Memorial is intentionally vague and ambiguous: “A visitor connects the narratives in their own associative way. Answers are not

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194 Since a tapestry is a kind of drape, the statue might be called, in a reference to The Wizard of Oz, “the boy beneath the curtain.” Likewise, the huge barrier-like “tapestry” might be termed the “Eisen Curtain.” *Eisen* is German for iron; “Eisenhower” derives from the German for “iron cutter.” Carlo D’Este, *Eisenhower: A Soldier’s Life* (Henry Holt, 2002) 9. (The official East German name for the Berlin Wall was “The Anti-Fascist Protection Rampart.”)

195 For a schematic of the Memorial core, see “OCTOBER 2011 DESIGN - ENLARGED PLAN,” available at http://parkplanning.nps.gov/showFile.cfm?projectID=16139&docType=public&MIMEType=application%252Fpdf&filename=2011%2E11%2E16%20Section%20106%20for%20Distribution%2D1%2Epdx&clientFilename=2011%2E11%2E16%20Section%20106%20for%20Distribution%2D1%2Epdx at 5. Also see pages 8, 11 (“VIEW SOUTH TOWARDS MEMORIAL”), and 17 (DIAGRAM A: CURRENT DESIGN - 80’ COLUMNS).

196 Available at http://www.eisenhower.archives.gov/education/bsa/citizenshipMeritBadge/speeches_national_historical_importance/guildhall_address.pdf.
dictated via the Memorial but questions and impressions are posed . . . [T]he visitor walks ways humbled and empowered and wanting to find out more to answer their own questions.”

As Gehry’s firm explained at the November 16, 2011 Section 106 meeting, it is Gehry’s preference to inscribe the lengthy Guildhall and Farewell Addresses in their entirety. The former is 1,424 words long, whereas the Farewell Address is 1,948 words. By comparison, on the interior walls of the Lincoln Memorial are inscribed in large 5-inch-high letters the entirety of Lincoln’s Second Inaugural (740 words) and the very short Gettysburg Address (278 words). Gehry’s plan to inscribe Eisenhower’s lengthy speeches in full and on a low wall will not just require a small letter size—perhaps as small as the 5/8-inch-high names on the Vietnam Veterans Memorial—but will prevent it from being read in full from any single viewpoint. The likely effect is that visitors will not read the speeches at all.

F. The Memorial’s Topsy-Turvy Scale and Symbolism

At a public talk at the National Archives on October 5, 2011, Gehry said of the Memorial site:

I think there are people that think this is too big a space for Eisenhower. He wasn’t as important as that space is. Why does he have a space that’s bigger than somebody else? He doesn’t. He’s gonna have a little plank, for a little boy.

Notice that Gehry uses the word “plank,” not “pedestal.” Gehry’s barefoot Kansas farmer-boy is at best an example of sentimental kitsch, a dollop of populist pabulum readymade for the Eisenhower Memorial® snow-globe ($9.95). Children will be able to clamber on the accessible child-sized boy—a shrink-dink tikey Ikey—for the perfect photo op. Like a plastic Ronald McDonald on a bench, the statue is the centerpiece of a Happy McMonument. The

197 Gehry’s January 6, 2011 submission to CFA. CFA archive.
200 “[T]he idea of making a populist place is something I feel very strongly [about]. . . . I try to make all my buildings accessible.” Gehry qtd. in Isenberg 121.
201 Gehry: “I was saying to a person who thought I’d achieved everything, ‘No, there’s one thing I haven’t achieved. I haven’t had one of my buildings put into one of those little glass spheres with snowflakes inside, a snow-globe. . . .’ When I came back to Santa Monica, one [of the Weisman Museum] was sitting on my desk.” Qtd. in Foster at 93. For a photo of that snow-globe, see http://civicart.org/Eisenhower/Frank_Gehry_snow_globe.jpg. Snow-globes, presumably licensed, of Gehry’s work are available at http://shop.walkerart.org/collections/walker-products/products/frank-gehry-standing-glass-fish-snowglobe. See also the lopsided mugs on sale mimicking his leaning towers in Dusseldorf, Germany: http://souvenirs.duesseldorf-tourismus.de/produktliste.html?&L=1&cHash=4a8525bd41&tx_commerce_pi1%5BcatUid%5D=52&tx_commerce_pi1%5BshowUid%5D=39.
202 As Gehry has said about the statue, “you could take your picture with it.” CFA Transcript, Jan. 20, 2011 at 62. The accessibility and unseriousness of the boy will likely make him a prime target for pranksters and vandals.
203 Gehry called it the Memorial’s centerpiece. CFA Transcript, Sep. 15, 2011 at 18.
statue is at best a Tom Sawyer who denies aging and mortality—a dreamer refusing to grow up. But even Peter Pan had to walk the plank to his potential death; young Eisenhower merely lazes on it. The statue is not even recognizable as Eisenhower. How many Americans know what young Eisenhower looked like?

The barefoot boy statute is a travesty: it is mockery through inappropriate attire. It is as much a burlesque of Eisenhower as would be depicting him as a diapered infant or an elderly man in a hospital gown, or by suiting him in the style of jacket worn by Mao or Stalin. It subverts the very purpose of the memorial, which is to honor its subject.

Can one imagine the Reverend Martin Luther King, Jr. or other great American leaders being depicted as a mere boy in a memorial? There would have been widespread public opposition. For some reason, Gehry thinks he can get away with giving Eisenhower the boy treatment, with cutting a great man down to size. Compare what Senator Inouye said in 1997 in response to those who wished to portray Franklin D. Roosevelt in a wheelchair in the FDR memorial:

I for one would not want to redo history. FDR was Commander-in-Chief of the greatest fighting force in the world and he wanted to be viewed as a strong leader. I would hate to see the man exploited after he was dead.

In contrast to the heated debates that took place at the time of the design of the Washington Monument and Lincoln Memorial, there is no fundamental disagreement as to who Eisenhower was or how he should be honored. Virtually everyone, including the Commission and Gehry, agrees that the Memorial should portray Eisenhower’s greatness as well as his modesty. It should reflect the fact the president was not a Napoleon but a Cincinnatus—a reluctant warrior general who gladly returned to his farm. Like the Father of Our Country, Eisenhower did not seek power for its own sake. Even Gehry once admitted that the giant “tapestry” does not represent Eisenhower: “In some ways that is not Eisenhower. He wasn’t that guy who flexed his muscles.”

204 Gehry: “Our first collaboration was the project for a camp for kids who had cancer, Camp Good Times . . . . Dustin Hoffman, the client, canceled the project because he thought kids with cancer wouldn’t like it. ‘They like Huckleberry Finn,’ he said.” Qtd. in Forster at 67. Finn is a far more complex and adult character than Sawyer. Disneyland has an island named after Sawyer, not Finn.

205 The surname is a reference to Pan, the Greek god of woods and fields. According to Plutarch, Pan is one of only two Greek gods who actually dies. The other is Asclepius, the god of medicine and health.


208 NCPC Transcript, Jun. 3 2010 at 63.
Yet what Gehry has done is created a Leviathan swallowing a small-fry Eisenhower, the tyke as a nonentity. Insofar as the Memorial colossus represents the architect himself, it should be called “The Gehry Towers Over Eisenhower.”209 The effect is that material crushes the ideal.210

G. Summary of the Memorial’s Flawed Design

We believe that Gehry’s Memorial is an uncivil, brutal assault on Eisenhower and the National Mall. The design’s inhuman, anti-human style, scope, and scale represent a fundamental cleavage with—a sundering of the foundations of—the tradition of presidential memorials. Impious and soulless, Gehry’s Memorial evinces nothing sacred or transcendent. Base and plebian, it suggests nothing noble or heroic. In short, it is an icon-shattering anti-monument, a form of vandalism contrary to the spirit of Eisenhower and of America.

This is not just an instance of a vandal having been let inside the city’s gates. The vandal has been commissioned to build one of the city’s temples.211

VIII. The Awakening Opposition

Opposition to the Memorial competition and design has been slow to awake for two chief reasons: 1) The entire process has taken place under the radar with as little public awareness as possible.212 2) The process has delayed finalizing a Memorial design until the very last second. Indeed, despite the fact that the Commission aims to break ground in 2012, there is still no final design. It is hard for critics to attack a moving target—Gehry and Commission can always claim, however disingenuously, that this or that feature is not necessarily going to be in the final version. By contrast, controversies regarding prior national memorials occurred since the public not only knew of the competitions and competing designs, but could see and criticize the proposed design to be built. In this regard, the Memorial process has been wholly undemocratic.

In the spring of 2011, the National Civic Art Society mobilized the opposition by holding an open Eisenhower Memorial Counter-Competition, in which architects were invited to submit

209 Gehry has called the Vietnam Veterans Memorial the “Maya Lin,” after its designer. Discussing Gehry’s 1991 Chiat/Day/Mojo project, the centerpiece of which is a 4-story-high binoculars designed by the leading artist Claes Oldenburg, an interviewer said to Gehry, “I don’t know how far we want to go into psychology, but at the beginning, you were feeling slightly squeamish about being the little boy under the shadow of the big artist. In the end, you turned the tables around. The artist disappeared into an ensemble everybody thinks it just architecture.” To which Gehry replied, “Maybe that’s why I call it the binoculars building.” Forster at 71-2.
210 “The dull mind rises to truth through that which is material / And, in seeing this light, is resurrected from its former submersion.” Abbot Suger, Poem on the Doors of the Central West Portal (12th century) qtd. in Louise Fargo Brown and George Barr Carson, Men and Centuries of European Civilization (1948) 250.
211 Charles Jencks, a leading architecture critic who is a friend of Gehry’s, wrote in 1985, “While Gehry one day may be invited into the Establishment, he will not . . . be asked to build its temples. Or if he is, they will explode in unlikely ways.” Charles Jencks, “Frank Gehry—The First Deconstructionist” in Free Spirit in Architecture, eds. Andreas Papadakis, Geoffrey Broadbent, Maggie Toy (Academy Editions, 1992) 263.
212 “Senator Inouye expressed his hope that the EMC [Eisenhower Memorial Commission] can avoid the debacle of repeatedly-rejected successive memorial designs [as in the FDR Memorial].” Eisenhower Memorial Commission Minutes, Jul. 26, 2007.
proposals for an appropriate, dignified memorial to Eisenhower. Susan Eisenhower, the president’s granddaughter, pointedly attended the Counter-Competition award ceremony in June 2011 at the Rayburn House Office Building, where she delivered introductory remarks. As one news report described it:

Susan Eisenhower is among those skeptical of a contemporary design. “The challenge for whatever memorial gets put on this spot is how to make this man timeless,” she said at the awards ceremony. “I am not at all surprised that this group has decided to step up to the plate and start a debate . . . . I think it’s not only perfectly natural, it is absolutely appropriate.”

According to another news story:

For her part, Susan Eisenhower, the president’s granddaughter, raised some concerns at the unveiling of Cook’s alternate plan [at the Counter Competition]. While she was quick to make clear that she was speaking only for herself, she said she was struck by “how complicated people have made” the design of the memorial.

“It’s really not that complicated,” she went on, praising the entrants in the National Civic Art Society’s contest. “I see so many wonderful examples of how things can be boiled down into their elegant simplicity here.”

She said it was the “timeless” approach of the Lincoln and Washington memorials that designers should keep in mind.

In October 6, 2011, The Washington Post reported that the Eisenhower family had called for a timeout on the Memorial. On October 10, 2011, Susan Eisenhower wrote the following e-mail to David Brussat, the architecture critic of The Providence Journal, telling him he was free to distribute it publicly:

Below is the statement issued by my sisters and me. All family members were in agreement. —

The Eisenhower family is deeply honored that an Eisenhower Memorial is being planned for the Maryland Avenue site, and we are grateful to Congress and the White House for their support of this bipartisan designation. Family members, however, are concerned about the concept for the memorial, as well as the scope and scale of it. We feel that now is the time to get these elements right—before any final design approvals are given

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and before any ground is broken. We are sharing our views with members of the Eisenhower Memorial Commission, and we look forward to working with them to address these issues. [emphasis added] 216

“All family members” implicitly includes Susan’s brother David Eisenhower, the family’s (now former) representative on the Eisenhower Memorial Commission. This emphasis on familial unity was reported by Brussat. 217

On December 16, 2011, The Washington Post reported that Susan and her sister Anne had become increasingly outspoken in their opposition to Gehry’s design:

“I just don’t think Dwight Eisenhower is remembered because he was a barefoot boy from Kansas,” said Susan. “When I look at this memorial, I don’t see any bit of him in it.” . . .

Without question, Gehry’s barefoot boy turns the traditional hero memorial on its head, emphasizing Eisenhower’s humble origins rather than his accomplishments. It’s a radical change in memorial design for a man Susan says “embraced traditional values.” . . .

Susan Eisenhower and her family, who she says are “all on the same page,” would prefer a simpler, more traditional design, one that depicts their grandfather’s accomplishments. . . .

“At any memorial should memorialize the person who, in theory, is being honored,” said Susan’s sister Anne Eisenhower, 62, an interior designer in New York. “Our grandfather was a very serious person. He’s not an artist or someone who would warrant a totally new avant-garde design.” 218

Shortly after the article was published on the newspaper’s website, The Washington Post posted the following news flash online:

UPDATE: On Thursday, Dec. 15, after this story was written, the Eisenhower Commission announced David Eisenhower’s resignation from the Commission. 219

Compare what happened regarding the winning design in the first national Franklin Delano Roosevelt Memorial competition, which had selected a hideous Modernist design by Pedersen-Tilney:

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216 The e-mail is in the personal possession of Brussat, the author of this report, and of course Susan Eisenhower herself.
219 Id.
In 1964, when Congressman James Roosevelt, FDR’s oldest son [who served on the FDR Memorial Commission], speaking on behalf of the Roosevelts, denounced the memorial on the floor of the House, saying “We don’t like it, and I’m sure father wouldn’t either,” the Pederson-Tilney [sic] Roosevelt Memorial was dead. With opposition from the Roosevelt family, any chance of congressional approval or successful fundraising was over. In April 1965, Pederson [sic] and Tilney resigned their commission.  

In October 2011, Gehry himself acknowledged the public criticism of his design. He told the Associated Press, “The people are asking good questions.” Referring to the Eisenhower family’s objections, Gehry said, “We’re clearly going to make them happy.” Since then, however, he has made no public comment regarding the family’s increasingly vocal opposition or regarding David Eisenhower’s resignation from the Commission.

In November 2011, the National Civic Art Society submitted requests under the Freedom of Information Act to GSA and NPS to investigate the Memorial planning, competition, and regulatory approval process.

This report explains the context of the FOIA requests, including the serious concerns that the National Civic Art Society and other civic-minded organizations and persons have regarding the Memorial competition, planning, and design. We believe that Congress and the American people will share our outrage the instant they learn the facts about the Memorial. This is intended to be a preliminary draft; we anticipate developing and expanding upon it as we receive the materials asked for in the FOIA requests as well as further information from public and private sources.

A. The Critical Response

The response from the public has largely been negative, so, too, that of the architectural press. The public is just now starting to call for a new and open competition. For instance, Paul D. Spreiregen, who served as an adviser for the open design competitions for the Vietnam Veterans Memorial and World Bank Headquarters, wrote in a letter to the Washington Post:

Mills at 70.


Id.

Why weren’t all American designers given the opportunity to submit proposals for the Eisenhower memorial? The method for doing that is a very well-organized and well-managed open-design competition. The Vietnam Veterans Memorial, the Pentagon 9/11 Memorial, the 9/11 Memorial in New York City and the Gateway Arch in St. Louis are ample evidence of the reliability of open-design competitions.

The design process for the Eisenhower memorial should have been open to all. It still can be, if the Gehry design is rejected.224

Even those critics who admire Gehry’s previous works have been disappointed by what they describe as the Memorial’s unimaginative design.

To our knowledge, the only widely-read critic who has come out unreservedly in support of the Memorial is Philip Kennicott, the architecture critic of The Washington Post.225 (For a whithering response to his review, see George F. Will’s column “Eisenhower Memorial Misses the Man.”)226 The same week he published that positive review, Kennicott said that there was nothing wrong with building twin towers that appear to be exploding just like the World Trade Center did on September 11, 2001.227 In 2010, Kennicott wrote the following about the essentially same Eisenhower Memorial design, “the columns have a mute blankness that may read as Soviet, and their scale overwhelms even the Mall’s most overtly authoritarian structure, the National World War II Memorial. Their austerity may also feel like an extension of some of the worst dehumanizing elements of L’Enfant Plaza north, to the very edges of the Mall.”228 Kennicott has also previously confessed to the following “mistake”: “I’m afraid I have all too often allowed myself to think of the Mall as sacred space, inviolate and, in a phrase made popular by its most ardent defenders, “a substantially completed work of civic art.”229

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224 Id.
227 Referring to a plan for twin skyscrapers that appear to be an imitation of a photograph of the Twin Towers exploding. Kennicott defended the design as follows: “The controversy seems part of a larger cultural effort to make the events of September 11, 2001 somehow sacred, to use the meaning of the terrorist attack for larger, more overbearing cultural control. So now it is being deployed against contemporary architecture, not because there is anything inherently offensive in this design (which may or may not be an intentional reference to 9/11), but because the emotions generated by the attack have been co-opted by one part of the political and cultural spectrum. Architects have long been exploring ways to turn buildings inside out, to peel away their external skin, to represent them as if melting or hurtling through space. The metaphor to ‘explode’ a building might well be used as a positive architectural value, to open up space, break down formal strictures, allow multiple points of access. So even if the Dutch design firm, MVRDV intended a reference to 9/11, there’s no reason that reference should be read as mocking or ironic. It might easily be seen as an effort to freeze frame a traumatic event, in architectural form, and neutralize its shock and pain.” Mara Judkis, “9/11 Imitation Twin Towers’ Designers Apologize,” The Washington Post (Dec. 12, 2011), http://www.washingtonpost.com/blogs/arts-post/post/911-imitation-twin-tower-designers-apologize/2011/12/12/gJQRXLip0_blog.html.
ardent defenders include Congress, which used the expression “substantially completed work of civic art” to praise the Mall in the Commemorative Works Act of 2003, specifically enacted to protect the sacred space.  

IX. The GSA Design Excellence Program and the Memorial Selection Process

Having been charged with planning the Memorial, Eisenhower Memorial Commission voluntarily handed over much of the responsibility of selecting the Memorial design to GSA, specifically its Design Excellence Program, which oversees $12 billion in federal building projects. The competition was announced via Request for Qualifications (“RFQ”) EMC-WPC-08-5019 (New National Dwight D. Eisenhower Memorial, Washington, DC).  

According to the RFQ, under the Design Excellence Program, “projects are to demonstrate the value of true integrated design that balances aesthetics, function, cost, constructability, reliability, reduced energy consumption; and give contemporary form and meaning to our democratic values.” [emphasis added]  

Note the emphasis on “contemporary form and meaning” as opposed to timeless and traditional form and meaning. The Memorial competition was thus run according to the same basic criteria as competitions for federal office buildings. In the words of the RFQ:

The National Eisenhower Memorial at Eisenhower Square will be the first national presidential memorial of the new century. No language currently exists for a 21st century memorial. Eisenhower Square is an opportunity to explore new avenues in memorialization. The competitive designer and design team selection process will embrace the widest possible range of innovative concepts and ideas. It is intended that the physical memorial will have a very significant electronic component. Thus there can be a strong visual statement about Eisenhower and also allow for a depth of information as wanted. The result will be a new vision of memorialization: a new paradigm for memorials. . . . It will be a “plaza-type” memorial.

The Design Excellence Program is directed by Casey Jones (who replaced Thomas Grooms in 2009), with the involvement of GSA Chief Architect Leslie (“Les”) Shepherd. Previously having worked at GSA, from 2005 to 2009 Jones was a principal in Jones|Kroloff, a leading avant-garde architectural consulting firm. Jones|Kroloff oversaw numerous competitions, including the September 11th Memorial Competition for the Pentagon, which chose the Modernist landscape design of 184 illuminated bent “benches.”

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231 https://www.fbo.gov/index?s=opportunity&mode=form&id=4697853e8595dbe89a2e88e0060c3a25&tab=core&_view=1.
232 https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85dbe50fabc00dce.
233 In Volume 2 of the Pre-Design program, the Eisenhower Commission calls the WWII Memorial a plaza-type memorial.
234 https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85dbe50fabc00dce.
235 For a photo of the unveiling of one of the benches, see http://en.wikipedia.org/wiki/File:Pentagon_Memorial_dedication_2008_1st_bench.jpg. Note the expression on the
Jones has made his goal for the Design Excellence Program clear: “My hope is that in 10 years’ time we will look back at a set of truly extraordinary buildings and artworks that perfectly encapsulate this time in history.” In other words, the emphasis is on being up-to-minute and fashionable, the opposite of timeless. In 2008, Jones co-created the installation *Hall of Fragments*, consisting of films on giant screens, at the entryway to the Vienna Biennale, which is discussed below. As its creators described the deconstructionist installation:

Cinema constructs alternate architectural universes, places where designers can create environments that are free from the material and gravitational restraints of corporeal life. Bullets can be dodged, tall buildings leapt in a single bound, and houses dropped on unsuspecting witches with no damage to the young girl inside. *This is truly architecture beyond building . . . .* [emphasis added]

The Design Excellence Program was instituted in 1994 by (now former) GSA Chief Architect Edward A. Feiner, whom *Esquire* called the most powerful architect in America. Feiner is an architectural Modernist who has highlighted the Robert C. Weaver Federal Building—the Brutalist headquarters of the Department of Housing and Urban Development—as an example of excellent design in Federal architecture. (Most Americans, it is fair to say, consider that building hideous.) Among the signature works of the Design Excellence Program overseen by Feiner are the bizarre San Francisco Federal Building and the Wayne Morse Eugene Federal Courthouse, both by his friend Thom Mayne of the avant-garde firm Morphosis, whose works look like something out of science fiction.


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237 http://www.stfj.net/art/2008/Hall%20of%20Fragments%20-%20Venice%20Biennale%202008/.


The Design Excellence Program represents a fundamental reversal in the criteria for the hiring of architects for national monuments and memorials. Whereas formerly the chief criteria were the actual proposed designs, the Design Excellence Program focuses on not proposed designs but the designer’s portfolio, resumé, and reputation. (This focus on established reputation necessarily undercuts GSA’s stated intent to hire small, women-owned, minority-owned, and small disadvantaged firms. It also undercuts GSA’s legal obligation to assist such firms in obtaining federal contracts.) Indeed, at no point in the Design Excellence Program is the entrant required to submit an actual proposal of the structure to be built. Thus, the Design Excellence Program is a misnomer and should more accurately be called the “Designer Excellence Program.” This is reflected in the Request for Qualifications for the Eisenhower Memorial, which focuses on the architect, and barely discusses the Memorial’s subject.

Prior to the Design Excellence Program, designers were chosen for national monuments and memorials not just according to actual design proposals but to entries submitted blindly.241 But as just noted, the Design Excellence Program reverses this, too, by making the designer’s identity and record paramount.

Furthermore, competitions for national monuments and memorials have tended to be open, not closed, competitions. The Design Excellence Program, however, is intended to favor the latest trends in the architecture industry. As Feiner has said:

[T]he biggest supporters of the Design Excellence Program—I’m very willing to admit that right now . . . was the private sector. . . . Government under its own concepts, its own volition would take the most risk-averse way of doing things. . . . Government is risk averse. . . . The private sector were really the advocates, the constituencies of the Design Excellence Program.242

Not only does this prevent finding the proverbial diamond in the rough (including unknown and new talent), it sometimes leads to a forced choice among nothing but cubic zirconias: cheap, flashy, and ersatz.

Whatever its strengths or weaknesses in designing federal buildings, the Design Excellence Program was never intended to be used for national monuments and memorials. It was created to oversee the selection of designs for office buildings and courthouses. This is reflected by the fact that it operates within GSA’s Public Buildings Service. The Public Buildings Service has specific design standards for office buildings243 and U.S. court facilities244. It does not have separate design standards for monuments and memorials.

Thus, one should not be surprised that in the case of the Eisenhower Memorial, the same process used to design office buildings resulted in a design the same size and even shape as an

241 If not for the blind review in an open competition, Maya Lin’s design for the Vietnam Veteran’s Memorial Wall would almost certainly never have been chosen. Not only was Lin a woman of Chinese descent (China had aided North Vietnam in the war), she was an undergraduate student and a total unknown at the time of the competition.
242 Feiner’s talk at Georgetown University, November 22, 2011.
243 Available at http://www.gsa.gov/portal/category/21049.
244 Available at http://www.gsa.gov/portal/category/21058.
office building. And one should not be surprised that a program designed to hire trendy avant-garde architects to whom authority is relinquished did in fact hire a trendy avant-garde architect to whom authority has effectively been relinquished. As Feil said regarding the project, “I have really tried to work very hard to keep constraints out of this because, if you are hiring someone who is really good, then you ought to listen to them and give them the opportunity.”

The Design Excellence Program is explicitly intended to favor “innovation” and “creativity”—buzzwords meaning avant-garde and radical architecture—and to disfavor tradition, the classical American style, and anything “too rooted in the past.” The Program subscribes to the Guiding Principles of Federal Architecture, which were announced in 1962 at the height of the architectural Modernism that led to such ugly works as the headquarters of HUD, the Department of Education, L’Enfant Plaza, and Boston City Hall—buildings that would have looked at home in Communist East Berlin. Those Principles elevate efficiency over beauty and other aesthetic criteria (such as “dignity, enterprise, vigor, and stability”). The Principles also make a veiled attack on tradition, which they misconceive:

It should be our object to meet the test of Pericles’ evocation to the Athenians, which the President [JFK] commended to the Massachusetts legislature in his address of January 9, 1961: “We do not imitate—for we are a model to others.”

One wishes to ask whether George Washington and Thomas Jefferson were guilty of imitation in choosing the designs for the Capitol and White House—and, indeed, whether the American form of government is an imitation of the Athenian, Roman, and British forms of government. One also wishes to ask, Which is a better guide for federal architecture: the American style first developed by the nation’s Founding Architects, which gave us such magnificent buildings as the Capitol, or the International Style which gave us the sterile headquarters of the United Nations?

Note that the Guiding Principles conveniently do not quote another line from Pericles’ funeral oration for the Athenian war dead, in which the leader praises not efficiency but beauty: “Our love for beauty does not make us extravagant.” It was none other than Pericles who built the Acropolis (including the Parthenon) and who directed its architects and sculptors—on an inconvenient, less-than-efficient site.

The Guiding Principles of Federal Architecture also favor the designs of the living over the dead, rather than favoring the best in our history:

Where appropriate, fine art should be incorporated in the designs, with emphasis on the work of living American artists.

This treats the civic arts as just another jobs program. It also fails to consider that it might well be the case that few living artists can compare with the best of the past—in the same way that no

245 CFA Transcript, Sep. 21, 2006 at 61.
246 One wishes to ask whether Washington and Jefferson were guilty of imitation in choosing the designs for the Capitol and White House—and, indeed, whether the American form of government is an imitation of the Athenian, Roman, and British forms of government.
247 Available at http://www.fordham.edu/halsall/ancient/pericles-funeralspeech.asp.
violin maker today can compete with Antonio Stradivari (1644-1737). One would especially expect this if the artistic elite in America are out of touch with their country’s tradition.

Perhaps most significantly, the Principles relinquish control from the government to the architectural profession:

The development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.

This abandons the government’s responsibility for architecture, thereby passing the buck—and the bucks—to the architectural private sector. It ignores the fact that architects, even the best, require a steady hand from above—that is, from the client. (For the Eisenhower Memorial, the client is proximately Congress, ultimately the American people.) Architects are not doctors, and the client is not their patient. Pierre L’Enfant himself was fired for good cause by President George Washington. This is analogous to how Eisenhower had to keep a handle on such willful talents as General George Patton, General Douglas MacArthur, and Field Marshall Bernard Montgomery. It is the very essence of leadership. It is of course also the genius of the American political tradition not to permit the accumulation of too much power in the same hands.

Moreover, in choosing the designs for the plan of the nation’s capital, as well as the Capitol and White House, Washington and Jefferson thereby enacted the official federal style. They were the Founding Architects who established a capital as well as a nation.

As has Feiner explained, prior to the Design Excellence Program:

. . . the juries believed that the [Federal] designs were too rooted in the past. . . . [A]uthentic contemporary architecture was not being explored for these projects. The leaders of the GSA Design Program questioned whether this was because public clients were reluctant to leave the comfort of traditional architecture or because talented architects lacked interest in government projects. . . . This new approach to the selection of architects and engineers and to the review of proposed designs places high value on creativity and innovation. In addition, the new procurement process first examines the ‘design talent’ of the lead designers and their respective firms before evaluating the entire team. [emphasis added]  

Presumably, had it existed at the time, the Design Excellence Program would have rejected as “too rooted in the past” the Capitol and White House, both of which Jefferson described as based on “models of antiquity.” So, too, Design Excellence would have rejected the Lincoln Memorial (1922), Grant Memorial (1922), Supreme Court (1933), National Archives (1935), and

248 This neglects the fact that Washington and Jefferson adopted and customized the classical style as the nation’s official federal style or idiom.


250 Feiner at 247.

251 “In a letter to L’Enfant . . . Jefferson had expressed his personal desire for a capitol designed after ‘one of the models of antiquity, which have had the approbation of thousands of years.’” Allen at 13.
Jefferson Memorial (1943)—all of which were built in “modern” times. Regardless of whether “innovation” and “creativity” are what we should seek in Federal office buildings and court houses, it is a far different question as to whether those should be the criteria for any particular monument or memorial.

The history of using the Design Excellence Program for national memorials and monuments does not bode well, something the Eisenhower Memorial Commission seems to have entirely ignored. It appears that the first and perhaps only time the Design Excellence Program was used for a national memorial competition was in 1996, when the American Battle Monuments Commission transferred responsibility for the National World War II Memorial competition to GSA. Feiner was GSA’s chief architect at the time. As Nicolaus Mills, the foremost historian of that memorial explains:

The winner of the 1902 open competition for the Ulysses S. Grant Memorial, Henry M. Shrady, was also an unknown at the time. He went on to become one of the leading sculptors of his era. The open competition to design the Capitol itself was won by a relatively unknown amateur architect. Indeed, he submitted his design after the competition deadline had passed.

Diametrically opposed to blind review, the Design Excellence Program makes the architect’s identity not just known but of paramount importance. The process is intended to favor the glittering architectural stars. It is a way for GSA architects, including the starchitect

252 Modernists vehemently opposed the classical design for the Jefferson Memorial, which would not have been built but for the personal intervention of President Franklin Roosevelt. In a letter to FDR, Frank Lloyd Wright attacked the design as an “arrogant insult to the memory of Thomas Jefferson.” Likewise, “The faculty of the School of Architecture at Columbia University denounced it as ‘a lamentable misfit in time and place.’” Nathan Glazer, “Modernism and Classicism on the National Mall” in From a Cause to a Style: Modernist Architecture’s Encounter with the American City (Princeton University Press, 2007), 122. One of the professors Gehry most admired at Harvard, Joseph Hudnut, was the leader of the Modernist opposition to the Jefferson Memorial, which he repeatedly mocked as the “egg on a pantry shelf in the midst of a geometric Sahara.” Qtd. in Jill E. Pearlman, Inventing American modernism: Joseph Hudnut, Walter Gropius, and the Bauhaus (University of Virginia Press, 1997) 129. See below for more on Hudnut.

253 Architectural Modernism rejects the very idea of monuments. To quote Lewis Mumford, who was the leading American Modernist critic of his time, “If it is a monument it is not modern, and if it is modern, it cannot be a monument.” Lewis Mumford, “The Death of the Monument,” in The Culture of Cities, vii, 6 (New York: Harcourt, Brace and Co., 1938) 438.


groupies among them, to hire the fashionable leaders in their field.\textsuperscript{256} The Pre-Design and Design Competition Programs

In 2007, the EMC hired the Washington, D.C. office of Skidmore, Owings & Merrill LLP (“SOM”) to prepare the Pre-Design Program, which was intended to serve as a guide for the Memorial’s design.\textsuperscript{257} At the time, SOM’s office was headed by Feiner, who, after leaving GSA, had worked in that capacity from 2005 through at least 2008. (Currently, Feiner is a principal at the D.C. office of Perkins+Will, one of the seven short-listed firms in the Eisenhower Memorial competition.)

Volume 1 of the Pre-Design Program created by SOM is called “Eisenhower Square: To Honor Ike: General, President, World Citizen.”\textsuperscript{258} As Feil explained, one of the purposes of Volume 1 was for the Commission to “get its point of view across to the design teams before they began to look at whether they wanted to work on the project.”\textsuperscript{259}

As the title suggests, and its contents emphasize Eisenhower’s internationalism and his being a world citizen at the expense of his being an American citizen. Yet this was the competition for the National Eisenhower Memorial, not the International one. In keeping with the internationalist theme, Volume 1 does not mention the Cold War at all. The words “Nazi” and “Hitler,” and other unpleasant aspects of history, also do not appear. It also contains the following odd “continua”:

\textbf{National—International.} How can the memorial present Eisenhower as the quintessential American and Eisenhower as a citizen of the world? The memorial must speak to American audiences, but it should also express Eisenhower’s internationalism. Can the Square be both vividly American and speak to international themes and visitors?

[...]

\textbf{Traditional—Abstract.} How can the memorial present Eisenhower’s apparent duality as a traditionalist and a progressive visionary? Should Eisenhower Square be a “traditional” memorial? Should it incorporate traditional statuary? Should it incorporate


\textsuperscript{257} According to the statement the EMC Executive Director submitted to the House Subcommittee on Interior, Environment and Related Agencies, “In 2007, the Commission, with Skidmore, Owings and Merrill LLP, created the Pre-Design Program for the National Eisenhower Memorial at Eisenhower Square. This program communicated to the designer what the memorial should be, including goals, requirements, constraints, and opportunities. The program represented the culmination of the project planning effort. It included information from environmental, traffic, utilities, climate, and other site studies; opinions and information from various federal and local review agencies; and interviews with Commissioners, scholars, authors, Eisenhower family members, contemporaries of Eisenhower, and many others. The pre-design program served as a guide for the memorial’s design.” \textit{Statement of Carl W. Reddel, Brig. Gen., USAF (Ret.) Executive Director, Dwight D. Eisenhower Memorial Commission}, March 17, 2010, available at http://www.democrats.appropriations.house.gov/images/stories/pdf/Carl_Reddel.3.17.10.pdf.


modern or abstract elements? How should Eisenhower be physically represented, if at all? [emphasis added]

Observe that there is no assumption that Eisenhower will be represented at all. Note also the quotation marks around “traditional.” Compare, by contrast, the guidelines from the first FDR Memorial competition, which asked entrants to look to “the character and work of Franklin Delano Roosevelt to give us the theme of a memorial that will do him the honor he deserves and transmit his image to future generations.” [emphasis added]

The Pre-Design Program, and the Project Description itself, also contains the following odd statements:261

No language currently exists for a 21st century memorial. Eisenhower Square is an opportunity to explore new avenues in memorialization. The competitive designer and design team selection process will embrace the widest possible range of innovative concepts and ideas. . . . It is intended that the physical memorial will have a very significant electronic component. . . . The result will be a new vision of memorialization: a new paradigm for memorials.” [emphasis added]

Calling radically for a “new vision” and “new paradigm,” this goes beyond even the Design Excellence Program’s preference for the avant-garde. It is unclear, however, why a memorial to be completed in 2015 to honor a president who held office from 1953 to 1961 should be in essence a “21st century memorial.” Are the Lincoln and Jefferson Memorials (completed in 1922 and 1934, respectively) 20th century memorials? Is the Washington Monument a 19th Century memorial? Is the Statue of Liberty a 19th century monument? Or are all of them are timeless symbols of our nation?

It is unclear why a national memorial built in the 21st century should require a different language from one built in the 20th, 19th, or 18th centuries. Indeed, it is unclear whether the language of our memorials has altered or should be altered any more than the language of our Constitution has changed or should be changed. It is also doubtful that a wholly new language, whether in architecture or any other area of life, can be successfully invented at all—how are visitors to be taught the language? Consider the utter failure of Esperanto as an example of a utopian attempt to invent a universal language for the modern age.262

The competition criteria emphasized discontinuity, not continuity, in American history and culture—a controversial value judgment, and a literally unprecedented one, to say the least. In any case, whatever the above criteria mean, the competition was clearly oriented to favor the sharpest, most jagged of the architectural cutting-edge.263 It effectively shut out the traditionalists who represent mainstream American taste and values. Of course, the avant-garde

261 https://www.fbo.gov/utils/view?id=25a4d7e08a72d4285dbe50fabc00dce.
262 Other invented universal languages that failed are Kosmos, Monoglottica, Universalsprache, Neo-Latine, Veltparl, Idio Neutral, Mundolingue, Dil, and Volapu.
263 The exhibition “Postmodernism: Style and Subversion 1970-1990,” which is currently running at the Victoria & Albert Museum in London, features a photo of Gehry’s own house in Santa Monica. For information about the exhibition, see http://www.vam.ac.uk/content/exhibitions/postmodernism/postmodernism-about-the-exhibition/.
could well represent the mainstream of the architectural *elite*, but it is Congress and the American people who are the client here, not the couturiers of architecture.

The Commission appears to have wished to avoid any style that was American or even indicative of Western civilization. As its official statement on the tapestry explains:

Doric columns and triglyphs may be relevant in Greece and Rome, but tapestry focuses on a more basic and broadbased human experience. Although significant to Western cultures, tapestry is not exclusive to any one people but is the shared treasure of all mankind.

This is appropriate for President and General Eisenhower, a true internationalist and a “citizen of the world.” He was the first president to travel by jet and the first to average four foreign trips a year in office. He established programs aimed at protecting peace by building international cooperation, and he made personal diplomacy a model for the presidency. This outward-looking attitude makes tapestry a good choice for Eisenhower’s memorial, since its history is international and not confined to any one culture.  

Also note that the architectural firm responsible for preparing these criteria, SOM, has collaborated with Gehry on numerous occasions, including on Gehry’s most famous work, the Guggenheim Museum in Bilbao (1997). SOM and Gehry have also collaborated on the Hotel Arts Barcelona (1992), the BP Bridge in Chicago (2004), and The New York Times Headquarters (never-built 2000). In addition, Gehry is part-owner of the SOM-designed Inland Steel Building in Chicago; in 2005, he proposed hiring SOM to renovate the building.  

On December 14, 2006, SOM announced a major investment in Gehry Technologies LLP, which was founded by Gehry in 2002: “SOM’s purchase of 100 seats of Digital Project™ will be deployed over a three-year period in SOM offices around the world . . . . To complement the software acquisition, Gehry Technologies will provide consulting services and support to SOM for an initial period of three years.” On October 18, 2011, Gehry Technologies announced it was forming a “strategic alliance” with a “core group of renowned architects” who “will also serve on Gehry Technologies’ board of advisors.” That core group includes David Childs, the Chairman Emeritus of SOM who previously worked with Gehry on their design for The New

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York Times Headquarters in New York City. Childs served on the Commission on Fine Arts from 2002-5 and was its chairman from 2003-5.

And recall that during the creation and management of the Pre-Design Program, SOM’s D.C. office was run by Feiner, who during his tenure at GSA never managed to hire Gehry for a Federal project. \(^{268}\)

The Request for Qualifications required each design firm to submit four items, which were given the following weights:

1) Lead Designer Portfolio. “Submit a portfolio representative of the Lead Designer’s ability to provide design excellence. Submit graphics (maximum of three pages per project) and a description (maximum of two pages per project) of up to five projects completed in the last ten years.” (55%)

2) Philosophy and Design Intent. A statement of “overall design philosophy” in the “lead designer’s own words.” (20%)

3) Past Performance on Design. “The A/E Firm will submit graphics (maximum of three pages per project) of not more than three projects completed in the last ten years.” (15%)

4) Lead Designer Profile. A resumé of the lead designer. (10%)

Compare this apportionment to the different relative weights GSA and the American Battle Monuments Commission (ABMC) used for the National World War II Memorial:\(^{269}\)

1) Lead Designer’s Vision (30%)

2) Philosophy and Design Intent (20%)

3) Past Performance on Design (40%)

4) Lead Designer Resumé (10%)

Architect Paul D. Spreiregen, a former advisor to the Vietnam Veteran Memorial, publicly criticized the initial closed WWII competition through words that equally apply to the Eisenhower Memorial Commission (which he has in fact publicly criticized, as quoted above):

The American Battle Monuments Commission is planning to select a design through an exclusionary, cumbersome, restrictive, arbitrary, and—worst of all for the subject at hand—undemocratic process.\(^{270}\)

In response, GSA and the ABMC slightly shifted the weights to:

1) Lead Designer’s Vision (40%)

2) Philosophy and Design Intent (20%)


\(^{269}\) Id. at 109.

\(^{270}\) Id. at 110.
3) Past Performance on Design (30%)
4) Lead Designer Resumé (10%)

In response to further protests regarding the undemocratic nature of the competition, including opposition by architecture students and a petition signed by the deans of architecture schools from 14 states, GSA and the ABMC finally backed down and made the competition open.\footnote{271}

They brought in Bill Lacy, president of the State College of New York as Purchase, as an esteemed outside professional advisor. He declared that the competition “must be an open competition in every sense of the word,” one that “neither excludes the Maya Lins of the country nor the I. M. Peis.”\footnote{272} GSA and ABMC scrapped the initial competition, and announced new competition rules, which made the first round of evaluations totally blind as to the entrants’ identities and records.

The Eisenhower Memorial competition shares all of the same flaws as the initial WWII Memorial competition did. If anything, the situation is even worse given how out-of-sight the process has operated—which is why there has been no protest so far. It is also worse given the relative weights of the four entry criteria, which were stacked even more in favor of the designer’s portfolio.

While the weights given to the designer’s resumé and design philosophy are the same relative to the revised WWII Memorial criteria, GSA and the EMC heavily shifted the weight from past performance to the portfolio (previously called “Designer’s Vision”). Thus, the weight of the portfolio increased from 40% to 55%, while past performance decreased from 30% to 15% for the Eisenhower Competition. The designer’s ideas are what mattered far more than whether they ever worked in reality. This would certainly be to Gehry’s advantage since, as discussed below, many of his prior works have had serious performance problems. It would also be to his advantage since he has never built anything like a national memorial.\footnote{273}

Rather than hosting an open competition that would attract hundreds if not thousands of entries, GSA and the EMC solicited entries from\textit{ only 44} firms. As Gehry described it in his submission to CFA and NCPC:

\footnote{271}{The petition said that the competition “neatly eliminates students, sole practitioners, intern architects/educators unless they are fortunate enough to hitch themselves to one of the dozen established firms whose client references will ensure their bureaucratic acceptability.” Qtd. in Mills at 111.}
\footnote{272}{Id. at 113.}
\footnote{273}{\textit{Compare} how the American Institute of Architects recently praised Dan Feil, “The General Service Administration’s Design Excellence Program guided the selection process for the memorial, and Gehry Partners was awarded the project, which will occupy a four-acre site near the National Mall in Washington, D.C. Neither Cesar Pelli’s firm nor Gehry’s had worked with the federal government before they negotiated contracts with Feil, and \textit{neither had in their portfolio a project similar to the one they were awarded}. This made their selection somewhat unconventional, and Feil is credited with having opened up the field of eligibility by recognizing operational and aesthetic achievements as equivalent to experience with a particular building type.” [emphasis added] 
http://www.aia.org/practicing/awards/2012/thomas-jefferson-award/daniel-feil/index.htm}
In 2008, EMC solicited potential design concepts from leading architects, landscape architects and designers. [emphasis added]274

With few or no exceptions, only powerful, connected, famous, and trendy firms and architects were solicited. This followed the intent of GSA’s Design Excellence Program, which tends to favor the architectural private sector—the leading industry players—which is the most powerful lobby in determining the requisition of the $12 billion in government building projects. By comparison, unknown, student, sole practitioner, and amateur architects and designers effectively have no influence.

Compare the numbers of the Eisenhower Competition with those of prior memorial competitions. In 1938, the open competition to design the Smithsonian Gallery of Art attracted 408 entries. In 1960, the first FDR Memorial competition, an open one, attracted 574 entries.275 The winning Modernist entry was rejected by the Roosevelt family and the Commission of Fine Arts (for, among other, things consisting of 165-foot tall concrete slabs akin to bookends). The architects subsequently resigned their commission.

A second competition was held in 1966, this time closed, in which only 55 firms276 were solicited. The winner was the leading Modernist architect Marcel Breuer (designer of the Brutalist HUD headquarters)277, who was at the peak of his career and was one of the most praised architects in the world. In other words, he was the Gehry of his time. Breuer proposed an avant-garde design of seven 60-foot-high stone triangles arranged in a pinwheel or buzz saw formation. At the center of his memorial was “a 32-foot cube of polished dark granite with an enlarged photographic portrait of Roosevelt recessed into the cube through a special sandblasting process. An electronic device in the center of the memorial was programmed to play recordings of Roosevelt’s speeches for memorial visitors.”278 In short, it was a lot like the Eisenhower Memorial: electronic component, photorealistic image of the president, enormous proportions, avant-garde design.

That winning FDR design, too, was rejected by the Commission of Fine Arts, whose members called it “disrespectful and frivolous.”279 One of them joked, “This might have been suitable for the Cabinet of Dr. Caligari [the German Expressionist horror film], but it doesn’t have much to do with today.”280 According to The Washington Post’s description of the first two FDR Memorials, “Human beings appeared to be but dwarfs in models of the earlier designs.

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276 Mills at 70.
277 As noted above, former chief architect of GSA Edward A. Feiner considers this building to be an example of Design Excellence.
278 Mills at 71.
279 Id.
280 Id. Robert Wilson has adapted the movie for one of his productions, which included numerous crucifixes: http://danielmufson.com/translations-excerpts/doktor-caligari-at-the-deutsches-theater-directed-by-robert-wilson/.
Furthermore, those little humans appeared almost incidental, as if they were meandering about with no particular place to go.\textsuperscript{281} The same can be said about the Eisenhower Memorial.

In 1973, the third FDR competition, a closed and highly restricted one solicited a mere 7 entries from the architectural establishment.\textsuperscript{282}

In 1981, the open competition for the Vietnam Veterans Memorial received 1,421 entries.\textsuperscript{283} In 1988, the open competition for the Korean War Memorial received 540 entries.\textsuperscript{284} In 1997, the (ultimately) open competition for the National World War II Memorial received 407 entries.\textsuperscript{285} In 1999, the open competition for the Martin Luther King, Jr. Memorial received over 900 entries.\textsuperscript{286} To summarize the numbers:

1. Table: Competitions for National Memorials in the Last 50 Years

<table>
<thead>
<tr>
<th>Competition</th>
<th>Open or Closed</th>
<th>Number of Entries</th>
<th>Design Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>First FDR Memorial</td>
<td>Open</td>
<td>574</td>
<td>No</td>
</tr>
<tr>
<td>Second FDR Memorial</td>
<td>Closed</td>
<td>55</td>
<td>No</td>
</tr>
<tr>
<td>Third FDR Memorial</td>
<td>Closed</td>
<td>7</td>
<td>Yes</td>
</tr>
<tr>
<td>Vietnam Memorial</td>
<td>Open</td>
<td>1,421</td>
<td>Yes</td>
</tr>
<tr>
<td>Korean War Memorial</td>
<td>Open</td>
<td>540</td>
<td>Yes</td>
</tr>
<tr>
<td>World War II Memorial</td>
<td>First Closed, Then Open</td>
<td>407</td>
<td>Yes</td>
</tr>
<tr>
<td>MLK Memorial</td>
<td>Open</td>
<td>900</td>
<td>Yes</td>
</tr>
<tr>
<td>Eisenhower Memorial</td>
<td>Closed</td>
<td>44</td>
<td>?</td>
</tr>
</tbody>
</table>

An Architecture/Engineering (“A/E”) Evaluation Board, members of which were and remain anonymous—and therefore not publicly accountable—made the evaluations. The A/E Board was to be composed as follows:

The A/E Evaluation Board will include EMC members, a member of the Eisenhower family, a GSA NCR [National Capital Region] representative, a GSA Office of the Chief Architect representative and private sector design peers in the disciplines of architecture, landscape architecture, urban design, lighting design, information/exhibit design, and an architectural critic.\textsuperscript{287}


\textsuperscript{283} Mills at 61.

\textsuperscript{284} \textit{Id.} at 66.

\textsuperscript{285} \textit{Id.} at 115.

\textsuperscript{286} http://www.mlkmemorial.org/site/c.hkJU99 MVJxE/b.1777009/k.1B32/Fact_Sheet.htm.

\textsuperscript{287} https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85d8e50fabc00dce.
We have been able to determine that one of the unnamed evaluators was Robert A. Ivy, currently the Executive Vice President and CEO the American Institute of Architects (AIA), the organization that in December 2011 announced that it had awarded Feil its 2012 Thomas Jefferson Award for Public Architecture. Gehry wrote one of Feil’s letters of recommendation. At the time of the competition, Ivy was the Editor-in-Chief of AIA’s *Architectural Record* and had interviewed and praised Gehry in print.

According to the RFQ, the Eisenhower competition had three stages:

In STAGE I, interested firms will submit portfolios of accomplishment that establish the design capabilities of the Lead Designer and the associated A/E Firm. Identification of consultants is not required at this stage. The Board will establish a short-list of three to six firms.

In STAGE II, the Lead Designer will submit a preliminary design vision for the memorial prior to the interview based on the information in Volumes 1 and 2 of the Pre-Design Program. The short-listed Lead Designer + A/E teams will then be interviewed. The lead designer will present the preliminary design vision at the interview. The A/E firm must address the contractual relationship with the Lead Designer and project team in Stage II.

In STAGE III, selected Lead Designers and A/E teams from the Stage II shortlist will be asked to submit a detailed design vision for the memorial. Stipends will be offered to the participating project teams.

In Stage I, completed in October 2008, the A/E Board selected a short-list of seven designers and their associated firms, including Frank Gehry and Gehry Partners LLP. All seven work in a modern or avant-garde style. In Stage II, those seven finalists were then evaluated according to 20-minute interviews of the lead designer and his design team. Four finalists were chosen. In Stage III, the finalists were asked to submit design “visions,” as opposed to actual proposed designs, for evaluation. As the RFQ states, “The submitted design visions become the property of the U.S. Government and may or may not be the basis, whole or in part, for the development of the final memorial design.” All four finalists received stipends for their work, though it is unclear how much.

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289 See Feiner’s remarks on the Design Excellence Program: “highly valued design professionals can now serve as peers for government projects while competing for other federal projects where there is no conflict of interest. . . . Given the large number of participants in the registry, conflicts of interest rarely occur . . . .” Feiner at 248.

290 According to one news report, “Maya Lin aside, Washington has a propensity for classical and conservative memorial architecture, and so the list is noteworthy for the contemporary style that dominates each of the finalists’ work. ‘I didn’t see a lot of expectations of pediments and columns on that list, and that’s exciting,’ said Rob Rogers of Rogers Marvel [one of the semi-finalists].” Clay Risen, “Ike Likes Progress,” *The Architect’s Newspaper* (Nov. 19, 2008) [http://www.archpaper.com/news/articles.asp?id=2968](http://www.archpaper.com/news/articles.asp?id=2968).

291 [https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85d8e50fabc00dce](https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85d8e50fabc00dce).
In March 2009, the Commission’s jury—a group that appears to be different from the A/E Board—announced that Gehry and Gehry Partners LLP was the winner. Gehry subsequently submitted three design “concepts,” and the Commission unanimously announced its preferred one.\textsuperscript{292} That concept, the Maryland Park design, is the working design.

It is our concern that there was a conflict of interest regarding the involvement of Mr. Siciliano, Mr. Feiner, and/or SOM and the selection of Gehry. Indeed, we wonder whether this was a true competition at all.\textsuperscript{293} The competition was advertised only at FedBizOpps.com and nowhere else. It is curious that apparently only one “starchitect”—namely, Gehry—entered the competition, despite the huge importance of the project, which is a once-in-a-lifetime opportunity. How did Gehry learn about it? Did all of the other celebrity architects not know about the competition? Did they not think that a national memorial to Eisenhower was a worthy commission? Did they not want to waste their time and money in entering? Did they not want to be sure losers? If only one famous architect was invited to enter the competition, how is that not stacking the deck in his favor—particularly in a competition that is entirely based on portfolios?

And why did Gehry enter, when he has said on numerous occasions that he does not like entering competitions because he does not like losing? According to the minutes of the Eisenhower Memorial Commission, “Mr. Gehry observed that he does not usually enter design competitions . . . .”\textsuperscript{294} Compare what he had previously said:

The only time we enter [competitions] is when we get caught by friends who are doing things and want us to . . . .\textsuperscript{295}

\textbf{I wait ‘til the jobs hit me on the head.} I guess I don’t like rejection so I just wait until they come to me. When you go after it and you get rejected, I hate that. [emphasis added]\textsuperscript{296}

Likewise, in 1999 the \textit{Washington City Paper} reported that Gehry had to be \textit{begged} to enter the competition to design the addition to the Corcoran Gallery of Art in Washington, D.C., a competition he “won”\textsuperscript{297}:

You don’t hire Frank Gehry. Frank Gehry hires you. And he will fire you, too, if you don’t like the way he works, or vice versa. . . .

\textsuperscript{292} Available at \url{http://www.ncpc.gov/DocumentDepot/ProjectMaterials/Eisenhower_Memorial_Concept_3.pdf}.
\textsuperscript{293} Compare Gehry’s description of the MOCA competition above.
\textsuperscript{294} Eisenhower Memorial Commission Minutes, Mar. 25, 2010.
\textsuperscript{295} Qtd. in Isenberg at 157.
\textsuperscript{296} Qtd. in the documentary \textit{Sketches of Frank Gehry} (Sony Pictures Classics, 2005) at 57:00.
\textsuperscript{297} “The Corcoran’s selection process differed from other high-profile competitions . . . because the selection committee’s goal was to choose an architect rather than a design. . . . The finalists’ designs were intended only as the starting point to a collaboration with the Corcoran’s staff members and advisers. [Corcoran President] Levy said he decided to publish neither the contenders’ nor the winner’s submissions to avoid giving an impression that the institution was committed to a specific plan.” Julie V. Iovine, “as,” \textit{New York Times} Jun. 22, 1999, \textit{available at} \url{http://www.nytimes.com/1999/06/22/arts/not-far-from-the-rose-garden-another-museum-for-gehry.html}. 66
Yes, Gehry can pick his projects like exotic cocktails at poolside. He didn’t really want to compete for this project—at first. [Corcoran President David C.] **Levy had to lobby Gehry aggressively to get the architect to put himself in the running.**

The Corcoran has been nothing if not measured, deliberate, and responsible in its selection—and wooing—process. The search started in 1997 with Levy’s asking Paul Goldberger, the architecture critic of the *New Yorker*, to put together a couple of hundred names of architects he might want to consider.

“It’s not just a question of building a building,” Levy remembers telling his longtime friend at the outset. “What does architecture mean for a museum?...What does [it] mean in Washington, which is a very conservative city architecturally?”

When the Corcoran’s list got down to 10 semifinalists, Gehry was not on it because *he wasn’t interested in the project*. But, after [architect Rafael] Moneo took himself out of the running, Gehry was persuaded to submit a proposal. “I talked him into it,” Levy says. “Paul and I talked him into it.” Levy had lunch with Gehry when the architect came to town to accept his 1998 National Medal of Arts at the White House. “I said, ‘Frank, you’re making a serious mistake, because it’s going to be an important building.’”

**Gehry has made his qualms about working in Washington manifest.** At the news conference, he predicted that the project would be like a “Nantucket sleighride.” You hook the whale, and “the whale pulls you 30 miles an hour at breakneck speed.” [emphasis added]²⁹⁸

*The Washington Post* also reported Gehry’s reluctance to enter the Corcoran competition:

Before describing the planned building yesterday, Gehry told the seven-member [Commission of Fine Arts] that *he had been reluctant to even enter the competition the Corcoran held to find a designer for its new building, because he assumed that his modern style would not find favor in the nation’s capital.*

“I thought, ‘Me and Washington? It ain’t gonna work.’ But we got here,” he said.²⁹⁹

As of this time, GSA and the Eisenhower Memorial Commission have not released *any* of the designs submitted by Gehry or the other finalists. Indeed, they have not released any part of the entries they received, including the portfolio, design philosophy, statement of past performance, and profile that Gehry and others were required to submit.³⁰⁰ In prior presidential

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³⁰⁰ Needless to say, one of the best ways to stir up greater public interest in civic architecture is to make the design entries publicly available.
and other memorial competitions, the design entries were placed on public display during the competition to encourage the public’s interest and involvement, to encourage the public to understand the importance and significance of our national memorials. By contrast, the Eisenhower Memorial Commission has barely sought the public’s attention. The Commission has preferred flying under the radar to fostering democracy. Their intent appears to have been to avoid the controversy that embroiled virtually all previous presidential memorials.

B. Gehry’s Prior Work, Past Performance, and Statements on Design

Assuming for the sake of argument that there was a genuine competition, it appears that GSA, the A/E Board, the EMC and other evaluators were either insufficiently aware of Gehry’s prior work, past performance, and statements on design or they did not sufficiently take them into consideration in the selection process.

Any cursory, let alone sufficient, due diligence of Gehry’s past performance would have uncovered the Massachusetts Institute of Technology’s 2007 lawsuit against Gehry (settled out of court in 2010) for alleged design and construction flaws in his $300 million Stata Center (2004).\textsuperscript{301} Gehry was paid $15 million for the project, which he describes as “look[ing] like a party of drunken robots got together to celebrate.”\textsuperscript{302} According to The New York Times:

In late 2006 and in 2007, M.I.T. hired a designer and a contractor to repair the amphitheater at a cost of more than $1.5 million, the suit says. The institute also discovered additional problems, its court papers say, like “sliding ice and snow from the building’s window boxes and other projecting roof areas, blocking emergency exits and damaging other building elements.”\textsuperscript{303}

Any due diligence would also have uncovered the problems of dangerous falling snow and ice and reflected solar heat at the Gehry-designed Peter B. Lewis Building at Case Western Reserve University (2002), and the costs of repairing his Walt Disney Concert Hall in Los Angeles.

\textsuperscript{301} MIT is one of the leading engineering schools in the world. Regarding the Stata Center’s numerous flaws, Fine Arts Commissioner Witold Rybczynski wrote, “Robert Campbell, the Boston Globe’s architecture critic, pointed out that MIT should have known what they were getting into: ‘You know if you hire Frank Gehry there are going to be new kinds of problems,’ he pointed out. But aren’t architects—even great architects—supposed to solve problems, not create them? . . . Experiments belong in the laboratory, not on the construction site.” “Nice Try: The East Building, Avery Fisher Hall, Fallingwater, and Other Ambitious Architectural Failures,” Slate (Feb. 3, 2010), http://web.archive.org/web/20100208035452/http://www.slate.com/id/2240816/slideshow/2241072/fs0/entry/2241093/. MIT Institute Professor Noam Chomsky, whose office is in Stata, has also criticized the building’s lack of basic functionality: “I still would prefer straight to slanted walls, so as to put up bookshelves and a blackboard.” Qtd. in Anya Kamentz, “Lost in the Funhouse: The Battle Between Stararchitect Frank Gehry and MIT Reveals the Widening Chasm Between Design and Down-to-Earth Craft,” Fast Company Feb. 1, 2008, http://www.fastcompany.com/magazine/122/lost-in-the-funhouse.html.


(2003), which was focusing blinding light and burning heat on road vehicles, nearby residents, and pedestrians at temperatures of up to 140° F.\textsuperscript{304}

As Maclean’s magazine reported in 2008, “‘The same buildings that leak, burn, and moulder would cost any other architect their job and reputation,’ says one Manhattan-based critic, who asked to remain anonymous. Yet ‘major newspapers, art critics and museums’ continue to ‘hold Gehry up,’ he says.”\textsuperscript{305} Gehry himself has joked about the poor performance of his buildings:

Bilbao did not leak. I was so proud. [Laughter] The MIT project—they were interviewing me for MIT and they sent their facilities people to Bilbao. I met them in Bilbao. . . .

They were there three days and it rained every day and they kept walking around—I noticed they were looking under things and looking for things, and they wanted to know where the buckets were hidden, you know? People put buckets out ... I was clean. There wasn’t a bloody leak in the place, it was just fantastic. But you’ve got to—yeah, well up until then every building leaked, so this ... [Laughter]

[...]

You’ve all heard the Frank Lloyd Wright story, when the woman called and said, “Mr. Wright, I’m sitting on the couch and the water’s pouring in on my head.” And he said, “Madam, move your chair.” [Laughter] So, some years later I was doing a building, a little house on the beach for Norton Simon, and his secretary, who was kind of a hell on wheels type lady, called me and said, “Mr. Simon’s sitting at his desk and the water’s coming in on his head.” And I told her the Frank Lloyd Wright story. [emphasis added]\textsuperscript{306}

Any sufficient due diligence of Gehry’s past performance would also have uncovered the lack of popular and financial success of such Gehry-designed works as the Santa Monica Place shopping mall (built 1979, demolished 2008), the Festival Place at EuroDisney, the American Center in Paris (opened June 1994, closed 19 months later), and the Experience Music Project in Seattle (completed 2000).\textsuperscript{307}

\textsuperscript{304} Gehry refused to accept the blame for the reflection, about which he said, “It made the list of the ten worst engineering disasters of the decade. I saw it on television, on the History Channel.” Isenberg at 240. “Gehry’s own [self-designed] house used to leak. The Schnabel House has so much glass exposure that Gehry designed special screens that can be lowered to block the sun. At Loyola [Law School in Los Angeles], the copper-colored Fin Ply is peeling and will be replaced with real copper.” Cathleen McGuigan, “A Maverick Master,” Newsweek Jun. 16, 1991, available at http://www.thedailybeast.com/newsweek/1991/06/16/a-maverick-master.html.


\textsuperscript{307} In 2002, Forbes called the Experience Music Project a “dud” and one of the “10 ugliest buildings” in the world. http://www.forbes.com/2002/05/09/uglyslideshow_3.html?thisSpeed=6000. The building’s style à la mode is what is called “blog architecture” or “blobitecture.” For a photo of the building, see http://upload.wikimedia.org/wikipedia/commons/9/9d/Aerial_view_of_EMPSFM.jpg.
Any sufficient due diligence of the relevancy of Gehry’s prior works would have paid special attention to Gehry’s Loyola Law School campus in Los Angeles, which is perhaps his only prior work intended to allude to classical columns and the tradition of Western civilization. Gehry explained that when designing the campus, he needed something:

that would look like it had something to do with the legal profession . . . . I had just visited Rome as I was working on the design, and I got interested in the Roman Forum, with all the columns, broken, lying around, and I came back, and I had that kind of idea for this, but I think that having a few columns lying on the ground, might not have been too easily accepted. [emphasis added]

A number of architectural critics, including those who like the law school’s design, have described the campus’ architecture as subverting the traditional symbols and institutions for which they stand. The main sculpture Gehry put on the campus is Toppling Ladder with Spilling Paint, which is quite distinct from the balanced scales of justice.

Gehry designed a chapel for the Jesuit school that has a glass-and-steel campanile but no bell—a permanently silenced church. To enter the interred chapel, one must descend below ground. As the school’s website describes it, the chapel is “sunken into the ground, not unlike the ruins of an old European church.” [emphasis added] The chapel’s interior is clad in cheap plywood and the wood interior of the roof looks temporary, raw, and unfinished—like a theater shed at a summer camp. This appears to be the only sacred or ecclesiastical structure Gehry has ever built.

Any sufficient due diligence of Gehry’s prior works would have especially included his previous works with which he intended to reflect and magnify what he saw as the ugliness in the surrounding precinct or neighborhood. This is of the utmost importance since it is possible that Gehry’s ugly Memorial design is an attempt, conscious or unconscious, to be ironically “contextual” by reproducing and magnifying what he perceives to be the bad and ugly architecture of the surrounding Brutalist precinct, including the architecture of the sterile Department of Education building, which is designed in the computer-punch-card Modernist

308 For photos of the law school campus, see http://www.bluffton.edu/~sullivanm/gehryloyola/gehryloyola.html.
309 Qtd. in Frank O. Gehry and Rosemarie Haag Bletter, The Architecture of Frank Gehry (Rizzoli, 1986) 43.
310 “In his earlier work, such as the Loyola Law School campus on Olympic Boulevard, Gehry was concerned with breaking a building into its separate and distinctive parts. These buildings look like a collection of children’s play blocks assembled by a giant hand. Their fragmented emotional message was one of a threatened chaos only just held together by an act of will.” Leon Whiteson, “Gehry’s Crown for Bunker Hill Is a Fitting Tribute for Disney,” Los Angeles Times Sep. 15, 1991: 1. “On the Loyola campus Gehry has engaged in a play of the relationship of architecture with law. Building types traditionally used in the legitimation of lawful authority such as temple, column, and chapel become fragments of a collage—columns without pediments raising questions about support, authority and the rule of law. As Ross King puts it: ‘All the set pieces of classicism appropriate to a law school are there, except that they all imply discontinuity, difference’. The architecture is designed to throw into doubt the legitimizing symbols of law and order for an audience of students preparing for practice in one of the most class-divided cities in the world” [emphasis added]. Kim Dovey, Framing Places: Mediating Power in Built Form, (Routledge, 1999) 187.
311 For photos, see http://www.lls.edu/about/tour/chapel.html and http://you-are-here.com/los_angeles/chapels.jpg.
312 http://www.lls.edu/about/tour/chapel.html.
style. This is the best explanation for why Gehry apparently never even considered using titanium as the material for the “tapestry,” even though he has repeatedly stated his preference for the material on both structural and aesthetic grounds. For instance, “We prefer titanium because it’s stronger; it’s an element, a pure element, and it doesn’t oxidize. It stays the same forever. They give a hundred-year guarantee!” The failure to consider titanium is all the stranger since Gehry has long been an architectural leader in the innovative use of metals, particularly titanium.

Adding to the mystery, Gehry and the Commission have said that they intend the Memorial, like the site itself, to reflect Eisenhower’s modern achievements, as physically represented by the adjacent Federal Aviation Administration building and the Air and Space Museum. As an experienced pilot and lover of jets, not to mention the designer of the California Aerospace Museum, Gehry surely knows that titanium was a crucial component in such Eisenhower-era airplanes as the U-2 and A-12/SR-71 Blackbird, the latter of which was 85% titanium. The engine of the Eisenhower-era F-104 Starfighter, an airplane Gehry mounted on the exterior of the Aerospace Museum, also relied on the material. The Aerospace museum even has an A-12 trainer out front, which is titanium in color instead of the black of the SR-71. Titanium is a quintessential space-age material, one that better suits the first “space-age” president, as the Commission tendentiously likes to portray him. Stainless steel, by contrast, is an industrial-age material. Moreover, titanium is also a better choice according to the Memorial competition’s erroneous call for a “21st century memorial.”

All of this raises major questions as to why titanium was not considered. Could it be that the real explanation is that titanium is too noble, precious, brilliant, and beautiful for Gehry’s purposes in the Memorial? It is as if he has been trying his best to do his worst.

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313 CFA Commissioner Belle said of the Department of Education building: “I think the thing to avoid there is giving the appearance that the screen is there to favor the building behind the screen, which is not a particularly good building, to put it mildly.” CFA Transcript, May 20, 2010 at 53. See the DC State Historic Preservation Office’s official report on the LBJ Building, which emphasizes its Modernist rectangular design. D.C. State Historic Preservation Office Determination of Eligibility Form for the Lyndon Baines Johnson Department of Education Building, available at http://parkplanning.nps.gov/showFile.cfm?projectID=16139&docType=public&MIMETYPE=application%252Fpdf&filename=16139LBJ%5FDOE%2E3%2E11%2Epdf&clientFilename=16139LBJ%5FDOE%2E3%2E11%2Epdf.

314 At the last Section 106 meeting, John Bowers, a partner at Gehry Partners, said that, to his knowledge, Gehry had not considered using titanium for the tapestry. Section 106 meeting notes (Nov. 16, 2011) forthcoming. This is particularly strange since Gehry has repeatedly stated his preference for titanium over steel. Moreover, as Gehry has said, titanium does not suffer the same issues of corrosion: “titanium doesn’t rust.” Gehry qtd. in Isenberg at 186. Also, Gehry and the EMC have said that they intend the Memorial, and the very site, to reflect Eisenhower’s modern achievements, as represented by the nearby Federal Aviation Administration and Air and Space Museum buildings. As an experienced pilot and lover of jets, not to mention the designer of the California Aerospace Museum, Gehry surely knows that titanium was a crucial component in the U-2 and A-12/SR-71 airplanes, the latter of which was 85% titanium. The engine of the F-104 Starfighter, an airplane Mr. Gehry mounted on the exterior of the Aerospace Museum, also relied on the material. Thus, titanium is a quintessential space-age material, one that better suits the first space-age president, as the EMC likes to portray him. Stainless steel, by contrast, is industrial-age. Of course, titanium is also a better choice according to the Eisenhower competition’s erroneous call for a “21st century memorial.”

315 Gehry Talks at 47.

316 As for the cost of titanium relative to steel (which must include the cost of maintenance over at least the next 200 years), if financially necessary, smaller “tapestries” made of the nobler material could be considered in place of the
There can be little doubt that Gehry disdains the architecture immediately surrounding the site. Speaking at the National Archives on October 5, 2011, Gehry said about the “tapestries,” “They sort of create the space because the [surrounding] buildings are very different designs.” He added in an ironic tone of voice, “Some people don’t like ’em.”

Contrasting the site with a “picturesque setting,” Gehry has said, “The architecture in the area is comprised of large, mid-century buildings, primarily of a Brutalist aesthetic. . . . The Southwest Federal District . . . reflects the Brutalist era with little existing green space or ground floor retail activity. . . . The existing building mass and its austerity are a major contextual site consideration.”

As Gehry has said about his buildings in Los Angeles, “If it is ugly it is because the city is ugly.” He has likewise said in response to those in the public who criticize his buildings:

What’s happening is that people have a benign acceptance of the ordinary, but with complaint. They’re part of the reason that things are ugly but they don’t realise it. . . . So f*ck off, people.

Gehry has stated that he hates box-like architecture like that of the sterile Department of Education building:

PLAYBOY: From your prominent position, whether as starchitect or architect, how would you sum up the state of architecture in America?

GEHRY: Ninety percent of the buildings we live in and around aren’t architecture. No, that’s not right—98 percent.

PLAYBOY: What do you mean they aren’t architecture?

GEHRY: Ninety-eight percent are boxes, which tells me that a lot of people are in denial. We live and work in boxes. People don’t even notice that. Most of what’s around us is banal. We live with it. We accept it as inevitable. People say, “This is the world the way it is, and don’t bother me.” Then when somebody does something different, real architecture, the push-back is amazing. People resist it. At first it’s new and scary.

planned giant ones. This is comparable to how most people would prefer a small diamond to a large cubic zirconia. The analogy is especially apt since the former is a precious natural material, the latter artificial and cheap. In any case, when it comes to national memorials, the nobility of materials is not usually something that is skimped on to save money.


318 Gehry’s early-2011 design submission to CFA and NCPC. As Gehry said in a different context, “How do you make a big monolithic building that’s humane?” Gehry Talks at 140.


PLAYBOY: How do you feel driving through virtually any city or suburb almost anywhere in America—and increasingly in the world—and passing identical strip malls, condominium complexes, apartments, chain stores, McMansions, big-box stores and tract houses?

GEHRY: “Little boxes on the hillside, little boxes made of ticky-tacky.” There’s the old song about it. It’s a metaphor for what we’re being told: “Just stay in the box, kid, don’t muddy the water.” Parents say it to their kids. Teachers say it. Schools do. And so people become immune to the sameness. I’m in denial just like everybody else. It’s so common it’s accepted. We can’t imagine it any other way. It’s dehumanizing, and we don’t even notice it. You see it in Korea, you see it in Russia, you see it in China, you see it in India, you see it in Japan.

PLAYBOY: Globalized bad taste?

GEHRY: Globalized no taste. It’s terrible, and each of those cultures comes with a history of beauty, whether Korea, Russia, China, India or Japan. Everywhere, including America, at least a little bit. [emphasis added]

In 1977-8 Gehry radically dismembered and deconstructed his own “dumb” pre-war house in Santa Monica. Like an architectural Dr. Frankenstein, he reassembled and re-animated the house with cheap, as-if salvaged parts: chain-link fencing, plywood, corrugated metal. He explained that he did so to throw the ugliness of his neighbors’ property in their faces; he gloried in the uncivil, passive-aggressive use of low-rent materials:

There’s a smugness about middle class neighborhoods that bothered me, I guess. Everybody has their camper truck in front. Everybody has their boat in front. There’s a lot of activity related to hardware and junk and cars and boats and stuff. And the neighbors have come around, some of them come and say, “I don’t like your house.” And I say, what about your boat in the backyard? What about your camper truck? It’s the same material. It’s the same aesthetic. And they say, “Oh, no, no. That’s normal. I was always surprised that other people don’t see it. It seemed so obvious. I can’t believe it that somebody doesn’t see it. It just seems so obvious to me that one should use chain link because it’s such a pervasive material.

Likewise, Gehry has said:

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323 Compare what Gehry said about his furniture line: “And the success of my line of furniture] threw me for a loop. I couldn’t deal with the success of furniture—I wasn’t secure enough as an architect—and so I closed it all up and made furniture that nobody would like.” “Frank Gehry as a Young Rebel,” TED video, available at http://www.ted.com/talks/lang/en/frank_gehry_as_a_young_rebel.html.
324 Qtd. in the documentary Beyond Utopia: Changing Attitudes in American Architecture (Michael Blackwood Productions, 1982).
My house is in a middle-class neighborhood. I was, and I think still am, middle class, although I have a few more dollars now than I did when I started. I was trying to understand my middle classness architecturally. So I said, “The next-door neighbor has a chain-link fence. The next guy has a corrugated metal this. There are boats in the back yard. That guy has a trailer in his front yard. Some other guy has his car up on blocks.” And I said, “This is the neighborhood I’m coming into.” I used all that as input to design and build my house. I didn’t realize that there was a certain amount of anger in that from me. . . . Later, I realized the upset that I had caused in the neighborhood. I hadn’t studied the anthropology of the neighborhood. [emphasis added] 325

Gehry had previously rationalized what he did to his house and neighbors: “I worried a lot about the morality over what I was doing in the neighborhood, but there really isn’t any unity to the architecture.” [emphasis] 326 See also Gehry’s exchange with an interviewer:

[Judith] Bell: When you transformed your house, what was the immediate response from your neighbors? How did they react?

Gehry: [Laughter.] At that time Santa Monica was a retirement city. Most of the people there had bought their houses for $15,000. It was a middle-class group. They fixed their cars on the lawn, they had trailers with boats. It was messy, but it was normal messy to them. I picked up on their normal messy and took that language into my house and played it back to them. I freaked them out with the aesthetic of their normal messy. They got the connection, but they didn’t like it. It was like holding a mirror up to them. They would say to me, “This is not normal.” If I’d crashed a boat into the wall it might have been more normal.

All the houses had chain-link fences and junky cars. It was a beer-drinking, baseball-loving kind of community. I came in and tried to make myself comfortable in that milieu. I took their language and that ticked them off. 327

Gehry has also said regarding chain link, one of his favorite materials: “Chain-link material doesn’t have popular connotations (prison and barbed-wire camps), but it is liberally used in the culture.” 328 He used the material extensively in his Cabrillo Marine Museum, which resembles a prison yard. 329 He also used chain-link floor-to-ceiling curtains in his design for the Los Angeles County Museum of Art’s Exiles and Emigres exhibition. See also his cage-like Gunther House. 330

325 Gehry qtd. in Bennis 83.
One must understand that just because Gehry might hate certain a style, he does not necessarily want to eliminate it. He has stated that a conglomeration of ugliness can be worth saving because of the passage of time:

In a way Ventura Boulevard [in Los Angeles’s San Fernando Valley] is kind of the ultimate expression of that [early post-World War II] period. Because I was a truck driver out there, I saw it going up. I saw people building it. And on an individual basis, piece by piece, it was an abhorrent thing. I just hated it. And I thought, God, this is really terrible. But today it’s iconic in its totality and it would be devastating to tear it down. You can see how this agglomeration became something. . . . If you tried to analyze it, you’d say, ‘Okay, this is the reality you guys are talking about, you people who have taste and are skeptical about what an architect like me would do, or what an artist does. You are in total denial about what your built environment is like and which you allow to happen, then participate in and say is normal.’

Like many contemporary “preservationists,” Gehry confuses preserving what it is merely old with what is historic in the sense of being valuable, as having a proper role in history as we evaluate it. It is akin to the distinction between someone who hoards old paintings and someone who collects only the best of the old. This is to confuse history as everything that has happened with history as we ought to understand it. It confuses the descriptive with the normative, the “is” with the “ought.” The meaning of a particular building or place comes not from the mere accumulation of age but from our evaluative understanding of the building or place.

Furthermore, did the Commission and other decision-makers sufficiently take into consideration the following facts? To the best of our knowledge:

Not a single one of Gehry’s prior works has included a figurative human form.

With at most a handful or exceptions, not one of Gehry works has included traditional allegory or iconography.

Gehry has never built anything for the federal government other than social housing.

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331 Qtd. in Isenberg 63.
332 Such confused “preservationists” would likely have called for preserving the 1956 Pruitt-Igoe public housing complex in St. Louis—if only the complex, demolished as a failure in 1972, had survived long enough. Lavishly praised by the architecture establishment, Pruitt-Igoe was designed by famed Modernist architect Minoru Yamasaki. See William Ramroth, Planning for Disaster: How Natural and Manmade Disasters Shape the Built Environment (Kaplan Publishing, 2007),163-172, available at http://books.google.com/books?id=BgTpVvDyWdIC&q=pruitt#v=snippet&q=pruitt&f=false.
333 The misguided “preservationists” are relativists, for whom history is a matter of subjective taste. They are not just relativists in aesthetics but in morality, politics, and culture; after enough time, they will seek to preserve the “spirit” of every age or architectural movement, no matter whether the age was good or evil or its structures good or bad—distinctions that simply do not exist for the “preservationist.” (Ironically, they are anything but relativist in their claims that there is such a thing as the spirit of the age, and that they can precisely distinguish one spirit from another.) Suppose the world’s largest, ugliest, and most emblematic shopping mall were built in the middle of Yosemite National Park. After sufficient time the “preservationists” will seek to preserve the shopping center and not the national park, which represents the spirit of no age.
Gehry has never built anything in Washington, D.C.

We also wonder whether the relevant decision-makers took into sufficient consideration the official jury citation Gehry received when in 1989 he won the Pritzker Architecture Prize.\textsuperscript{334} J. Carter Brown, then-Chairman of the U.S. Commission of Fine Arts, was chairman of the jury:

In an artistic climate that too often looks backward rather than toward the future, where retrospectives are more prevalent than risk-taking, it is important to honor the architecture of Frank O. Gehry.

Refreshingly original and totally American, proceeding as it does from his \textit{populist} Southern California perspective, Gehry’s work is a highly refined, sophisticated and adventurous aesthetic that emphasizes the art of architecture.

His sometimes controversial, but always arresting body of work, has been variously described as \textit{iconoclastic}, rambunctious and \textit{impermanent}, but the jury, in making this award, commends this restless spirit that has made his buildings a unique expression of contemporary society and its \textit{ambivalent values}.

Always open to experimentation, he has as well a sureness and maturity that resists, in the same way that Picasso did, being bound either by critical acceptance or his successes. His buildings are juxtaposed collages of spaces and materials that make users appreciative of both the theatre and the back-stage, simultaneously revealed.

Although the prize is for a lifetime of achievement, the jury hopes Mr. Gehry will view it as encouragement for continuing an extraordinary “work in progress,” as well as for his significant contributions thus far to the architecture of the twentieth century. [emphasis added]\textsuperscript{335}

Needless to say, iconoclasm, impermanence, and ambivalence are not the virtues of a national presidential memorial. See also the official essay by Ada Louis Huxtable, former architecture critic of \textit{The New York Times}, that accompanied the prize:

[T]here is the real Frank Gehry . . . an admirer of the quirky, the accidental and the absurd, tuned in to the \textit{transient nature} of much contemporary culture . . . . Nor does he sheathe his unconventional forms and spaces in trompe l’oeil masonry to suggest a weight and solidity of construction that are not there. . . . As an alchemist of sorts, constantly changing dross into something less than gold but much more than common aluminum, Gehry \textit{professes to be unsure of what is ugly and what is beautiful}. . . . \textit{Add wit, as Gehry does, and the deception is greater still}; \textit{[his] art mocks earnestness as life mocks art}. [emphasis added]\textsuperscript{336}

\textsuperscript{334} Gehry served on the jury of the Pritzker Prize from 1993-5 and 2003-6.
\textsuperscript{335} Available at \url{http://www.pritzkerprize.com/laureates/1989/jury.html}.
Architecture that mocks earnestness does not befit a man who defeated the Nazis and preserved America’s peace and prosperity.

X. A Profile of the Memorial’s Designer, Celebrity Architect Frank Gehry

Frank Gehry is arguably the world’s most famous and desirable architect, a hot commodity at time when high-profile architecture is dominated by fashion. Often called a “genius,” Gehry has complained, “I’m being geniused to death.” 337 Among the constellation of “starchitects”—a term Gehry hates 338 that connotes both celebrity and galactic-sized egos and projects—Gehry is the Betelgeuse, the red giant.

Gehry is a complex, fascinating man. His work and statements contain a multitude of contradictions, which demonstrate both his capacious self-love and self-hatred. For example, when opponents to Gehry’s Atlantic Yards Project in Brooklyn, New York created t-shirts that read “F*ck Frank Gehry,” Gehry proudly wore the shirt and sent it to friends. 339 According to Thomas Krens, the former director of the Guggenheim Foundation who has repeatedly worked with Gehry:

Somebody asked me once about Frank’s ego. I said: You shouldn’t be put off by the kind of Columbo-like exterior. Y’know, the crumpled raincoat and the sort of shuffling, self-effacing manner. Frank’s got the biggest ego in the business. 340

Gehry is unusual among architects in his candid willingness to try to explain his motivations and his works, as can be seen in the quotes assembled below. This could be because of the unusual degree to which he puts himself, including his emotional and unconscious influences, into his work.

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337 Gehry: “I’m not the great architect for the ages. I am nothing—I’m just an architect . . . .” Qtd. in Jencks New Paradigm 257. He has, however, suggested he was a genius: “I have alleged that the Lewis house was the most important thing in my life, and that it gave me the equivalent of a MacArthur [Genius] Grant . . . .” Gehry Talks at 102. Gehry likes to associate himself with Albert Einstein, the prototypical 20th-century genius. As Robert Wilson noted, “Frank [Gehry] was looking at a photograph of Einstein, that very much resembled himself, then he looked at me and said, ‘interesting.’” Qtd. in Forster at 41. Gehry has compared the cartway in the Eisenhower Memorial to “Einstein Walk” at Princeton University. Brussat “Latest Twists,” available at http://news.beloblog.com/ProJo_Blogs/architecturehereandthere/2011/10/coming-up-lates.html.

338 “I get introduced all the time, ‘Here’s starchitect Frank Gehry….’ My reaction: ‘What the f*ck are you talking about?’” Gehry qtd. in Playboy.

339 “Somebody sent [the t-shirt] to me,” Gehry said the other day, over the telephone, “and I thought it must have been the people in Brooklyn who are sort of angry. But then I thought, well, it must be loving, too. So I decided it was funny, and I put it on. And I wore it to the office, and everybody got a kick out of that, and then I wore it to the gym”—Gehry lifts weights at a Gold’s in Venice Beach—“and everybody got a kick out of that. The tough gals at the gym said, ‘If it’s an offer, you better be able to deliver, Mr. Gehry.’” Gehry’s wife, Berta, found this all funny. (“She’s Panamanian, so she doesn’t get rattled by much,” Gehry said.) In a Queer Nationsque move of appropriation, Gehry decided to begin sending the shirts out as gifts.” Lauren Collins, “Your Name Here,” The New Yorker Jun. 4, 2007, available at http://www.newyorker.com/talk/2007/06/04/070604ta_talk_collins#ixzz1gQnH8X1S.

340 Qtd. in Sketches of Frank Gehry at 43:00.
Like many successful architects—who must have their way with clients, the necessary evil who control the requisite lucre and land—Gehry is incredibly charming and likeable in person. A charismatic schmoozer who can talk his way into or out of any situation, Gehry is gifted at persuading clients to want what he wants—without their feeling that they have been influenced at all. He has a carefully controlled persona that is distinct from what he suggests is his true self:

I act like nothing’s happening, y’know? I’m “Aw shucks, Bubby.” Whereas inside I’m ambitious, I’m eager, I’m, competitive as hell. But I cover it up.342

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In my life, I was always the quiet, nice guy, the pussycat, the “Aw, shucks,” guy. The reality is I’m an angry s.o.b., pushy, ambitious like everyone else.343

Gehry came to international acclaim in 1989 when he received the Pritzker Prize, often called the Nobel Prize for architecture. He is best known for creating such instant revenue-generating tourist attractions as his Bilbao Guggenheim Museum in Bilbao, Spain, and his Walt Disney Concert Hall in Los Angeles. Unlike such urban-renewal fads as monorails, Gehry’s expensive futuristic buildings are not always boondoggles.

Like Gehry’s other signature buildings, The Bilbao Museum and Disney Hall are composed of twisted and deformed sheets of shiny metal. Larger than a cathedral345, the colossal Bilbao Museum has been described as looking like a whale, ship, and mermaid, whereas his Disney Hall is said to resemble a cartoon, sails, or an artichoke. These and other of Gehry’s works make use of sinuous curves with sharp edges, which respectively connote safety and danger. Like a gardener who trims carefully planted trees and bushes so as to make them look wild, Gehry is a master at creating faux chaos. (As noted above regarding the poor performance of his buildings, the appearance of disorder has sometimes led to actual disorder: dysfunction follows dysform.)

At present, for any insecure city struggling keep up with the Jonesestowns, there is nothing more prestigious, nothing more fashionably with-it than possessing one of his works.

341 “The one thing that is misunderstood about me is that whatever scholarly thing—I don’t look like a scholar, right? And I don’t parler that language of all those guys. But I have studied architecture. I know more than they think I know. . . . And I do play, ‘aw, shucks.’ I’m good at that, I’m a good aw, shucks-er.” “Interview with Frank Gehry,” Volume 5, May 9, 1997, available at http://www.volume5.com/ghery12/revisiting_the_la_12__frank_ge.html.
342 Qtd. in Sketches of Frank Gehry at 43:30. “Bubby” is the affectionate Yiddish word for grandmother.
344 Thomas Krens, the director of the Guggenheim who hired Gehry, has defined an art museum as “a theme park with four attractions: good architecture, a good permanent collection, primary and secondary art exhibitions, and amenities such as shops and restaurants.” Victoria Newhouse, Towards a New Museum (Monacelli, 1998) 191. Ribbing Gehry for his cash-value, the architect Philip Johnson once told Gehry: “this interview [of Johnson and Gehry] will be used in the Philip Johnson monograph, to help the book because you are such a good sell. . . . Yes, we will put your name on the cover to guarantee sales.” Qtd. in Kipnis at 58.
345 Bilbao’s atrium is 165-feet high. The Cathedral of Notre Dame’s vaulting is 102-feet high.
Like Hermes or Louis Vuitton, he is a mass-market luxury designer of the moment.\textsuperscript{346} Gehry’s signature buildings serve the same purpose as a designer logo on clothing: they identify “quality” for status seekers unable or too insecure to judge such matters for themselves.\textsuperscript{347} Gehry sits at the apex of the cultural ziggurat. If there is a Vanity Fair magazine for architecture, his works will be on the cover; indeed, he designed the cafeteria for Condé Nast, the Manhattan publisher of fashion and lifestyle magazines that are as glossy as his buildings.\textsuperscript{348} Gehry’s works often appear in mass advertising, including car commercials, and his buildings (such as his IAC Headquarters in New York) are frequent sites for fashion and fashionable parties.\textsuperscript{349}

Gehry is probably the only architect Americans can name, if they can name one at all. His status as a celebrity was cemented by his appearance on an episode of the TV cartoon show *The Simpsons* as well as by the line of Frank Gehry\textregistered jewelry he sells at Tiffany & Co., which includes cufflinks made of concrete (since discontinued).\textsuperscript{350} He was featured in Apple’s “Think Different [sic]” advertising campaign, in which his image was used among the likes of Gandhi, Einstein, and the Reverend Martin Luther King, Jr. to sell computers. Gehry is seamlessly integrated into the globalized worlds of avant-garde art, popular culture (especially Hollywood), and fashion.\textsuperscript{351} As an example at the nexus of these demi-mondes, for a charity event at the Los Angeles Museum of Contemporary Art, Gehry designed a hat for Lady Gaga, the ever-molting plastic pop icon.\textsuperscript{352}

Gehry has long striven to be both an architect and an artist—as, he is fond of noting, were Michelangelo and Bernini.\textsuperscript{353} Influenced by painting more than sculpture, Gehry has sought to

\begin{footnotes}
\item[346] Such brands cultivate an air of exclusivity while selling their goods in large quantities to all social classes.
\item[347] It bespeaks that country’s cultural self-confidence that Gehry has never built anything in Italy.
\item[348] According to the architecture critic Charles Jencks, “At the center [of the cafeteria] are a series of goldfish bowls where the prime denizens of the deep go to ‘see and be seen,’ where a power lunch is carefully orchestrated theatre . . . set up on a stage.” Jencks 257. *Vanity Fair* has called Gehry “the most important architect of our age.” Matt Tyrnauer, “Architecture in the Age of Gehry,” *Vanity Fair* (Jun. 30, 2010).
\item[350] See this fashionable video advertisement for one of Gehry’s exhibitions in Hong Kong: \url{http://www.youtube.com/watch?feature=player_embedded&v=55BwEpHFBPA}.
\item[351] \url{http://www.tiffany.com/Shopping/Item.aspx?sPid=8276534670250000&ubr=1388302489475000888&category=spruce&storeid=105384}. It appears that Tiffany’s designed one of the “tapestry” mockups for Gehry. CFA Transcript, Jan. 20, 2011 at 31.
\item[352] In the fawning documentary *Sketches of Frank Gehry*, directed by Sidney Pollack, Gehry is praised by entertainment industry leaders Pollack, Dennis Hopper, Bob Geldof, Michael Eisner, Michael Ovitz, and Barry Diller; art industry leaders Thomas Krens, Ed Ruscha, Julian Schabel, Charles Arnoldi, and Robert Rauschenberg; architecture industry leaders Philip Johnson, Herbert Muschamp, and Charles Jencks; and psychoanalyst-to-the-stars Milton Wexler, who treated Gehry for decades. Gehry often called Wexler “the elder in my tribe.” Isenberg at xvii.
\item[353] The hat is best described as a formless void. Gehry said about Gaga: “I might be 80 but I really got into her. Who knew she could sing like that?” Elizabeth Snead, “What did David Hockney and Frank Gehry think of Lady Gaga?,” *Pop2It* (Nov. 16, 2009) \url{http://blog.zap2it.com/pop2it/2009/11/exclusive-what-did-david-hockney-and-frank-gehry-think-of-lady-gaga.html}. This is the same Gehry who has said he loves classical music and largely ignores popular music. For David LaChapelle’s photo of a crippled machine-man Lady Gaga inspired by the film *Metropolis*, complete with piles of naked bodies, see \url{http://vigilantcitizen.com/wp-content/uploads/2010/10/lady-gaga-lachapelle-1-406x540.jpg}. Note the Zeppelin in the rear.
\item[354] “[H]istory has acknowledged that Bernini was an artist as well as an architect, and so was Michelangelo. It’s possible that an architect can also be an artist.” Qtd. in Isenberg 56. “In the Renaissance there wasn’t a distinction. Bernini was an artist and he made architecture, and Michelangelo also did some great architecture. The back of Saint Peter’s [Basilica] is one of the finest pieces of architecture I’ve ever seen.” Qtd. in *Playboy*. See also Jonathan Glancey, “Frank Gehry: Dizzy Heights,” *Guardian* Jul. 5, 2011, available at \url{http://www.guardian.co.uk/artanddesign/2011/jul/05/frank-gehry-8-spruce-street}.
\end{footnotes}
eliminate the distinction between art and architecture, even though the latter entails serving human functions, including by providing shelter and comfort. As Gehry explains it, the only difference between an artist and an architect is that the latter is willing to put a toilet in his work. Were Gehry the sort to quote Latin, his motto would be: *Ut pictura architectura* (“As is painting so is architecture”).

But Michelangelo and Bernini did not confuse art and architecture in their work. In their architecture they were first and foremost the *conduits of a style* greater than themselves; they were inspired—filled with spirit—by their subject (typically their church and faith). They understood that, due to its public function, architecture is a civic, as opposed to a fine, art. Note how Gehry misinterprets Michelangelo:

[Barbara Isenberg]: Do you think perfection is possible?

[Gehry]: At the University of Southern California, they had cut in stone above the door a quote from Michelangelo which said, “A work of art is but a shadow of divine perfection.” I like that because it got me off the hook.

Gehry interprets the emphasis in the quotation as being about “perfection,” not the “divine.” He also misses Michelangelo’s point that the artist ought to *aim* for divine perfection, and certainly not its opposite. Unlike Gehry, Michelangelo and Bernini reserved their most personal touch for their artwork, not their architecture. Too much individuality, which at the extreme becomes eccentricity, has traditionally not been desirable in architecture. Public buildings, like good citizens, must be civil and respectful toward their neighbors, unlike a painting hung in the privacy of one’s home.

The primary influence on Gehry is not a style but *himself*. His are truly *signature* buildings. Without a signature on the work, Gehry believes that the artist is nothing. Regarding the Charioteer of Delphi, one of the masterpieces of ancient Greek sculpture, Gehry said:

You know, you look at the Charioteer, that sculpture in Delphi. And [the museum label] says “Artist Unknown.” And it’s one of the most beautiful pieces of sculpture. When I saw it I started crying . . . because how powerful that is, that the guy doesn’t have his name [on it].

For Gehry, anonymity equals death. He has thus made sure his works shout his name. It is emblematic of modern art that the creation emphasizes the creator: the parts of the composition (such as the heavy brushstrokes in impressionist paintings) are *exposed* to show the hand of the artist. Historically, however, such self-expression has been the province of art, not

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354 This ignores the likes of Marcel Duchamp. As Gehry has also said, “when [Claes] Oldenburg did the binoculars [building] I told him he had to introduce windows. And Claes said, ‘Windows? So that’s the difference between art and architecture—when you make a sculpture you don’t have to put ‘windows’ in it.’” Qtd. in Kipnis at 61.

355 The original, “*Ut pictura poesis*” (“As painting is so is poetry”) is from Horace’s *Ars Poetica*.

356 The Renaissance men were also participating in the re-birth of a historical style, the classical.

357 Qtd. in Isenberg at 155.


359 Qtd. in *Sketches of Frank Gehry* at 1:06:30.
architecture. Gehry has achieved this in architecture by exploding and exposing the component parts of the building—sections, planes, beams, joints, welds—in a way that demonstrates the underlying construction. The construction is intentionally fragmented, not seamless or of-a-piece—all to show the hand of the tailor. God is not in the details; the architect is. Few of his works have ever had a subject other than Frank Gehry.

Gehry’s works are not just in his idiosyncratic style, they reflect his highly personal, often unconscious and emotional influences. When the public’s own unconscious resonates with that of Gehry’s—such as with the dancing “Fred Astaire” and “Ginger Rogers” in Gehry’s Nationale-Nederlanden building in Prague—the effect can be powerful and mesmerizing.

This is a major explanation for Gehry’s success with the public: he masterfully and intuitively taps into feelings of association, even, if there are such things, the collective unconscious and Jungian archetypes. This technique, however, is dangerous in the wrong hands; it is also the chief tool of advertising and propaganda. Whatever their strengths or weaknesses as buildings, Gehry’s most personal works are his most interesting and evocative.

The Eisenhower Memorial, however, has required Gehry to achieve what for him is impossible. The self-portraitist has been asked to laud someone else. Even worse, Gehry has been asked to subordinate his headstrong will for the sake of a noble giant of a man, a hero whose virtues and values—order, security, self-effacement, self-restraint, tradition, conservatism—are totally foreign to the architect. The pairing of Ike with Gehry is a contrast of gray flannel with lamé, of sobriety with intoxication, of the Midwest with Southern California. Modest in demeanor and personal style, Eisenhower even hated the outlandish chrome detailing on post-war American cars. Gehry’s signature works, by contrast, are all flash, all “chrome.”

The result of this impossible challenge is that the Memorial is Gehry’s least joyful, least personal work. This is why it is his greatest failure. Gehry can make beautiful things when he

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360 Note that the American Institute of Architect’s prestigious journal Architecture was replaced by Architect, which reflects the shift from creation to creator, from work to personality.

361 Gehry proposed stripping the white marble cladding from One Times Square (1903) to expose the steel skeleton underneath. Donald Albrecht and Ellen Lupton, Design Culture Now: The National Design Triennial (Princeton, 2000) 40. In an interview with Barbaralee Diamonstein, Gehry said that he has been trying to do in architecture what Jackson Pollack, William de Kooning, and Cezanne did in painting—namely, to show the artist in the work. “American Architecture Now: Frank Gehry, 1980” video at 8:30, available at http://www.youtube.com/watch?v=h3rexBgSPf4.

362 Gehry, by contrast, said he thought he was creating an image of violence: “I worked very hard trying to devise a window that looked like it was attacking the form . . . I thought of it like a swarm of bees coming at a wall.” Gehry Talks at 210.

363 Observe, for instance, how the Nazi swastika is a twisted cross, how the Starbucks logo is a hidden peace sign; and how the logo of Jeep (as well as the “face” of its SUVs) is an Ionic column, which well suits the American vehicle that helped win World War II.


365 Gehry once said, “I actually designed a building in Hollywood for a chrome plating factory where they did bumpers, the Faith Plating Company. I was into that sort of thing.” Qtd. in Forster at 61-2.

366 Gehry has stated that the Memorial was “probably the greatest challenge” he ever had. Eisenhower Memorial Commission Minutes, Jul, 12, 2011.
wishes to; he has even designed a doghouse that is more beautiful than the Memorial. To the extent that Gehry himself is in the Memorial, it is his dark side. This is the Gehry who has been collaborating with Robert Wilson and Charles Ray, the less-than-generous Gehry who in 2003 had this exchange with a reporter from *The New York Times*:

[Deborah Solomon]: So, how have you managed to stay out of the debate over the twin-towers site? You’re the only architect who’s a household name in America, so naturally people wondered why your name was missing when the Lower Manhattan Development Corporation presented seven new proposals for the site last month.

[Gehry:] I was invited to be on one of the teams, but I found it demeaning that the agency paid only $40,000 for all that work. I can understand why the kids did it, but why would people my age do it? [Leading architects] Norman Foster or Richard Meier or any of those people? When you’re only paid $40,000, you’re treated as if that is your worth.

[Solomon:] *But what about your sense of civic responsibility?* Don’t tell me you built the Guggenheim Museum in Bilbao, Spain, simply to earn a buck.

[Gehry:] *I refuse to work unless I get paid*, so I don’t get a lot of work sometimes.

[Solomon:] *But don’t you owe it to the public to try to help New York, not to mention the rest of the country?* 367

Gehry was born Frank Owen Goldberg in 1929 in Toronto, Canada to an observant Jewish family. 368 In 1947, the family moved to Los Angeles, where he is still based. Gehry has claimed that his use of fish 369 and whale forms was partly inspired by the live carp his grandmother would bring home with which to make gefilte fish. 370 (He ultimately figured out

367 Deborah Solomon, “Questions for Frank Gehry: Towering Vision,” *New York Times*, Jan. 5, 2003: 11. Compare Eisenhower: “It is the firm duty of each of our free citizens and of every free citizen everywhere to place the cause of his country before the comfort, the convenience of himself.” *First Inaugural Address*, available at http://www.bartleby.com/124/pres54.html. But see Gehry’s subsequent letter to the editor: “Regarding my interview with Deborah Solomon (Jan. 5), the comments I made about the fees paid to the architectural teams that submitted proposals for ground zero were based on my opinion that when working on a commercial project that will certainly generate great financial gain, as opposed to when working solely on a memorial or something similar, everyone involved should be fairly compensated for the work. It might seem outrageous to anyone outside the profession, but I think most architects would agree that in any other situation a payment of $40,000 for this level of work wouldn’t even go far enough for us to pay our own staff members for their efforts and their long nights. I shouldn’t have chosen this situation to use as an example of my opinions about the profession in general, and I should have applauded my colleagues for the civic responsibility they’ve shown. I think those who know me understood the intent of my words. To those who were offended, I offer my most sincere apologies.” *New York Times* Jan. 26, 2003: 6.

368 Gehry claims that he changed his surname to something that did not sound Jewish at the insistence of his first wife. Qtd. in *Sketches of Frank Gehry* at 16:30.


370 Although many critics have note Gehry’s use of fish forms, he has also made frequent use of the form of a snake or viper, usually coiled. See “Frank Gehry as a Young Rebel,” TED video. See also his snake lamps, the reptilian 8 Spruce Street, Tokyo bench, Fishdance Restaurant in Kobe, and his snake sculpture:
that this necessitated his mother’s killing and chopping up the fish.)\(^{371}\) That dish is classic poor man’s food—an amalgam of cheap ingredients palatably combined. The hodgepodge is a good metaphor for Gehry’s professional fondness, most evident at the middle of his career, for taking ugly, cheap materials and trying to make the best out of them.\(^{372}\)

Gehry has been constantly evolving throughout his career. First studying urban planning at Harvard, and later architecture at the University of Southern California, he was trained as a Modernist and—like many postwar American architects—received little to no formal education in traditional art and architecture. He came to discover that he had been duped: His professors had ignored and rejected all of the past, all of history.\(^{373}\) Unsatisfied by his impoverished education, Gehry would later teach himself about the tradition of art and architecture.

While studying at USC, to obtain a deferment from the draft, Gehry joined the Air Force ROTC, during which time he learned to fly airplanes. In the fall 1954, he was drafted into the U.S. Army infantry; he has said he feared that there was a possibility of his going to combat in Korea.\(^{374}\) As Gehry told the Commission of Fine Arts regarding his research on Eisenhower, “I discovered that I was in the Third Infantry Division, Third Army, which was [Eisenhower’s] outfit, and I was in it when he was Commander-in-Chief.”\(^{375}\) Gehry’s army experience was initially unpleasant due to what he describes as his commanding officer’s anti-semitism and what Gehry experienced as his personal dehumanization. He later found greater satisfaction after moving to an engineering company, which allowed his to use his architectural skills in designing field furniture and latrines as well as dayrooms for generals at Fort Bragg and elsewhere.

After leaving the army in fall 1956, Gehry sought to build social housing, and said he did a lot of work for the Federal Housing Administration, the predecessor to HUD. (In the 1990s he built social housing for the German state.) He also became an expert at designing commercial buildings and shopping centers. His early influences included the leading European Modernist architects Mies van der Rohe and Le Corbusier—German and Swiss, respectively—as well as German Expressionism and (Soviet) Constructivism.\(^{377}\)

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\(^{371}\) “[My cousins, my sister, and I would play with the fish and watch it swim around [in the bathtub], and I remember feeding it. Then it would disappear, and we’d have gefilte fish for dinner. I didn’t put the two together at first, but then I finally figured it out.]” Gehry qtd. in Isenberg at 126.

\(^{372}\) As Gehry has said, “I am a bricoleur, a backwoodsman, just call me Daniel Boone.” Jencks 257. Bricoleur is French word meaning a fiddler or tinkerer who makes do with what is at hand. In contemporary French, it conjures the English “do it yourself.” See [http://en.wikipedia.org/wiki/Bricolage](http://en.wikipedia.org/wiki/Bricolage).

\(^{373}\) Gehry’s formal education, like that of many postwar architects, is like studying literature by reading only Gertrude Stein, Eugene Ionesco, and Samuel Beckett but not Homer, Virgil, Shakespeare, and Melville. It is like studying music via Schoenberg, John Cage, and Karl Stockhausen but not Bach, Beethoven, Brahms, and Dvorak. It is akin to studying philosophy by reading Nietzsche, Heidegger, Foucault, and Derrida but not Plato and Aristotle.

\(^{374}\) As Gehry has said, “I, like many people, did not know a lot about Eisenhower and I was curious to learn more. I found out as I was studying him that I was in the 3rd Infantry Division, 3rd Army, which is his outfit when he was president so he was my commander and chief so both those things egged me on.” NCPC Transcript, Jun. 3, 2010 at 32.

\(^{375}\) CFA Transcript, May 20, 2010 at 31.

As mentioned above, Gehry was trained as a Modernist. Modernism is perhaps best described as the architecture of hyper-rationalist bureaucracy, the severe, emotionless physical manifestation of the Iron Cage of Reason. Its utopian ethos is that of self-conscious modernity, utilitarianism, hygiene, and efficiency—in short, of rationalized commercial activity. This explains why Modernist buildings—whether schools, churches, or housing, especially social housing—tend to look like factories or office buildings produced on an assembly line. Some Modernist buildings, like the Department of Education headquarters, even look like mid-century computer punch cards.

Modernism is based on the perfect Euclidean shape of the square, rectangle, and cube. All lines are straight, all angles 90 degrees. Color is to be eliminated as much as possible, with the ideal being black. The Modernist totem is the monolith in the film *2001: A Space Odyssey.*

Modernism’s primary materials are industrial steel, concrete, and colorless glass, especially glass “curtain-walls,” which are nothing like drapes or solid walls. Modernism opposes drapes, which are soft and both create privacy and hide what is unpleasant. In Modernism, everything is ruthlessly laid bare; nothing is hidden or held back.

Modernism is an ideology that can be summarized by the following dictates: Mies van der Rohe’s “Less is more,” Louis Sullivan’s “Form follows function,” Adolf Loos’ “Ornament is a crime,” and Le Corbusier’s “A house is a machine for living.” As these moralistic

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378 Le Corbusier: “A great epoch has begun. There exists a new spirit. There exists a mass of work conceived in the new spirit; it is to be met with particularly industrial production.” Qtd. in *Architecture and Modernity* 13.

379 Mies van der Rohe opposed putting shades on his Seagram Building in Manhattan, even though sunlight would blind the occupants of the skyscraper. He ultimately agreed to put in shades, but permitted them to be positioned in only three positions: up, middle, and down.

380 The notion that Modernism actually adhered to this is false, as can be seen in van der Rohe’s Lake Shore Towers in Chicago. Since exposed steel beams are not fireproof, van der Rohe covered them in concrete, which he in turn clad with non-functional steel.
commands show, Modernism is an ascetic philosophy or a cult of aesthetics. It rejects traditional standards of beauty and comfort for the sake of a “higher” end: Power and Efficiency.

Modernism replaced the human needs and purposes of traditional architecture with the needs and functions of the man-machine, the human cog. For Modernists, all of life is a work of art to be directed from above, with human beings to be re-designed, re-formed, and sacrificed as necessary on the cubical Procrustean altar. Not only did Modernism eliminate ornament, it eliminated all natural forms and materials (with the exception of polished stone). This includes eliminating all biological forms, such as the human face and figure. Since human beings themselves are inevitably natural, biological, and naturally ornamented (not to mention self-ornamented via clothing, jewelry, cosmetics, and body modification), human beings had to be eliminated from design as well.

At its apogee, Modernism’s universal ambitions led it to eliminate national, local, and indigenous influences in architecture, which led to the mass-produced “International Style.” This explains why Modernist office buildings look anonymous and cookie-cutter whether in New York, Chicago, Paris, or Tokyo.

Gehry, however, became an apostate to Modernism. He was converted by his discovery of the great medieval churches of Europe:

I was raised in architecture as a modernist, because when I got into architecture school the Beaux Arts period was over. They had only a token class in architectural history and a token class in art history at USC at the time. Modernism was the mantra, and I bought into that. That’s how I was trained. When I went to Paris in 1960, I looked at things every weekend. That’s when I saw the great cathedrals—Notre Dame, Chartres, and others—and I thought, Holy sh*t, I’ve been had.

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I flipped out for history. When I went to Chartres, denying all that [Modernism], there was a lot of denial about history. And when I got to France, holy sh*t, when I got to Chartres, I practically cried at how beautiful it was.

Rejecting Modernism, Gehry turned to postmodernism (“pomo”), the tongue-in-cheek reaction to Modernism that flourished in the 1970s and 1980s. Instead of “Less is more,” its

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381 The Beaux Arts was a classical revival style starting around the turn of the 19th century. It is responsible for such magnificent works as Grand Central Station in New York, Union Station in the District of Columbia, the U.S. Supreme Court, the Lincoln and Jefferson Memorials, and the National Mall.

382 Qtd. in Isenberg at 127.


384 The exhibition “Postmodernism: Style and Subversion 1970-1990,” which is currently running at the Victoria & Albert Museum in London, features a photo of Gehry’s own famous self-designed house in Santa Monica. For information about the exhibition, see http://www.vam.ac.uk/content/exhibitions/postmodernism/postmodernism-about-the-exhibition/.
mantras are “Less is a bore” and “Too much is not enough.” Instead of removing natural forms, it gilds plastic lilies in fool’s gold. Instead of black, it offers flamboyant technicolor. In place of asceticism, it offers decadence and hedonism, even eroticism. In place of adult severity, it offers childlike fun and lassitude. Instead of rejecting beauty, it seeks aesthetic amusement: architecture as a theme park, a topiary garden. Instead of straight lines and plain boxes, it features all sorts of identifiable shapes and forms—spheres, pyramids, ducks, Mickey Mouse ears—jumbled together as in a child’s toy box, all of them equal, all of them kitsch. One typically needs ironic quotation marks to describe these postmodern forms—for example, a “temple” consisting of “columns” and “tapestries.”

Postmodernism is an unserious pastiche of styles—a Greek column here, a Gothic arch there, etc. Or it has no style at all save the forms of vulgar commercial, especially American highway, advertising—such as a hot-dog restaurant that is shaped like a hot dog. The leading postmodernist bible is called *Learning from Las Vegas*, a city in which a fake Eiffel Tower stands next to a fake Roman Forum. Bored and boring, postmodern architecture has no subject but architecture itself. It is self-referential navel-gazing, like a sign on a duck-shaped building that reads, “This is a duck-shaped architectural joke. Get it? Get it?” The joke, however, is only understood by elites in the-know; it is a joke on the public.

Postmodernist architecture has flourished not just in Las Vegas but in America’s other sin city, Los Angeles. Gehry came to feel architecturally at home in L.A., which he perceives as an anarchic, chaotic, dangerous, sprawling mess with no tradition to hold it back. This is all reflected in his own self-designed house in Santa Monica (1978), which is what first brought him fame (and bankrupted his firm at the time). As he explained in a lecture:

I did [my] house in Santa Monica, and it got a lot of notoriety. In fact, it appeared in a *porno* comic book, which is the slide on the right. [emphasis added]

As discussed in greater detail above, Gehry radically dismembered and ripped apart a “dumb” pre-war house he bought. He personally punched a hole in an exterior wall with a

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385 Gehry: “I don’t consciously create a skirt to go under. It think it just comes up and it’s obvious. But I’m a guy, and sex and women are on my mind. Sometimes I can help it, but not always. . . . I think there’s a lot of sexual energy that goes into the design of a building, and I think it’s good energy.” Qt.d. in Isenberg at 143. See below for more of Gehry’s comments on sex and architecture.

386 Architecture critic Hal Foster calls Gehry’s works “decorated ducks.” Jencks *New Paradigm* at 257.

387 Were the book truly self-referential, it would have been published in the shape of the Welcome-to-Las-Vegas sign, not the traditional box of a book.

388 The $12-billion-a-year pornography industry has its world headquarters in Los Angeles, as does, of course, Hollywood, with its casting couches. The sinful underbelly of Los Angeles is the theme of the film noir genre.

389 Gehry: “The wide open spaces and so the automobile culture could construct the city in its own image, and it did. It gave young architects, and I was a young architect back then, a certain freedom that you don’t have in a nineteenth-century context, where you’ve got to be respectful of so many things. In LA you didn’t have it.” Qt.d. in “Interview with Frank Gehry,” *Volume 5*, May 9, 1997, available at [http://www.volume5.com/ghery12/revisiting_the_la_12__frank_ge.html](http://www.volume5.com/ghery12/revisiting_the_la_12__frank_ge.html).


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hammer. Like a Dr. Frankenstein, he reassembled and re-animated the zombie house with cheap, as-if salvaged parts assembled willy-nilly: chain-link fencing, plywood, corrugated metal. He later explained that he did so to throw the ugliness of his neighbors’ property in their faces; he aimed to shock the bourgeois. Publicly admitting to his anger, he gloried in the uncivil, passive-aggressive use of the low-rent material.

The result is a cubist haunted house\(^{392}\), which looks like the unfinished back of a movie set or a Potemkin village.\(^{393}\) The design, like a number of his works in and outside of L.A., shows fear and anxiety in the face of danger: defensive walls, berms, and other features of fortresses.\(^{394}\)

Not only do Gehry’s buildings reflect his understanding of the city as Pandemonium\(^{395}\), they reflect the two main industries in Los Angeles: motion pictures and aerospace. The influence of the former can be seen in how his buildings appear to be suspended in motion and violating the laws of physics, as in a Road Runner cartoon when Wily Coyote floats in space before gravity takes hold and hurtes him to his doom. So too, his L.A. buildings incorporate the colors and shapes of cartoons—and not just Gehry’s numerous works for the Disney corporation and family.\(^{396}\)

As for influence of aerospace, one only has to look to Gehry’s innovative sculptural use of metal for exteriors, including steel and especially titanium, a prototypical space-age material\(^{397}\). (The word “titanium” derives from the Titans, the monster deities of Greek mythology who are ultimately destroyed in a war with the Olympians.) His works incorporate

\(^{392}\) Referring to the house’s kitchen window, Gehry explained, “The problem was trying to get this form to read as a cube falling out of the box—as if it was trying to escape from the enclosure that was put around the old house. The idea grew from a fantasy in which these cube ghosts had been entrapped in the space when we built the new shell.” “Frank Gehry: Suburban Changes – Architect’s Own House, Santa Monica, California,” International Architect 1979: 35.

\(^{393}\) Gehry’s house has been widely considered to be innovative, but Gehry admits it might be just an imitation of a painting by the surrealist Rene Magritte: “After he had finished the house, Gehry found a Magritte painting showing a huge house inside a room. ‘I didn’t remember seeing it before, but I must have. I suppose it isn’t bad to copy from Magritte.’” Conroy. Gehry is presumably referring to Magritte’s Eulogy of the Dialectic. Similarly, many of Gehry’s works appear to be heavily influenced by Magritte’s painting La Poitrine (“The Breast”), which consists of houses piled on each other as in a rubbish heap: [http://a59.idata.overblog.com/605x497/3/60/59/63/magritte-14_182.jpg](http://a59.idata.overblog.com/605x497/3/60/59/63/magritte-14_182.jpg). Gehry has repeatedly said that he is more influenced by painting than sculpture in his work.


\(^{395}\) The capital of hell in John Milton’s Paradise Lost. Compare Los Angeles to Gehry’s hometown of Toronto, considered one the great successes of contemporary urban planning. Sometimes called “The City That Works,” Jane Jacobs, author of Life and Death of Great American Cities, moved there after she left New York City.

\(^{396}\) “I always fantasized if I could transform myself into a musical instrument I would want to be a cello. I saw too many Walt Disney movies.” Gehry qtd. in Isenberg at 125. Gehry designed the Team Disney Anaheim building, Disney Ice (home of the Mighty Ducks hockey team), as well as Festival Disney at EuroDisney outside Paris.

unusually bent and deformed pieces of shiny metal with sharp edges—like exploded sections of a fuselage or wing. Gehry, who is an experienced pilot, even stuck an actual Lockheed F-104 fighter jet to the exterior of the California Aerospace Museum.  

But Gehry has not just been influenced by aerospace forms and materials, his very tools are those of the aerospace industry. Gehry pioneered the architectural use of CATIA—the engineering computer system created by Dassault to design and build fighter jets. With CATIA in his “hand”—Gehry does not use or understand computers personally—everything started to look like an unassembled airplane: a complex, otherwise-impossible dynamic metal object built to tolerances of a millionth of an inch. The sorcerer found his apprentice. He could make the messiest of works with the ultimate precision: chaos built to perfect order.

Gehry, then, is one-part Disney, one-part Dassault. Perhaps nothing he has said better captures this than his exclamation upon finding an unbuilt model of the Disney Concert Hall in full metal—that is, without any of the stone that was used in the final building:

Look at this. Darth Vader in Star Wars. Compared to the stone.

Despite working for years in the postmodern style, Gehry later abandoned much of it. He rejected not just pomo’s devil-may-care ethos, he also rejected its attempt to bring back the human form into architecture, no matter how clumsily or unseriously:

Overall, the kind of language I’ve developed, which culminated in Bilbao, comes from a reaction to Postmodernism. I was desperate not to go there . . . . I was looking for a way to deal with the humanizing qualities of decoration without doing it. I got angry with it—all the historical stuff, the pastiche. I said to myself, If you have to go backward, why not go back 300 million years before man, to fish? And that’s when I started with this fish sh*t, as I think of it, and started drawing the damn things, and I realized that they were architectural, conveying motion even when they were not moving.

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It was by accident that I got into the fish image. My colleagues were starting to replay Greek temples. Y’know in the post-modern thing, I don’t know, when was that... the 80s. That was hot, everybody was re-doing the past. I said, y’know, Greek temples are anthropomorphic. And three hundred million years before man was fish. If you wanna, if you gotta go back, if you’re insecure about going forward, dammit, go back three

398 Gehry repeatedly has mistakenly called the National Air and Space Museum as the “Aerospace Museum.”
399 His office as a site of play, including with toys, also resembles that of a Disney animator.
400 “I was looking for an architecture that you could dial up, phone in. You could call somebody and describe the coordinates, and they could build the thing.” Gehry qtd. in Forster at 62. Similar software is used to design automobiles. Gehry’s office is in a former BMW factory. He drives a Mercedes-Benz.
401 Qtd. in Isenberg at 242. Darth Vader (“Dark Father”) is the part-man, part-metal android villain in the children’s movie. He builds the Death Star, a Modernist planetoid weapon, with which he commits genocide. His helmet, like that of his army of Stormtroopers, is modeled on that of German soldiers in World War II.
hundred million years. Why are you stopping at the Greeks? So I started drawing fish in
my sketchbook. And then I started to realize that there was something in it.

(Notice how Gehry describes architecture in the language of fashion, as a matter of the “in
thing”: “That was hot, everybody was re-doing the past.”) By rejecting the human form, and
turning instead to the fish—typically with the head, tale, and fins sliced off (which makes it a
snake-fish chimera)—Gehry had plunged into darker waters: deconstructionism.

A. Deconstructionism Demystified

Gehry’s signature works are accurately described as deconstructionist in style. In
1988, the Museum of Modern Art in New York hosted an exhibition that popularized the use of
the term in architecture. (The term “deconstructivism” was used instead of “deconstructionism”
possibly to sound less radical; it also references Constructivism, the style of Soviet art and
architecture that was a big influence on Gehry.) The show was curated by Mark Wigley and
Philip Johnson with Gehry’s participation. Aiming to create a furore, Johnson originally
wanted to call it “Violated Perfection,” a phrase that appears in the preface to the catalogue.
The exhibition congealed the movement and brought fame and notoriety to the seven architects it
presented as exemplifying the style, including Gehry.

As in some other historically significant exhibitions at MoMA, the catalogue says much,
almost too much: The dawn of an artistic or architectural movement, before it becomes official
and cloaked and protected by power, is often the last time its truth is fully expressed. It is worth
quoting the official press release at length:

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403 PBS, “Explore the Architecture of Sketches of Frank Gehry,”
404 Gehry: “I sliced off the head and the tail and everything . . . .”
http://www.ted.com/talks/lang/en/frank_gehry_as_a_young_rebel.html. The main sculpture specifically designed
for Gehry’s Bilbao Museum is Serpent, by Richard Serra.
405 Consider the symbolism in the fact that Gehry chose the snake-fish as his icon, and, not, say, the primordial bird.
The latter soars and is beautiful and pleasant to the touch; the former plumbs the depths and is slinky, scaly, and
ugly. Birds, such as falcons, can be trained to serve man the falconer; fish are deaf and dumb forces of nature.
Relentless feeding machines, fish will swallow us as easily as we swallow them. Jaws plays on our instinctual fear
of being eaten alive; Moby-Dick is not about the hunt for the Great White Bird.
407 Johnson was one of the most powerful and intriguing architects of the 20th century; he called Gehry’s Bilbao
“the greatest building of our time.” He founded the Department of Architecture and Design at MoMA, where he curated
the 1932 exhibition that crystallized the International Style. Gehry was mentored by Johnson, a father figure whom
he calls “Uncle Philip.” He also told Johnson, “I love you dearly.” Qtd. in Kipnis at 58. See below re Johnson’s
ghostly homage to Gehry. To accompany Gehry’s Lewis Residence, Johnson designed a guest house that looks like
Gehry called the guest house “the Octopus” and “Philip’s monster,” and explained, “I freaked when the Octopus
came because, damn it, he’d got their first. I loved it.” Qtd. in Kipnis at 59-60. Wigley is currently the Dean of
Columbia University’s Graduate School of Architecture, Planning and Preservation. He is the author of The
By challenging traditional ideals of order and rationality, [the seven architects’] projects undermine basic assumptions about building.

In the catalogue essay accompanying the exhibition, Mark Wigley writes, “Architecture has always been a central cultural institution valued above all for its provision of stability and order. These qualities are seen to arise from the geometric purity of its formal composition. . . . The projects in this exhibition mark a different sensibility, one in which the dream of pure form has been disturbed. Form has become contaminated. The dream has become a kind of nightmare.”

[. . .]

The hallmark of deconstructivist architecture is its apparent instability. Though structurally sound, the projects seem to be in states of explosion or collapse. “Towers are turned over on their sides; bridges are tilted up to become towers; underground elements erupt from the earth and float above the surface; commonplace materials become suddenly exotic,” writes Mr. Wigley.

Deconstructivist architecture, however, is not an architecture of decay or demolition. On the contrary, it gains all of its force by challenging the very values of harmony, unity, and stability, proposing instead that flaws are intrinsic to the structure.

Despite their radical appearance, the projects in this exhibition are essentially traditional forms that have been subverted or displaced. The power of deconstructivist architecture to shock and disorient is exemplified by Frank Gehry’s Santa Monica beach house (1978-88), an ordinary bungalow bursting with warped and twisted shapes. The unconventional use of such benign building materials as wooden planks, sheet metal, and chain link heighten this effect. The original house thus becomes a strange artifact, trapped and distorted by forms that have emerged from within it. [emphasis added]

As Wigley elaborates in the official essay:

The forms themselves are infiltrated with the characteristic skewed geometry, and distorted. In this way, the traditional condition of the architectural object is radically disturbed. . . . The internal disturbance has actually been incorporated into the internal structure, the construction. It is as if some kind of parasite has infected the form and distorted it from the inside.

The rooftop remodeling project in this exhibition, for example, is clearly a form that has been distorted by some alien organism, a writhing, disruptive animal breaking through the corner. . . . It is a skeletal monster which breaks up the elements of the form as it struggles out. . . .

It is as if perfection had always harbored imperfection, that it always had certain undiagnosed congenital flaws which are only now becoming visible. Perfection is
secretly monstrous. Tortured from within, the seemingly perfect form confesses its crime, its imperfection. [emphasis added]\footnote{Qtd. in Schulze 396-7.}

Deconstructionism, then, reveals itself to be anti-architecture. Deconstructionism is to architecture what anarchism is to the state. The “arch” in architecture is the same “arch” as in “anarchy”—i.e., no chief, no ruler. Thus, deconstructionist architects should be more accurately called anarchitects. Their goal is anarchitecture.

With this understanding in mind, it should become clear that the Eisenhower Memorial is a work of deconstruction, whether or not consciously intended as such. It is a deconstruction not just of Eisenhower and of presidential memorials but of American values.\footnote{While standing in Paris in view of Notre Dame Cathedral and the Louvre, the esteemed art historian Sir Kenneth Clark told his audience: “What is civilisation? I do not know. I can’t define it in abstract terms—yet. But I think I can recognise it when I see it: and I am looking at it now. [John] Ruskin said: Great nations write their autobiographies in three manuscripts, the book of their deeds, the book of their words, and the book of their art. Not one of these books can be understood unless we read the two others, but of the three the only trustworthy one is the last.” [emphasis added] From the preface to his BBC documentary Civilisation (BBC, 1969).}

B. Gehry’s Collaborator Robert Wilson

In designing the Memorial, Gehry has partnered with Robert Wilson, the deconstructionist theater director and playwright based in Manhattan.\footnote{In his play Hamlet, Wilson dismembers and reassembles Shakespeare’s play of the same name.} In discussing the Memorial, the media has barely commented on Wilson’s avant-garde background, despite the fact that Time magazine once called him “one of the theater’s most lauded aesthetic anarchists.”\footnote{As Gehry explained the reason for the collaboration, “I picked him as a part of our team because, in his work he is a minimalist and he knows how to get the essence of a character and make it happen on stage with lighting and actors.” CFA Transcript, Jan. 20, 2011 at 24-5.} Wilson explained that one of his main influences were the writings of Christopher Knowles, whom he met when Knowles was an institutionalized brain-damaged child:

> What was interesting to me about his texts was that Christopher was never afraid to destroy his codes. As soon as whatever he was saying or doing became discernible, he destroyed it, whether you were performing with him onstage or whatever. Then with these destroyed or deconstructed parts, he would reconstruct another language. Those were the big influences on me in the theatre.\footnote{T. E. Kullem, “Exquisite Anarchy,” Time Apr. 7, 1975, available at http://www.time.com/time/magazine/article/0,9171,917249,00.html. Wilson has said, “I hate naturalism in the theatre.” Qtd. in Richard Schechner and Dan Friedman, “Robert Wilson and Fred Newman: A Dialogue on Politics and Therapy, Stillness and Vaudeville,” TDR Vol. 47, No. 3 (Autumn, 2003) at 117.}

\footnote{Id. at 117.}
Note how Wilson compliments one of Germany’s leading playwrights:

Well, I think [Heiner] Müllér’s work, like any great work, is indestructible. It’s a rock; you can put it in the middle of a highway and drive a steamroller over it. . . . You can take a work like Hamletmachine and you can perform it with one person or you can perform it with a thousand. You don’t really know who is what. . . . I don’t think you can destroy his texts. I think what was so brilliant about him is that he never, to my knowledge, said, “That’s the wrong way to do it.”

It is significant that Wilson thinks in terms of destroying texts at all.

Like architectural Modernists, who agree with Adolf Loos that “Ornament is a crime,” Wilson rejects decoration in both the theater and architecture:

Go to our universities and our colleges; look at the people who are studying theatre design. Ugh. Yuck. It’s theatre decoration. They actually call it that—“theatre decoration.” No! No! No! No decoration in theatre. Theatre should be architectural.

Wilson first became famous for such behemoth works as the 12-hour-long The Life and Times of Joseph Stalin. As Wilson described it:

We could see [Stalin] as many characters, or as no one. Or Stalin could be seen as no one—could only appear as a name in the title. It was thinking of contemporary gods the way Racine or the Greeks wrote about the gods of their time.

Wilson is most famous for the colossal opera Einstein on the Beach, which had no characters or plot and ran for five hours without intermission. Wilson originally wanted the subject of the opera to be Charlie Chaplin or Adolf Hitler, but his collaborator, the Jewish-born composer Philip Glass, refused. Wilson and Gehry have been friends for at least 30 years.

Among his most recent projects, in 2011 Wilson created the theater piece The Life and Death of Marina Abramovic, an homage to the eponymous performance artist, who starred in it.

Arguably the leading performance artist in the world, in her shows Abramovic is famous

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415 Id. at 123.
416 Id. at 125.
418 For an image of Wilson’s disjointed personal logo, which shrinks the cross of the “t” to a plus sign (+), see http://www.robertwilson.com. Compare how after the Russian Revolution, the Soviet state eliminated the letter ĥ (yat) from the Cyrillic alphabet because it resembled a Christian cross. See http://en.wikipedia.org/wiki/Reforms_of_Russian_orthography.
420 Forster at 90.
for publicly masturbating; cutting, burning, and mutilating herself (including cutting a pentagram on her stomach)\(^\text{422}\); taking drugs to induce seizures and catatonia; and engaging in parasuicidal behavior.\(^\text{423}\) She has also allowed herself effectively to become the audience’s slave.\(^\text{424}\)

Of particular relevance to the Memorial design, Wilson has previously made use of 1950s kitsch cinema in his work. His opera *Monsters* is an homage to 3-D schlock horror films, the sort that were shown in drive-in theaters. In his show, the audience wears 3-D glasses and are bombarded with images of dangerous objects flying at them.

C. Charles Ray, Gehry’s First-Choice Sculptor Who Is Now Advising Gehry on the Boy Eisenhower Statue

At the January 20, 2010 meeting of the Commission of Fine Arts, Gehry had the following exchange regarding the statue of the boy Eisenhower:

MR. GEHRY: Have you seen the little figure that *Charlie Ray* did at the Dogana in Venice?

MS. [Commissioner Diana] BALMORI: Yes.

MR. GEHRY: Where he has a *young boy holding a frog in white*. It is the most compelling. That really—when Bob did that, I related immediately to that. And people go there and just—so, right now, I would get Charlie Ray to do the figure.\(^\text{425}\)

At the September 15, 2011 meeting of the Commission of Fine Arts, a similar exchange took place:

Gehry: *We are also working—Charley Ray*, you know, the artist—

[Commissioner Diana] Balmori: Yes.

Gehry: *Did that beautiful statue [Boy With Frog] at the end of Dogana and he is a good friend. I begged him to help me find a way to make the sculpture of Eisenhower and he has been coaching me.* We think we have a direction that we are going to try and employ. He won’t do the sculpture. He said he is saving his time for MacArthur. [Laughter]

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\(^\text{424}\) Her performance *Rhythm O* “involved her lying prone on a table for six hours surrounded by 72 instruments of her choosing, including matches, lipstick, saws, nails and even a gun with a single bullet in the chamber. Visitors were invited to do what they “desired” to her body and many responded with vicious intent, marking, probing and scratching her, blindfolding her, dousing her with cold water and pinning slogans to her skin.” Sean O’Hagan, “Interview: Marina Abramovic,” *Guardian* Oct. 3, 2010, available at [http://www.guardian.co.uk/artanddesign/2010/oct/03/interview-marina-abramovic-performance-artist](http://www.guardian.co.uk/artanddesign/2010/oct/03/interview-marina-abramovic-performance-artist).


Gehry: I mean, he said, that on a split second after I asked him. His sense of humor is incredible. But he has agreed. We are sailing buddies so he has agreed to play with me which is a big issue because the sculptures that have been made [by him] recently are a little daunting—

Nelson: They are photographic, too.

Gehry: Yes. And so we want this to have some spirit. We can’t get Michelangelo but we need to something that has feeling to it, that is not a computerized thing.426

Speaking of the Memorial’s statuary, on October 6, 2011, Gehry told the National Capital Planning Commission, at a meeting that was videotaped and the video of which was published online:

The hardest thing is to find a sculptor. All the great ones are sort of gone. We are getting help from a contemporary artist, Charlie Ray. When I asked him if he would do it, he said no, he’s saving himself for [General Douglas] MacArthur. That was his quick response to get himself out of it. He said, ‘I’ll show you how to do it.’ So we are working on that. I don’t rule out a statue of Eisenhower.427

In each of the above instances, Gehry was referring to Charles Ray, the L.A.-based sculptor who has headed UCLA’s sculpture department since 1981.428 It is not a surprise that the two are good friends. Not only does Gehry move in the circles of avant-garde L.A. art scene429, he and Ray are both members of the California Yacht Club, which, according to The New York Times, “on certain nights . . . can feel like a gathering of the American Institute of Architects.”430

Born in 1953, Ray is famous for his sculpture Oh! Charley, Charley, Charley, in which multiple fiberglass flesh-colored mannequin-like naked versions of himself engage in an orgy.431 Ray is also famous for his sculpture Family Romance.432 Four anatomically exact mannequin-like humanoids are distorted in dimension so that all of them are the same height, approximately that of an adolescent. As the Museum of Modern Art catalogue describes the work:

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428 For photos of all of Ray’s works, see http://charlesraysculpture.com/.
429 “Gehry is fatally attracted to the other visual arts and the artists who create them.” Bletter at 88.
431 Photos of the work—which is indecent, explicit, and at least morally obscene—can be found on the website of the Rubell Family Collection: http://www.rfc.museum/component/phocagallery/category/84-gallery-10.
432 For a photo of the work, see http://www.moma.org/collection/object.php?object_id=81284.
Its manipulations of scale also imply a disruption of society’s balance of power: not only have the children grown, but the adults have shrunk. [emphasis added]\(^\text{433}\)

As quoted above, Gehry has said that his young Eisenhower sculpture has been influenced by one of Ray’s recent works, Boy with Frog. A copy of Ray’s sculpture is at the Dogana in Venice, and a copy was installed at the Getty Museum in Los Angeles in the summer of 2011—that is, just a few months before the more autumn 2011 CFA and NCPC meetings.\(^\text{434}\) Eight-feet tall and made of white-painted fiberglass, Boy with Frog consists of a pre-pubescent boy who is grabbing and dangling a dead frog by the leg.

Ray has previously made other work containing young boys, including an installation juxtaposing two works: The New Beetle (2006) and Father Figure (2007). The former is a sculpture of an approximately four-year-old boy playing with a toy Volkswagen (the “car of the Volk” that originated in Nazi Germany).\(^\text{435}\) Looking down at him from across the room is Father Figure, a giant 18-ton steel sculpture of a twisted man seated on (and melded to) a tractor. The man on tractor looks like an extruded plastic toy from the 1950s. Both the man and the tractor are the same bright green as a plastic toy soldier, and the father’s shirt has two front pockets as on a military uniform. The tractor’s tires read “Empire” and “U.S.A”; the rear hubs are in the shape of the Pentagon; the front tires contain the trefoil radiation-warning symbol.\(^\text{436}\)

Another boy sculpture of Ray’s is called Boy.\(^\text{437}\) It consists of a sexually ambiguous giant fiberglass “boy” who is exactly as tall as Ray’s adult height. As Ray explained the work:

[I]’t’s like Hitler youth, or ’50s nostalgia. But it’s so squirrelly, you wrestle with your perception of him. He looks very evil, but not; it’s a boy; you push him down, he pops up. He’s a struggle.

It is also worth noting how Ray explained the process behind Unpainted Sculpture (1997), a realistic sculpture of a real-life fatal automobile wreck:

I spent a couple of months looking for a wrecked car that was really sculptural. I went to all these insurance yards, and I was looking at ones in which fatalities had occurred. . . . When I first got the car to my house, it was all bloody, and it had much more of her presence then, I think.\(^\text{438}\)

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\(^{433}\) Id.
\(^{434}\) For a detailed video of the sculpture in Venice, Italy, see http://www.religionepagana.it/ragazzonoranacharlesrayeng.html. For photos, see http://latimesblogs.latimes.com/culturemonster/2011/07/the-getty-has-installed-charles-rays-sculpture-boy-with-a-frog.html.
\(^{436}\) See http://www.orau.org/tpu/articlesstories/radwarnsymbstory.htm.
\(^{437}\) For a photo, see http://www.thecityreview.com/s00conc.html.
It is extremely difficult to understand why Gehry sought Ray’s involvement in the design of the boy Eisenhower sculpture. To be clear: This not a question of free speech. It is not about whether Ray’s work is worthy of government-funding or whether it deserves to be displayed in any particular museum. This is about who is appropriate to advise the design of the statue—of a young boy—of one of America’s greatest generals and presidents. At best, Gehry is totally blind to the import of Ray’s works.

XI. Gehry in His Own Words

Among contemporary famous architects, Gehry is to be commended for being unusually frank about his philosophy of design, his motivations, and his strengths and weaknesses. Below are some relevant quotations from him. We would be interested to see whether he said anything like this in his statement of design philosophy in the Memorial competition. All emphasis is added unless noted otherwise.

1. Chaos and Danger

Life is chaotic, dangerous, and surprising. Buildings should reflect that. 439

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The form [of the bench] has to be free and light. It must be structural and at the same time poetic. And a little dangerous. 440

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I do think democracy has produced chaos, especially visual. A lot of people don’t like it and yearn for nineteenth-century images, forgetting that the politics of those images were different than the democracy we love. 441

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Most of us believe in democracy, but the system has created a world that looks strange, chaotic, and different, and we do not like it. We are struggling and it is easier to go back to models which are more coherent and seem more seductive now. We have to remember that those models came under a different political time and philosophy. If we are to survive, we need to live in the present and try to work towards the future. I will reiterate

441 Qtd. in Isenberg 268.
what I have said many times: I cannot face my children if I tell them I have no more ideas and I have to copy something that happened before. It is like giving up and telling them there is no future for them.  

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I think of this in terms of controlled chaos. I always relate it to democracy. Democracy is pluralism, the collision of ideas. Our cities are built on a collision of thought. Look out there. There is a building by [architect I. M.] Pei, there is a bridge, there is that huge hunk in the distance. If it wasn’t for democracy it would all look like one thing. Stata [Gehry’s building at MIT] represents that idea, which is where I think we are in life now.  

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Gehry: . . . I think people are better educated about architecture in Europe. . . . If you’re rejected in Europe, you’re rejected intelligently. Here, you’re rejected because people are scared.

Forster: That’s an interesting distinction, because you tap into the contemporary urban experience and everything associated with it, change, chaos, transformation. You would expect it to place better at home.

Gehry: **But most people hate it.**

Forster: Because it’s perhaps the single most unifying experience common to all people in the world. There are monstrous avatars of the metropolis on every continent.

Gehry: I’ll tell you what I think. I tell people, “This is what I do. This is what we do. *I’m taking your language making it into something better. I’m taking your junk and making something with it.*” But they don’t like it. It’s just like the chain-link thing. [emphasis added]  

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442 Qtd. in *Individual Imagination and Cultural Conservatism* at 33.
443 Compare Gehry’s understanding of democracy with James Madison’s remarks on “pure,” i.e., popular democracy: “Hence it is that democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and in general have been as short in their lives as they have been violent in their deaths . . . . A republic, by which I mean a government in which a scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking.” “The Federalist No. 10,” *Daily Advertiser* (Nov. 22, 1787), available at [http://www.constitution.org/fed/federa10.htm](http://www.constitution.org/fed/federa10.htm).
444 Qtd. in Nancy Joyce, *Building Stata: The Design and Construction of Frank O. Gehry’s Stata Center at MIT* (MIT Press, 2004), xiii.
445 Qtd. in Forster at 92.
And I’m hoping that out of democracy comes an expression that is the consensus is democracy. How does that express itself? It expresses itself chaotically. And that chaos, we’re starting to feel, is beautiful.  

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Forster: With the Vitra International Headquarters . . . in Birsfelden, Switzerland, you resolved the conflict by giving center stage to chaos. You changed the nature of that particular chaos completely. What you got from those pretty [Modernist] books you were studying at Harvard is something that strikes most people as rigid, sterile, and exclusive of precisely those forces generated by life in the city.

Gehry: You can see this in what I did with the campus for the Loyola Law School . . . in Los Angeles. The existing buildings on Olympic Boulevard are all part of the composition. [emphasis added]  

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So a pretty little salon with the beautiful colors seems like a chocolate sundae to me. It’s too pretty. It’s not dealing with reality. I see reality as harsher; people bite each other. My take on things comes from that point of view.

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In my life, I was always the quiet, nice guy, the pussycat, the “Aw, shucks,” guy. The reality is I’m an angry s.o.b., pushy, ambitious like everyone else.

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What’s happening is that people [who criticize his buildings] have a benign acceptance of the ordinary, but with complaint. They’re part of the reason that things are ugly but they don’t realise it . . . So f*ck off, people.

2. Aesthetics and Culture

My approach to architecture is different. I search out the work of artists, and use art as a means of inspiration. I try to rid myself and the other members of the firm, of the burden of the culture and look for new ways to approach the work. I want to be open-

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446 Qtd. in Sketches of Frank Gehry at 1:07:30.
447 Qtd. in Forster at 88-9.
ended. There are no rules, no right or wrong. I’m confused as to what’s ugly and what’s pretty. [emphasis added] 451

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“I try to rid myself of the burden of culture,” [Gehry] explains. “I’m looking for new ways to approach the work.” His goal, Gehry sums up, is a new “no-rules architecture,” a creative revolution in which “there is no ugly or pretty, no right or wrong.” [emphasis added] 452

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What is ugly and what is beautiful? I used to ask that all the time when I was a kid. And it’s still hard to define. I mean, there’s people that write about that endlessly. And I don’t think there is any—I mean, it’s something you get attuned to. You see something that is new and when you first see it, it’s off-putting. I think most human beings when they see something brand new, they run away from it. 453

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I never thought there were overriding rules in the universe that we understood that made it compelling to do architecture one way or another; anybody’s logic system was as good as another person’s. 454

3. Los Angeles and Tradition

For me LA has been in the front line of that kind of chaotic product of democracy. We do not have any historical architecture to ground us or hold us—I will not say hold us back, because I do not think it needs to hold you back. [emphasis added] 455

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My effort is to work contextually, but not to pander to tradition. I have other principles: living in my time instead of in the past; interpreting what I see and how I fit. I don’t

453 Transcript from The Charlie Rose Show (CQ Transcriptions), Apr. 11, 2006.
consciously take Los Angeles with me. Maybe I do. I take me with me, whatever that is.456

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“When Prince Charles, an outspoken critic of modernism and a promoter of historicism in design, addressed the American Institute of Architects in Washington last year, Gehry boycotted the event, even though he was slated to win an award that evening. And he disdains one of the prince’s favorite projects, Seaside, the new town in Florida with the ambience of a Victorian village. ‘I see Seaside as an elitist fantasy,’ says Gehry. ‘I think it’s like saying to your kids, ‘Look, we don’t have any new ideas, so we’re going to take ideas from the past.’ And someday, their kids are going to say to them, ‘The 21st century doesn’t work like that. Why did you lie to me? Why did you tell me it was all a pretty and sweet haven?’”457

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Bell: What about Los Angeles, has it been a good environment for you?

Gehry: Yes, because it’s been the chaotic city built by the system we all dearly love, democracy. For better or for worse, it’s a mess.

Bell: It’s got this sprawling, uncontrolled energy.

Gehry: But it’s who we are, actually. Prince Charles isn’t in LA. He’s a nineteenth-century monarch, and he wants to live in a nineteenth-century environment that feels good to him. All of us are struggling with this environment. There’s a lot of nostalgia for the nineteenth century, especially in Hollywood. A lot of Hollywood people live in the same housing. I think LA represents an opportunity to understand what democracy creates and to work with it. It’s pretty exciting. The artists have led the way by thinking about this and using it. That’s what Jasper and Rauschenberg did—pick up the detritus of the city and use it in their art. I look at LA as an opportunity, not as a failed city.458

4. American Architecture

[Harvard design professor] Joseph Hudnut [whom Gehry studied under] . . . made a big impression on me and gave me something to strive for: creating an American architecture. . . . And that meant you had to find a new language, because one didn’t really exist yet.459

456 Gehry Talks at 169.
457 McGuigan, “A Maverick Master.” Gehry has since softened in his view of the Prince, the creator of The Prince’s Foundation for the Built Environment. Gehry said in 2009, “It’s ok for Prince Charles to be who he is, and want what he wants—God bless him for coming out of the closet and saying what he thinks . . . I mean some of things he likes, I like, and some of things he’s come out against, well, I’m on his side.” [ellipsis in original] Qtd. in Day “Don’t Call Me ‘Starchitect.’”
459 Qtd. in Forster at 59. See, by contrast, Capitol and White House. Hudnut was the leader of the Modernist opposition to the Jefferson Memorial, which he repeatedly mocked as the “egg on a pantry shelf in the midst of a
5. **Federal Architecture**

[Architect Michael] Graves is much more connected. You can see that it is much more acceptable to people like the Whitney Museum or the Portland people. They don’t come get people like [Peter] Eisenman, [Robert] Venturi, or Gehry. And in that sense, comparatively, of the four of us he is much more acceptable. His risks and his exploration just happen to be more in a mode that is less contentious socially and politically. *One might speculate that that kind of imagery is politically related to the Reagan Administration*, for instance. I don’t know. *That would be a scary thought.* But it could be. I could imagine that. *We’re looking at kind of a return to imperial architecture.*

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Just as there are so many extraordinary architects in London who fail to receive commissions, there are so many who are in the same dilemma in LA; it is the same everywhere. *My name was put up for a courthouse, and the General Services Administration that runs the government buildings just laughed at the idea.* In America the President of the United States probably does not know anything about architecture, they have tended not to over the years.

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But that kind of taste for art and architecture doesn’t exist here in America. I’ve been exposed to British and Spanish royalty, the French government, the Japanese emperor. And I’m talking about having dinner with them, spending an evening with them, getting calls from Chirac and Mitterrand, over the years. *The American government won’t even hire me to do anything. In fact we submit for courthouses every once in a while, and we get funny letters back, and people on the selection committee, the GSA (General Services Administration) guys, just guffaw to think of someone like me doing the project. We’ve got a long way to go.*

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geometric Sahara.” Qtd. in Jill E. Pearlman, *Inventing American modernism: Joseph Hudnut, Walter Gropius, and the Bauhaus* (University of Virginia Press, 1997) 129. Hudnut also wrote, “In a period when all of the world appears to us as an organic growth, when our mode of thinking is dominated by a conception of the organic in nature—of nature as an evolving, moving, growing, and decaying order, in which human life is a necessary and essential element—we cannot possibly find in the static symbol, in formalized art of the classic period, any relation to our own needs or emotions . . . we cannot conceivable find beauty in an architecture where all is complete, where all is fulfillment—an architecture which requires a permanent order.” *Id. Compare* Gehry: “Well, we’re living in a world that just keeps constantly changing and evolving, and my sense is that it’s important to respond to that change. Otherwise, you lose your relationship to the dynamic of it. Now architecture does get frozen at some point. It becomes a static piece, and time goes by. Our hope is that the static piece will have some life in the changing environment.” Qtd. in Isenberg 257.

460 Qtd. in the documentary film *Beyond Utopia* (Michael Blackwood Productions, 1982).

461 He is referring to a time before the advent of the Design Excellence Program.

462 Gehry “Since I’m So Democratic” at 40.

6. **Washington, D.C. Architecture and Memorials**

It’s rare I enter competitions, but this one [the Eisenhower Memorial] resonated for me. I’d been to Washington recently, walking around looking at the memorials and thinking there has got to be a better way to do this.  

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**The Lincoln Memorial is in the form of a Greek temple. What’s that got to do with Lincoln?**

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[U.S. Archivist David] Ferriero: Is there a particular memorial that you think is good?

Gehry: Lincoln.


Gehry: And, uh, **Maya Lin**. [ed.: note he doesn’t say the name of the memorial or what it’s supposed to memorialize]

Wilson: Beautiful, what Maya did.

Gehry: She was my student, so I’m kind of biased. [editorial comment in original]

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“A guy in the audience, possibly a graduate student, who claimed intimate native knowledge of Washington [D.C.], led the witness: Insofar as Gehry was getting to know the ‘sensibility’ here, it was important that the architect acknowledge the city’s ‘homogeneity’ and its status as a ‘one-industry town,’ the guy insisted. ‘There’s a lot of people who look alike, dress alike, talk alike....Have you given any thought to the notion,’ he asked Gehry, ‘that your new building [for the Corcoran] could provide an oasis in this homogeneous city and could function as a way of inspiring other artists?’

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Compare Thomas Jefferson’s explanation (below) for choosing the name “Capitol” after the temple to Jupiter.

“The answer was less provocative than the question, but Gehry took the bait and responded with like-minded condescension: ‘I guess, secretly, I think all those things, but I wouldn’t presume to, er, proclaim it.

‘Who knows?’ Gehry continued. ‘It’s too bad there’s so much homogeneity. It doesn’t speak well for democracy.’” [emphasis added]⁴⁶⁷

7. **Statuary**

I have a personal bias against bronze representations because they never quite live up to the great Greek statues that I’ve studied over the years. [emphasis added]⁴⁶⁸

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I personally have an aversion to bronze statues. The ones that have been made in my lifetime mostly aren’t very expressive. They are cold. They don’t move me or a lot of people.⁴⁶⁹

8. **Iconic Buildings**

I think history has shown that there’s a need for iconicity in public buildings because they become a source of pride for the community. . . . It’s the accumulation of these buildings as icons that identifies the community. What’s happening in the world today is everything is iconic. It seems that we’re starting a new language or paradigm for city building. And there’s now a backlash against that. But that means you go back to the 1960s where you build boxes, banality. That seems wrong.⁴⁷⁰

9. **Craftsmanship and Junk**

I’ll tell you two things about our culture that I was conscious of. One is that there was a lack of craftsmanship. I was trained by Victor Gruen to value Viennese perfection and detailing, but it was a lie. You couldn’t do it. You couldn’t even get somebody to do it. You couldn’t find craftsman who were capable of doing it. . . . On the other hand, [Robert] Rauschenberg and [Jasper] Johns and all the other artists I was talking to and looking at were using junk in their paintings and sculptures. So I consciously said, “Well, if they can make stuff that sells in the galleries out of junk, then maybe I can too.”⁴⁷¹

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⁴⁶⁷ McKee “Washington Goes to Mr. Gehry.”
⁴⁶⁸ Qtd. in “Honoring Eisenhower; Architect Frank Gehry Unveils Plans for a Memorial to the Former President and WWII General,” *Los Angeles Times*, Mar., 26 2010: A22.
⁴⁶⁹ NCPC Transcript, Jun. 3, 2010 at 33.
⁴⁷⁰ *Wallpaper* 112-3.
⁴⁷¹ Qtd. in Forster at 86-8.
10. Two- Versus Three-Dimensional Work

I have some things that I’ve always tried to make. I think a lot of architects have this same dream—which is to make a painterly building. Because in painting there’s a feeling of immediacy. And that’s always been the elusive thing for me—to find that in architecture. When you look at an Impressionist painting, it’s so emotional. You get involved. You feel it. There are so many readings you can give of it. It’s not just one thing. And that’s always interested me. It’s the elusive thing in architecture, because in architecture you can’t get a fuzzy edge. It’s always the machines that make edges squared off. In my work I’m trying to get this painterly quality . . . .

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Sculpture is more definite. Painting is more ephemeral, so you can read more into it. You’re freer to interpret from paintings than you are from a 3-D object.

11. Originality

[Even when the building is finished, it feels precarious to me. Since it doesn’t really look like something else I’ve seen, I worry that it’s some kind of bizarre thing. I feel self-conscious about it, and I want to hide. I want to crawl under the blankets. When I first saw Bilbao [Guggenheim] for the first time, I said, “Oh my God, what have I done to these people?” I think that’s a problem, but for better or worse, that’s who I am.

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I was looking for a way to express feeling in three-dimensional objects. I never expected Bilbao to be the, kinda, hit it turned out to be. In fact, when it opened I was very self-conscious about it, and thought, “My God, what have I done?”

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When Bilbao was finished and I looked at it, I saw all the mistakes, I saw ... They weren’t mistakes; I saw everything that I would have changed and I was embarrassed by it. I felt an embarrassment—“How could I have done that? How could I have made shapes like that or done stuff like that?” It’s taken several years to now look at it detached and say -- as you walk around the corner and a piece of it works with the road and the street, and it appears to have a relationship—that I started to like it.
The approach to architecture should be like science, with breakthroughs that create new information, not repetition of old ideas.478

12. The Classical Style

Interviewer: I wanted to ask you about the overall design [of the Eisenhower Memorial] in reference to these what look like columns. Does it harken to sort of neoclassic architecture—

[Talking Over]

Gehry: [Pointing to the Capitol building] Well, we’re looking at—

Interviewer: —the Colosseum? Yes, so that was a big part of the influence.

Gehry: Well, I had to—it didn’t start out that way. And I’m not the kind of architect that does that. But we had to hold the tapestries up. And there had to be some—and I started out with cable structures in steel, but it didn’t seem dignified and appropriate for this topic. And I started making bigger and bigger, so that they had more presence, and I ended up with these columns.479

[Compare what Gehry told the NCPC regarding the origin of the “columns”:

When we started with the project we were trying to land it in Washington, D.C. and, of course, the columns come to mind.480

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I got interested in the fish image around the time everybody started doing neoclassical stuff. My anger got expressed by saying—and I don’t know why this came out of my mouth—if you’re going to go backwards, let’s go way backwards, and I started drawing fish.481

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479 Video of Gehry being interviewed at the introduction of his Eisenhower Memorial design at the Dirksen Senate office Building on March 25, 2010, posted on YouTube by Todd C. Wiggins, http://www.youtube.com/watch?v=6l7_EvTjCFE. Also posted at Racheld Tepper, “Eisenhower Family Unhappy With Gehry’s Current Memorial Design,” Huffington Post (Dec. 16, 2011) http://www.huffingtonpost.com/2011/12/16/eisenhower-family-unhappy_n_1154521.html. Compare: “I got interested in the fish image when everybody started doing neoclassical, postmodern stuff. I remember thinking that Greek classicism is anthropomorphic, . . . and I said ‘Well, if you’re going to go back, why don’t we go back three hundred million years to fish? If you’re going backwards, let’s go way backwards.’” Gehry qtd. in Isenberg 127.
I don’t talk about influences when I give lectures, because my work doesn’t look as good as [the Renaissance painter] Sluter, or [the Renaissance painter] Bellini, or Vermeer. Their work is better than my regurgitations of it.482

13. Honesty with Clients

I believe in upfront honesty with the people who want to hire me . . . . I have no hidden agenda, and if a client goes into shock after I show him my first conceptions of a project—well, then at least we’ve cleared that part of it away and we can continue with our discussion.483

14. Permanence and Functionality

Life is temporal. There’s too much preening and fussing over fancy details, about an idea of perfection. It’s all phoney. We are temporary and so are all our structures. A few last through the ages with varying degrees of presence. Perhaps.484

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In the last year four of my buildings have been torn down, and I’ve been asked to defend them. I don’t. A building refers to its time, to the things it was responding to, the people, the place. It’s either useful or it’s not. And sometimes they’re not. The reality of our lives is that you respond to things which become absolute. You react to the problems of the world. . . . How should [a building] respond? How can you respond to the price of oil? Should our buildings throw out all notions of beauty to become energy efficient? I don’t know...485

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Bilbao did not leak. I was so proud. [Laughter] The MIT project -- they were interviewing me for MIT and they sent their facilities people to Bilbao. I met them in Bilbao. . . .

They were there three days and it rained every day and they kept walking around -- I noticed they were looking under things and looking for things, and they wanted to know where the buckets were hidden, you know? People put buckets out ... I was clean. There wasn’t a bloody leak in the place, it was just fantastic. But you’ve got to—yeah, well up until then every building leaked, so this ... [Laughter]

482 Gehry Talks at 43.
485 Id.
You’ve all heard the Frank Lloyd Wright story, when the woman called and said, “Mr. Wright, I’m sitting on the couch and the water’s pouring in on my head.” And he said, “Madam, move your chair.” [Laughter] So, some years later I was doing a building, a little house on the beach for Norton Simon, and his secretary, who was kind of a hell on wheels type lady, called me and said, “Mr. Simon’s sitting at his desk and the water’s coming in on his head.” And I told her the Frank Lloyd Wright story.486

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[The architect Frank Lloyd Wright] was always searching for and testing new materials. He wanted to use a new kind of concrete blocks for the Ennis House in Los Angeles, for example. He was told they couldn’t be built. He ignored the intelligentsia and made them himself, and they lasted about 50 years. After that amount of time they failed, but they were fixable. The building’s an icon, but he built it for people who lived in it and loved it. They were long gone when the blocks failed.487

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I was visiting with an artist, Michael Heizer, out in the desert near Las Vegas somewhere. He’s building this huge concrete place. And it was late in the evening. We’d had a lot to drink. We were standing out in the desert all alone and, thinking about my house, he said, “Did it ever occur to you if you built stuff more permanent, somewhere in 2000 years somebody’s going to like it?” [Laughter] So, I thought, “Yeah, that’s probably a good idea.” Luckily I started to get some clients that had a little more money, so the stuff was a little more permanent. But I just found out the world ain’t going to last that long, this guy was telling us the other day. So where do we go now? Back to—everything’s so temporary.488

15. User-Friendliness

Gehry: I don’t have the need like [architect Peter Eisenman] does to torture [people] when they use the building. In the Wexner Center, for example, Eisenman made it so that people who worked there would have to look down a certain way to see the view. I mean, I wouldn’t think to do that. I’m more user-friendly.

Forster: You want me to believe that?

Gehry: Well, maybe it’s not true. But it is true that I’m more giving and forgiving.489

16. Individuality and Self-Expression

487 Qtd. in Playboy.
489 Forster 92-93.
One of my unsung heroes is [the architect] Erich Mendelsohn. . . . If you go to his Einstein Tower in Potsdam, Germany you see an enormous intellect at work with a language that was personal and new. . . .

When I start my [architecture] class I ask the students to write their signatures on pieces of paper and put them on a table. I have them look at them, and I point out, “They’re all different, aren’t they? That’s you, that’s you, that’s you, that’s you.” I say, “That’s what you have to find in architecture. You have to find your signature. When you find it, you’re the only expert on it. People can say they like it or don’t like it. They can argue about it, but it’s yours.”

17. Interiors

I was reported in the London Independent as having designed constipated interiors [for the American Center building in Paris] and I think there is some truth in that.

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The interior [of my Disney Ice rink] is better than the exterior. It’s a reversal of my usual problem.

18. Views and Windows

I have struggled with windows in my other buildings. . . . It’s easier to build sculpture because everything architectural is, by definition, sculptural, because first of all, it’s three-dimensional. But I have trouble with god damned windows, too.

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[Speaking of the white ceramic dots on the windows of the IAC headquarters he designed in New York] So if we had every piece of glass with the dots representing a substantial portion of the piece of glass, and it’s solid, you’re looking out at the view through dots. It’s not really a bad thing. People in their offices are always busy. They’re not sitting there just looking at the view right? . . . The only problem was [CEO] Barry Diller saw the mock-ups, he didn’t like looking through the dots. . . . So then we had to come up with a way of leaving a section clear.

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490 Qtd. in Playboy.
491 Gehry, “Since I’m So Democratic” 46.
492 Gehry Talks at 180.
493 Qtd. in Forster 70. The Department of Education has complained that the “tapestry” will block views from their building. They officially worried about the Memorial “Shrouding our headquarters’ public face with a tapestry, effectively making the Department disappear.” Letter from DOE chief of staff Margot M. Rogers to Executive Director Reddel, May 14, 2010. CFA archive.
494 Qtd. in Isenberg at 221.
19. Theater


Gehry: Well, nobody’s asked.495

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“The [Eisenhower] square, [Gehry] said, ‘was a theater for cars.’ Inspired by the theater idea, he has developed the concept. The two side tapestries placed along Independence Avenue will help form a ‘proscenium,’ and the longer, main tapestry parallel to the Education building functions a bit like a backdrop.”496

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“Gehry . . . proposed a theater whose rear wall would be a drive-in for gondolas.”497

20. Scale and Expense

I think that people will have [to] learn to live more modestly; I think they should learn to save their money. We’ve been through a generation of excess—everybody’s got two or three cars, we’ve been flying all over the place, but now something else is happening and we’ve got to respond to it; although architects alone can’t do it.498

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[Buildings] need to be human scale, in my opinion. They can’t just be faceless things. That’s how some modernism failed. . . . It became a language that self-destructed. What was missing was human scale.499

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Scale is a struggle. How do you make a big monolithic building that’s humane?500

495 Forster at 91.
497 Bletter at 132.
499 Gehry Talks at 48.
500 Id. at 140.
21. Sex and Architecture

[Describing his American Center in Paris as like going under the skirt of a ballerina.] I don’t consciously create a skirt to go under. It think it just comes up and it’s obvious. But I’m a guy, and sex and women are on my mind. Sometimes I can help it, but not always. . . . I think there’s a lot of sexual energy that goes into the design of a building, and I think it’s good energy. ⁵⁰¹

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Ours is a typical male chauvinist pig office, although we don’t intend it to be that way, of course. It has not been easy keeping women. ⁵⁰²

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“At a topping-off ceremony for his Beekman Tower yesterday, 80-year old architect Frank Gehry took to the podium and made one of those slightly randy jokes that men can get away with when they’re 80. Mr. Gehry pointed his finger upright toward the 76-tower residential complex and bluntly proclaimed: ‘No Viagra.’” ⁵⁰³

22. Completion

“Gehry has said, more than once, ‘Everybody likes buildings in construction better than we do finished.’” ⁵⁰⁴

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Gehry: I’m not sure if [my house in Santa Monica] is finished.

[Barbaralee] Diamondstein: You’re not sure?

Gehry: No.

Diamondstein: Is one ever sure?

Gehry: It’s confusing. I was wondering the other day what effect this had on my family. I’ve noticed my wife leaves papers and stuff around on the table so there’s a kind of chaos in the organization of how we live in the house. I was beginning to think that it had something to do with her not knowing whether I’m finished or not. ⁵⁰⁵

⁵⁰¹ Qtd. in Isenberg at 143.
⁵⁰² Qtd. in Isenberg at 169.
⁵⁰⁵ Qtd. in Fredric Jameson, Postmodernism, or, The Cultural Logic of Late Capitalism (Duke Univ., 1990) 109.
23. Natural Disasters

The day after the earthquake in LA, a reporter from New York asked me if I wasn’t happier now that LA looked more like the rest of my work. I told him that I was pleased that God finally saw it my way.\footnote{Gehry, “Since I’m so Democratic” 40. After the 2005 Hurricane Katrina, as part of the Make It Right program endorsed by the movie star Brad Pitt, Gehry and other avant-garde architects designed 150 houses for victims. In an insult to the victims, some houses appear to have been designed to look permanently damaged. For photos, see \url{http://samouzon.zenfolio.com/p526582564/h2dc1a490#h2c02c111} and \url{http://samouzon.zenfolio.com/p526582564/h2dc1a490#h2dc1a490}. For more photos, as well a comparison to the response to the 1906 San Francisco earthquake, in which 5,300 traditional cottages were built for the victims, see \url{http://thearchitectstake.com/editorials/new-orleans-post-katrina-making-right/}.}

24. The September 11, 2001 Attacks

The attack on New York has changed our lives and our task as architects, . . . Priorities are going to change. Architecture might become marginalised because safety will become paramount. People are bound to feel apprehensive about skyscrapers . . . so we’ll have to think about installing fire escapes on the outside of buildings and improving fire-resistant materials. . . .We’ve enjoyed a period of euphoria in the last 30 years in the U.S. and in Europe for the last 10. We were happy, we enjoyed ourselves . . . That great period has perhaps ended. Now we must think more about safety.\footnote{Gehry was in New York City at the time of the attacks. Qtd. in Elizabeth Nash, “Buildings May Never Be the Same, Says Guggenheim Architect,” \textit{The Independent} Nov. 1, 2001, \textit{available at} \url{http://webcache.googleusercontent.com/search?q=cache:ezn66LUeCw4J:www.independent.co.uk/news/world/americas/buildings-may-never-be-the-same-says-guggenheim-architect-633410.html+Buildings+May+Never+Be+the+Same,+Says+Guggenheim+Architect&cd=1&hl=en&ct=clnk&gl=us}.}

25. The World Trade Center and Public Service

[Deborah Solomon]: So, how have you managed to stay out of the debate over the twin-towers site? You’re the only architect who’s a household name in America, so naturally people wondered why your name was missing when the Lower Manhattan Development Corporation presented seven new proposals for the site last month.

[Gehry:] I was invited to be on one of the teams, but I found it demeaning that the agency paid only $40,000 for all that work. I can understand why the kids did it, but why would people my age do it? [Leading architects] Norman Foster or Richard Meier or any of those people? When you’re only paid $40,000, you’re treated as if that is your worth.

[Solomon:] \textbf{But what about your sense of civic responsibility?} Don’t tell me you built the Guggenheim Museum in Bilbao, Spain, simply to earn a buck.

[Gehry:] \textbf{I refuse to work unless I get paid}, so I don’t get a lot of work sometimes.
26. Global Versus National and Local Culture

“There’s also resentment that an international institution will run the place [the Guggenheim Bilbao], and show mostly international artists, not Basques (though some of the museum’s $50 million acquisition budget is earmarked for art by Basques and Spaniards). To this, Gehry replies, ‘We’re a world culture. We better get on with it.’”

27. Urban Planning

There’s a lot of layer in bureaucracy that make it impossible to do creative work in cities. Add that to the economic blindness of the people that build stuff. They just want to get it up and sell it. There’s no sense of responsibility for time and to the community. Somebody’s got to re-educate those people that there’s a pot of gold at the end of the rainbow if they follow it. What we need is a benevolent dictator. That’s who built some of the best cities. So a Robert Moses, somebody with a vision. You don’t find many of them. . . .

[Sspeaking of modern landscape architecture] I haven’t seen anything that measures up to [Frederick Law] Olmstead yet.

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508 Deborah Solomon, “Questions for Frank Gehry: Towering Vision,” New York Times, Jan. 5, 2003: 11. Compare Eisenhower: “It is the firm duty of each of our free citizens and of every free citizen everywhere to place the cause of his country before the comfort, the convenience of himself.” President Dwight D. Eisenhower, First Inaugural Address, available at http://www.bartleby.com/124/pres54.html. But see Gehry’s subsequent letter to the editor: “Regarding my interview with Deborah Solomon (Jan. 5), the comments I made about the fees paid to the architectural teams that submitted proposals for ground zero were based on my opinion that when working on a commercial project that will certainly generate great financial gain, as opposed to when working solely on a memorial or something similar, everyone involved should be fairly compensated for the work. It might seem outrageous to anyone outside the profession, but I think most architects would agree that in any other situation a payment of $40,000 for this level of work wouldn’t even go far enough for us to pay our own staff members for their efforts and their long nights. I shouldn’t have chosen this situation to use as an example of my opinions about the profession in general, and I should have applauded my colleagues for the civic responsibility they’ve shown. I think those who know me understood the intent of my words. To those who were offended, I offer my most sincere apologies.” New York Times Jan. 26, 2003: 6.

509 McGuinn “Basque-ing.” Just prior to the opening of the Guggenheim Bilbao, (Basque) ETA terrorists attempted to detonate explosives at the museum. They were also armed with machine guns. They were stopped by a policeman whom they murdered.

510 Robert Moses, who was effectively New York City’s central planner in the mid-20th-century, is arguably the most hated figure in American urban planning. His opponents accused him of favoring cars over people, and of destroying numerous traditional neighborhoods. His attempt to build a highway that would have sliced through Greenwich Village and SoHo is what galvanized Jane Jacobs and other leaders of the new urbanism. Whatever was left of Moses’ reputation was demolished by Robert Caro’s Pulitzer Prize-winning biography The Power Broker (Knopf, 1974).

511 Wallpaper* 114. Olmstead was one of the creators of the National Mall as we know it. He also designed New York’s Central Park.
I want to work with groups of people . . . developing not a unilateral decision about what the city should be—I do not trust my own judgment in such a context—but how to survive . . . creating a democratic (whatever that is) model for our world. I do not like the responsibility of having the world put upon my shoulders—to solve everything in one building. I cannot accept that position, I am not capable of doing it.\textsuperscript{512}

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I accept the American city the way it is, but I have a fantasy . . . that I will slowly co-opt it.\textsuperscript{513}

\textit{City planning? Forget it. It’s a kind of bureaucratic nonsense.} It has nothing to do with ideas. It only has to do with real estate and politics.\textsuperscript{514}

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Look, I went to city planning school at Harvard and I discovered that you never got to change a f*cking thing or do anything. \textit{Urban planning is dead in the U.S.}\textsuperscript{515}

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Maybe my romantic notion of democracy is that you break down the scale of the city and differentiate it so there’s not an overpowering [Nazi architect] Alber[t] Speer kind of architectural statement.\textsuperscript{516}

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[T]he issue of city building in democracy is interesting because it creates chaos, right? Everybody doing their thing makes a very chaotic environment, and if you can figure out how to work off each other—if you can get a bunch of people who respect each other’s work and play off each other, you might be able to create models for how to build sections of the city without resorting to the one architect. Like the Rockefeller Center model, which is kind of from another era.\textsuperscript{517}

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\textsuperscript{512}Qted. in \textit{Individual Imagination and Cultural Conservatism} at 35-6.
\textsuperscript{514}“Frank Gehry Interview,” \textit{Academy of Achievement} (Jun. 3, 1995) http://www.achievement.org/autodoc/page/geh0int-2.
\textsuperscript{515}Day “Frank Gehry: ‘Don’t Call Me a Starchitect.’”
\textsuperscript{516}Qted. in Isenberg 207.
[Describing his Der Neue Zollhof building in Dusseldorf, Germany] It’s an anti-Rockefeller Center. This represents the world we’re in. There’s more individuality. It’s about democracy.⁵¹⁸

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The whole idea here [the Guggenheim Bilbao] was Fritz Lang’s “Metropolis,”⁵¹⁹ to make a visionary city.⁵²⁰

XII. Eisenhower in His Own Words

The above quotations from Gehry, along with his Memorial design, must be contrasted with Eisenhower’s own expressed thoughts on art, culture, and memorials. Eisenhower served as a staff officer on the American Battle Monuments Commission between the first and second World Wars, a position that gave him a special understanding of and appreciation for monuments and memorials.⁵²¹ Eisenhower’s personal preferences deserve substantial consideration, as Gehry himself has admitted:

I have tried to look at this as, what if he [Eisenhower] came back? What would he think? This guy, I think, not seeing his image would make him happy.⁵²²

(Note how Gehry impiously calls Eisenhower a “guy.”) The Commission has also acknowledged the importance of Eisenhower’s preferences. For instance, their official statement on the “tapestry” states, “The overwhelming focus of the Eisenhower Memorial will be the Abilene landscape. This is fitting for Ike. At the end of his life he said, ‘Please don’t let them put me on a horse,’ not wanting to end up like civil war generals ‘rigidly astride their steeds, inanimate statues’ that line the streets of so many cities.”⁵²³

Moreover, we believe that what Eisenhower said in his time—namely, that the artistic and architectural elite is out of step with the rest of the America—is true today. See, for

⁵¹⁸ Gehry Talks at 186.
⁵¹⁹ Metropolis is a 1927 German Expressionist film portraying a dystopian future in which there is class warfare between the tyrannical “managers” in Modernist skyscrapers and the herd-like workers living underground. The workers are literally sacrificed on the M-Machine, named after Moloch, created by a Dr. Frankenstein-like character. The protagonist lives in a skyscraper called the “New Tower of Babel.”
⁵²⁰ Qtd. in McGuian “Basque-ing.” See also “Since I’m So Democratic” at 49.
⁵²¹ . . . at a presidential press conference held on Armistice Day 1953, Dwight Eisenhower spoke wistfully of the meaning of the day for him. This veteran of both wars (although never seeing overseas service in the first) urged the reporters to grant him a favor and ‘make some mention in your stories that it is Armistice Day, and what Armistice Day really meant to us at one time.’ . . . During the interwar years, Eisenhower served as an army staff officer to the American Battle Monuments Commission and this no doubt strengthened the affinity he felt toward the holidays and symbols associated with the First World War. In 1968, Eisenhower appealed to President Lyndon B. Johnson to halt a proposal to disband the commission and collapse its functions into the Veterans Administration. In response, Johnson granted the request and tabled the plan.” G. Kurt Piehler, Remembering War the American Way (Smithsonian Institution Press, 1995) 215.
⁵²² CFA Transcript, Jan. 20, 2011 at 58.
instance, the remarks Eisenhower made in 1962 in Abilene, Kansas, at the dedication of the library in his honor:

When we see our very art forms so changed that we seem to have forgotten the works of Michelangelo and Leonardo da Vinci, and speak in the present in terms of a piece of canvas that looks like a broken down tin lizzie [Model T Ford], loaded with paint, has been driven over it, is this improvement? *What has happened to our concept of beauty and decency and morality?* 524

Also see a letter Eisenhower sent to his aide in 1959, regarding the U.S. Information Agency’s controversial American National Exhibition in Moscow, which prominently featured Modern art:

I appreciated having your thoughtful letter about our art exhibit at the American Exhibition in Moscow. While *I personally do not believe that the pictures and sculpture that we have sent over there are broadly representative of America or what America likes in art*, I do believe that it would be unwise, by Administrative action, to censor the work of the selecting Commission by withdrawing what the jury chose. [emphasis added] 525

Also see the official U.S. State Department summary of Eisenhower’s response to the Moscow Exhibition:

The President said that during the press conference the question of the paintings to be sent to the Moscow Exhibition had been raised. *He said that those paintings, or at least most of them, represented an extreme form of modernism and that some of them are even unintelligible to the average eye; some of the paintings were satirical or even lampooning. The newspaper men had asked him why he personally had not participated in the selection of paintings. The President observed that the committee that had selected the paintings was apparently not much interested in public taste. The public at large, at least 95 per cent of the population, would [not] approve the type of paintings he had seen at the Soviet Exhibit. He said that the committee represented a thin stratum of artists, or at least of people who call themselves artists and who believe that they are the ones who interpret America.”* [emphasis added] 526

See also the historian Michael L. Krenn’s discussion of Eisenhower and the Moscow Exhibit:

Eisenhower was briefed by USIA Director Allen very early in the controversy when questions about “the political leanings of the painters involved” were raised. Allen reported to the president that after conferring with Secretary of State Christian Herter . . . , the decision was reached to keep the exhibit as it was. Eisenhower seemed to have little

interest in the politics of the artists, but he did evidence “curiosity as to the nature of the paintings selected.” Allen replied that “only 10% of the paintings selected would be abstract”; the others would be “representative paintings” (Herter probably meant “representational” paintings.) Eisenhower, himself an amateur painter, pointed Allen’s attention toward a painting hanging on his wall as evidence of his own personal taste in art: “This painting of ducks on a wall came from the Whitney museum.” As the debate over the art heated up, Eisenhower weighed in more directly. In a letter to Representative [Francis] Walter, he noted that he personally believed that the art in the Moscow show “represented an extreme form of modernism” and that much of it was “unintelligible to the average eye.” And in a press conference, Eisenhower remarked that Levine’s Welcome Home “looks more like a lampoon than art as far as I am concerned. What America likes is after all some of the things that ought to be shown.”

While no paintings were deleted from the exhibition, the Eisenhower administration did decide to add twenty-six additional paintings, all from the nineteenth and early twentieth centuries, to “supplement” the exhibit. A press release announced, “The additional canvases were assembled to give greater depth and perspective to the art exhibit, in keeping with President Eisenhower’s desire that more attention be given to paintings by American artists of the pre-World War I period.” The new paintings included work by George Caleb Bingham, Childe Hassam, George Catlin, John Singer Sargent, Frederic Remington, and George Bellows, as well as the president’s personal favorites, Wild Duck, Hanging on a Green Wall, by George W. Cope. [emphasis added]

According to historians, “President Eisenhower is reported to have ‘flushed with anger’ when he learned about the [Modernist SOM-designed] chapel proposed for the [Air Force] Academy, and it was widely supposed that he would have preferred the colossal classical Freedom Shrine he sponsored for the Potomac River shoreline in 1960.” As for the Freedom Shrine, in 1953:

The National Memorial Commission planned a massive freedom shrine on a tract of land near the Iwo Jima Memorial in Arlington, Virginia. Supporters of this memorial wanted to build a copy of a massive classical Greek temple and fill it with a series of bas-reliefs depicting the history of the United States.

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530 For photos of the chapel, see http://www.greatbuildings.com/buildings/Air_Force_Academy_Chapel.html.


In March 1949, the list called “The American Way of Life” was published in Reader’s Digest. As published in the Reader’s Digest, it was set up in the form and shape of a monument, on each panel or portion of which certain words were inscribed, combined to make up the Credo.

The broad base of the monument has inscribed on it the words “Fundamental Belief in God.” A somewhat smaller, superimposed base has on it the words “Constitutional Government Designed to Serve the People.”

Above that are two square shaped columns on which the following appears, on one side:

- Right to worship God in one’s own way.
- Right to free speech and press.
- Right to assemble.
- Right to petition grievances.
- Right to privacy in our homes.
- Right of habeas corpus—no excessive bail.
- Right to trial by jury—innocent until proved guilty.
- Right to move about freely at home and abroad.
- Right to own private property.

On the other side:

- Right to work in callings and localities of our choice.
- Right to bargain with our employers.
- Right to go into business, compete, make a profit.
- Right to bargain for goods and services in a free market.
- Right to contract about our affairs.
- Right to the service of government as a protector and referee.
- Right to be free from “arbitrary” government regulation and control.

Superimposed on these two is a head or cap stone on which are inscribed the words “Political and Economic Rights which Protect the Dignity and Freedom of the Individual.”

The monument first pictured in the Reader’s Digest article now stands, almost thirty-feet tall, at the headquarters of the Freedoms Foundation at Valley Forge.

The National Monument Commission

In 1954, five years after the Credo appeared in Reader’s Digest, a group, which included advertising leader Don Belding, encouraged Eisenhower, as President of the United States, to build a monument in Washington, D.C., similar to the one erected earlier in Valley Forge.

Eisenhower appointed a National Monument Commission, which was approved by Congress on August 31, 1954, and Congress gave the commission a twenty-three-acre tract of land called the Neu[i]s Tract, in line with the Mall leading from the Capitol, on the Virginia side of the Potomac. This land was to be used to erect the Freedom Shrine.

The plans for the monument, according to Belding, called for:

- . . . an open-to-the-air granite rectangle with walls ninety feet high. One side, facing the Capitol, is open except for five pillars. On the smooth face of these walls (i.e., inside) will be depicted in sculpture the high spots of our history and culture, including religious, political, economic and military events.
XIII. The Eisenhower Memorial Design and the Law

A. The Design Violates the Very Law Authorizing the Memorial

1. The Memorial Design Is Wholly Inappropriate For Eisenhower

The requirements of Public Law 106-79, which authorized the creation of the Memorial, overlap with those of Section 106 but are even more stringent. It reads in pertinent part:

an appropriate permanent memorial to Dwight D. Eisenhower should be created . . . . [emphasis added]

To understand what would be appropriate requires an understanding of why Eisenhower deserves a Memorial. Dwight D. Eisenhower was one of the greatest leaders and heroes in American history. He is one of only three presidents to have been wartime generals. Unusually gifted, motivated, and self-disciplined even as a child, he rose from a humble pietist background in the American heartland to attend the U.S. Military Academy at West Point, whose motto is “duty, honor, country.” Eisenhower served in World War I on the homefront. As a young soldier, he foresaw the future importance of tank warfare when few others did. In 1926, he graduated first in a class of 276 officers at the army’s elite Command and General Staff School. He later worked in Washington, D.C. directly for legendary Generals John J. Pershing and MacArthur. In the 1930s, he followed MacArthur to the Philippines, where Eisenhower provided key counsel to the emerging country’s leaders and even drafted legislation for them.

At the start of World War II, Eisenhower was a mere colonel, but, as a result of his rock-solid character, upright virtue, and unwavering judgment, was selected over hundreds of superior officers to become Commanding General, European Theater of Operations and Supreme Allied Commander in Europe.

. . . In the center of the rectangle, like a jewel in a jewel box, will be a twenty-foot onyx monument inscribed on four sides with the definition of American Principles which we use as the judging guide in the contests at Freedoms Foundation at Valley Forge.

. . . The shrine will be built by the school children of America, much as the Statue of Liberty was financed by the pennies of the children of France.

. . . The work will be conducted by a joint venture composed of the Hall of History Group and the Freedoms Foundation at Valley Forge.

Unfortunately for Belding and the National Monument Commission, a government agency also became interested in the building of the Freedom Shrine. The Monuments Commission, which regulates the matter of monuments in Washington, D.C., had become embroiled with important members of Congress and others over the placing of a monument in memory of Franklin D. Roosevelt. In addition, other difficulties forced the government’s representative commission to cut down on permits at the same time. Thus, the erection of the Freedom Shrine was never approved and has not been built on the site.

533 Compare Ulysses S. Grant, who was also a mere colonel at the start of the U.S. Civil War.

534 Compare how Eisenhower refused payment from the President of the Philippines for aiding the country in the 1930s with the example of General Douglas MacArthur, who accepted $500,000. David Halberstam, The Coldest Winter: America and the Korean War (Hyperion, 2007) 372. That is the equivalent of $6.6 million today.
As a wartime general and later as president, Eisenhower was a master of both strategy and management. He skillfully handled such unbridled talents as General George Patton, General Douglas MacArthur, and Field Marshall Bernard Montgomery, as well as such regal statesmen as Franklin Delano Roosevelt, Charles de Gaulle, and Winston Churchill.535

As Supreme Commander of the Allied Expeditionary Forces, Eisenhower planned and oversaw Operation Overlord, the perilous Allied invasion of Normandy that culminated in D-Day. It was the most complex and largest amphibious invasion in history, and also included the largest use of airborne troops up to that time. As a key battle in the defense of Western civilization, it is comparable in historical importance to the Holy League’s defeat of the Ottoman Empire in the 1571 Battle of Lepanto.

In preparation for the invasion, Eisenhower personally crafted an order to be distributed to every man on the D-Day Expeditionary Force. At the top of the sheet of paper was the Expeditionary Force’s badge, a flaming sword.536 He made sure the simple words would fit on a single sheet that could be carried in a soldier’s pocket. For thousands of Allied soldiers, the message would be their epitaph.

The command is Eisenhower’s Gettysburg Address, which Lincoln delivered on the battlefield:

Soldiers, Sailors and Airmen of the Allied Expeditionary Force!

You are about to embark upon the Great Crusade, toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you. In company with our brave Allies and brothers-in-arms on other Fronts, you will bring about the destruction of the German war machine, the elimination of Nazi tyranny over the oppressed peoples of Europe, and security for ourselves in a free world.

Your task will not be an easy one. Your enemy is well trained, well equipped and battle hardened. He will fight savagely.

535 Compare the personal style of these charismatic giants with that of Eisenhower: Patton with his polished helmet liner and ivory-handled pistol, MacArthur with his raked floppy cap and corncob pipe, Montgomery in his black beret and battle sweater, FDR in his wool-and-velvet cape, de Gaulle in his kepi, and Churchill with his homburg, bow tie, and fat cigar. With their riding breeches and high boots, both Patton and MacArthur resembled the imperious Man on a Horse. Eisenhower, by contrast, preferred not to wear medals on his army uniform and popularized the blouson called the “Ike jacket.” Compare his and MacArthur’s style in this photo: http://www.eisenhowermemorial.org/imagelibrary/ImageDetail.cfm?StartRow=39. Eisenhower was the first American general unafraid to be seen with his hands in his pockets. Eisenhower was so restrained in his taste that he hated the outlandish chrome detailing on post-war American cars. Geoffret Perret, Eisenhower (Random House, 1999) 586. Gehry’s signature buildings, by contrast, are nothing but flamboyant “chrome.” Gehry once said, “I actually designed a building in Hollywood for a chrome plating factory where they did bumpers, the Faith Plating Company. I was into that sort of thing.” Qtd. in Forster at 61-2. See below for Eisenhower’s taste in art.
536 For an image of the order, including the flaming sword badge, see http://www.kansasheritage.org/abilene/graphics/ikesmessage.jpg.
But this is the year 1944! Much has happened since the Nazi triumphs of 1940-41. The United Nations have inflicted upon the Germans great defeats, in open battle, man-to-man. Our air offensive has seriously reduced their strength in the air and their capacity to wage war on the ground. Our Home Fronts have given us an overwhelming superiority in weapons and munitions of war, and placed at our disposal great reserves of trained fighting men. The tide has turned! The free men of the world are marching together to Victory!

I have full confidence in your courage and devotion to duty and skill in battle. We will accept nothing less than full Victory!

Good luck! And let us beseech the blessing of Almighty God upon this great and noble undertaking.

Proving his character and sense of responsibility, Eisenhower also wrote a telegraphic message to be distributed in case the invasion was a calamity:

Our landings have failed and I have withdrawn the troops. My decision to attack at this time and place was based on the best information available. The troops, the air and the Navy did all that bravery could do. If any blame or fault attaches to the attempt it is mine alone.537

Fortunately, the invasion was successful, a turning point in the war that led to the liberation of France and total Allied victory in Europe, thus saving civilization from Hitler and Nazi barbarism.

After the war, Eisenhower oversaw demobilization as Chief of Staff of the Army. He then served as President of Columbia University, during which time he advised U.S. foreign policy. From 1950 to 1952, he served as the first commander of NATO, which required him to face off against a nuclear-armed Stalin. Eisenhower liked to emphasize that NATO was the first multinational army in history created “to preserve the peace and not to wage war.”538

In 1952, Eisenhower was elected president of the United States on a campaign message of “Peace and Prosperity.”539 As he had pledged, once in office he quickly negotiated an armistice ending the fighting in the Korean War. As president, Eisenhower delivered on his campaign motto. His two terms of office were an era of unprecedented prosperity and unity for the nation, a Pax Americana during which not a single American soldier was killed in combat. His was anything but an ephemeral, compromised, weightless presidency. The same executive, bureaucratic, and strategic skills he had deployed in huge military undertakings served him well

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537 For a photo of the handwritten draft, see [http://doinghistoryproject.tripod.com/id17.html](http://doinghistoryproject.tripod.com/id17.html).
539 He took his oath of office on two bibles: one that George Washington used at his inauguration, one his mother gave him when he graduated from West Point. Eisenhower’s first inaugural address emphasized faith: “At such a time in history, we who are free must proclaim anew our faith. This faith is the abiding creed of our fathers. It is our faith in the deathless dignity of man, governed by eternal moral and natural laws. This faith defines our full view of life. It establishes, beyond debate, those gifts of the Creator that are man’s inalienable rights, and that make all men equal in His sight,” [available at](http://www.bartleby.com/124/pres54.html).
in office, where they were particularly needed since the federal government had by that time achieved its current size, power, and complexity.

Rare among presidents, particularly modern presidents, Eisenhower wisely both recognized and reconciled the president’s dual roles as chief executive and head of state. The former requires the president to get his hands dirty in policy and politics, to be a professional politician; the latter requires him to rise above politics as the representative, the figurehead of the sovereign nation—in other words, to be a statesman. The plebeian political role requires the president to be a divider, the noble role a unifier. Eisenhower’s public persona was emblematic of the latter role; he personified the uncommon common man.

Behind the scenes, however, Eisenhower was as shrewd and calculating as required. His personal motto, which he displayed on his desk, was “Suaviter in modo, fortiter in re” (Gently in Manner, Strongly in Deed). Living up to the motto, Eisenhower played a role in undermining the reckless Senator Joseph McCarthy, a role that was so secret it was not revealed until the 1980s.

Eisenhower was so skilled at concealing his political acumen and energetic wire-pulling from the public and even other politicians that until the 1970s, when his confidential papers started becoming available, he was widely thought to have been the modest folksy bumbler he allowed himself to be stereotyped as. Regrettably, this is still the view of many persons who should know better, including, it would appear, Gehry. As early as fall 1942, in a private letter Eisenhower remarked on the media caricature of him as a “Kansas farmerboy”:

While I have seen only a very few of the articles and notices involving me that have appeared in the United States, I hear there have been quite a number considering the fact that the authors had only a Kansas farmerboy to start on in the first place. . . . When I have time to think about the matter at all, I merely wonder what kind of a fanciful picture of my very ordinary characteristics all this publicity is building up in the popular mind.

Demonstrating exemplary self-control, he was willing to suffer appearing less than great in order to achieve greatness. But historians should not be fooled by this; neither should the designer of his Memorial.

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540 This point has been most cogently made by Fred I. Greenstein’s *The Hidden-Hand Presidency: Eisenhower as Leader* (Johns Hopkins University Press, 1994). The book arguably played the largest role in historians’ reevaluation of Eisenhower’s greatness.

541 Compare how Gehry repeatedly used the term “politician” to describe Eisenhower. CFA Transcript, Jan. 20, 2011 at 25.

542 Coined by the Jesuit Claudio Acquaviva.

543 Gehry said of an early “tapestry” design, “we added a picture of [Eisenhower] fixing a fence post showing his sort of ‘aw shucks’ guy persona.” NCPC Transcript, Jun. 3, 2010 at 37. Compare what Gehry has said about his own persona, “The one thing that is misunderstood about me is that whatever scholarly thing—I don’t look like a scholar, right? And I don’t parler that language of all those guys. I have studied architecture. I know more than they think I know. . . . And I do play, ‘aw, shucks.’ I’m good at that, I’m a good aw, shucks-er.” “Interview with Frank Gehry,” *Volume 5*, May 9, 1997, available at http://www.volume5.com/ghery12/revisiting_the_la_12__frank_ge.html.

544 Qtd. in Greenstein at 253.
In domestic policy, Eisenhower managed a balanced budget and kept inflation under control. He instituted the first civil rights bill since reconstruction and sent federal troops to enforce school desegregation in Little Rock, Arkansas. In foreign policy, he successfully managed the Suez Canal Crisis and made overtures to the Soviet Union with his Atoms for Peace program.

In 1969, per his request, Eisenhower was buried in the same $80 casket the Army provides for all of its soldiers. Ten years later, he was joined by his wife of 52 years, Mamie.

For all of these reasons, Eisenhower deserves the nation’s honor and respect.

For all of these reasons, too, Gehry’s Memorial is antithetical to Eisenhower.

2. *The Memorial Design Is Not Appropriate for a National Presidential Memorial*

In addition to everything detailed above, it is important to discuss the Memorial’s electronic component: “[The] E-Memorial, a computer-based electronic system that will connect the on-site visitors’ experience with the full global reach of the Internet.” According to the latest description from the Eisenhower Memorial Commission, “A downloadable mobile device application will enable visitors to view historical footage, speeches, and events in the context of the physical memorial through augmented reality.” As Gehry explained it, “families can go sit in the park and enjoy it and not be overwhelmed by a lot of stuff, and they can plug in their—or go on their iPad and iPhone and hear the story, [Eisenhower] speaking and whatever.” The “whatever” will include electronic information available at the site itself (to be accessible via visitors’ cellular phones and other electronic devices) as well as information available on the NPS website, which “will implement the Commission’s primary goal of outreach to grades K-12 . . . .” This echoes the original project announcement: “Particular target visitor groups include school children (Kindergarten through 12th grade).” Executive Architect Feil told the Commission of Fine Arts, “We are focusing primarily on K through 12. We want information to go to those folks. . . . [W]hen the kids come there, if they have got a question . . . they don’t have to go to a computer screen to remember it and go—right there.” (Note the emphasis on information and trivia, not wisdom.) Feil explicitly compared the Memorial to a museum: “Basically, you get your own audio guide [as] if you were in a museum.” Chairman Siciliano has said regarding the choosing of Gehry:


547 CFA Transcript, Sep. 15, 2011 at 19.

548 According to chief architect Daniel J. Feil, “The model we’re thinking about is, we provide the information, you provide the equipment, be it BlackBerry, cell phone, or iPod.” Clay Risen, “Ike Likes Progress,” The Architect’s Newspaper (Nov. 19, 2008) http://www.archpaper.com/news/articles.asp?id=2968.

549 https://www.fbo.gov/utils/view?id=25a4d7e08a72d42f85dbe50fabc00dce

550 CFA Transcript, Nov. 11, 2008 at 25.

551 Id. at 28.
We were looking for creativity and looking for ingenuity. We wanted a firm that knows how to bring in the public, with an emphasis on young people. Thus, the Commission was searching for a firm of Disneyfied “imagineers.” The Commission views the Memorial as a tourist attraction, an entertaining theme park for children. According to their minutes, “The overall effect would be designed for maximum impact on future generations of children.” All that Gehry’s design lacks is an ersatz mountain and waterfall.

At present, as befits the general aura of secrecy, the Commission has not made much information available about the “Electronic Memorial,” including how it will be constructed and to what extent its content will change with time, though the Commission has said it is intended to change (and is therefore not permanent). As for the appropriateness of the Electronic Memorial, the electronic component will convert the Memorial in large part into a museum and theme park—indeed, a children’s museum and theme park—an entirely different kind of structure. As the EMC stated in its March 18, 2006 Memorandum of Agreement with the Department of Education, “The Commission . . . resolved that the Eisenhower Memorial be composed of a physical memorial and a living memorial” [emphasis in original]. Feil explicitly compared the Memorial to a museum: “Basically, you get your own audio guide [as] if you were in a museum.” The Memorial as primarily a museum is not only inappropriate, it is illegal under the Commemorative Works Act: “No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary [of the Interior] in Area I.” As noted above, the Memorial site is on land in Area I.

The Electronic Memorial also signifies a radical shift in the tradition of memorial design—namely, from the formal to the casual, from the sacred to the profane, from stone to screen. This will be the first “plug-and-play presidential memorial.” The distracting sight and

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553 An article in Museum News discusses the model of Disneyland: “Theme parks . . . propose a new vision for education and exhibition, one based not on a literal or historical vision but on archetypes and community consensus history. They speak a new language: multisensory, entertainment-based, three-dimensional, symbolic.” Qtd. in Newhouse 191.


556 CFA Transcript, Nov. 20, 2008 at 29-30. The companies working on the Electronic Memorial, ESI Design and Local Projects, both primarily work in museum design.


559 As Gehry described part of the Electronic Memorial, “on the back of this block, would be plug-ins for students and would be covered with glass. They could plug in their lap-tops and get the Eisenhower story back there.” CFA Transcript, May 20, 2010 at 35. The first FDR Memorial design (which was rejected) was going to play audio of
sounds of visitors listening to and watching recordings of or about Eisenhower on their handheld screens, cellular phones, and other electronic äppärät is not something associated with the tradition of memorials as places for quiet, undisturbed, unmediated reflection. These devices are certainly not appropriate in other sacred, set-apart, and formal settings, such as cemeteries, symphony halls, and places of religious worship. The Electronic Memorial belies Gehry’s claim that he was designing a “quiet and contemplative space.” The Memorial will effectively have a sign posted: Please disturb. These electronic gizmos are also isolating and contrary to the experience of the memorial as a community, as a nation. The devices will insure that visitors are alone together. And once those electronic devices are in hand, the visitors will no doubt use them for other purposes having nothing to do with the Memorial: texting, verbaling, gaming.

In Frank Capra’s 1939 film Mr. Smith Goes to Washington, there is a famous scene in which James Stewart is overawed by the solemnity of the Lincoln Memorial. That memorial has no electronic component, and needs no electronic component, the very presence of which would ruin the solemnity. Audio-animatronic presidents might suit Walt Disney World’s Hall of Presidents, but they make a mockery of a national memorial. Moreover, unless electronic äppärät are supplied for free, the Electronic Memorial will serve only those on-site visitors who are wealthy enough to afford, and had the foresight to bring, the digital tools.

Gehry’s understanding of the Memorial as a casual place, as an “outdoor room,” can be witnessed even in the human figures he chose for the design’s models in the presentation at the November 2011 Section 106 meeting. All of the figures are young adults or children without a single elderly or infirm person in sight. The adults and children are gesticulating and running around wildly (and even flying a kite), as if on a playground or in a shopping mall. Despite the fact that the site is surrounded by office buildings, of the dozens of persons depicted, only three or four are attired in formal business wear. One of the few in business suits is the only person who appears to be African-American (in a city whose population is 50% African American). With the exception of only one rendering, all of the persons appear to be distributed randomly, rather than standing at a focal point to look at, let alone contemplate, the Memorial. Even

the president’s speeches; one critic attacked it as a “transistorized FDR.” Michael Kammen, Visual Shock: A History of Art Controversies in American Culture (Knopf, 2006) 38.
560 In a different context, Fine Arts Commissioner Edwin Schlossberg, who also runs ESI Design, the company that is overseeing the Electronic Memorial has said, “In the future, not getting any imagery or story line or content is going to be the equivalent of silence because people are so filled up now with streaming video. . . . Paying attention to anything will be the missing commodity in future life. You think you’ll miss nothing, but you’ll probably miss everything.” Noting that art used to provide the boundary for silence, he added “but now art, in some cases, is so distracting and intense and faceted, it’s hard to step into a moment. Especially when you’re always carrying a microcamera and a screen all the time, both recording and playing back constantly rather than allowing moments of composition and stillness when your brain can go into a reverie.” Qtd. in Maureen Dowd, “Silence Is Golden,” New York Times Dec. 6, 2011, available at http://www.nytimes.com/2011/12/07/opinion/dowd-silence-is-golden.html?src=me&ref=general.
562 Note that currently the most fashionable devices have such names as “iPod” and “iPad,” not “wePod,” or “wePad.”
including that one exception, in none of the models is anyone looking at the statue of the barefoot boy.

3. **The Memorial Design Is Not Appropriate for the National Mall and Washington, D.C.**

Traditional or humanistic\textsuperscript{564} architecture, which includes traditional American architecture and the architecture of all civilizations until the 20\textsuperscript{th} century, can be summed up simply. A structure should aim for three qualities:

1) **Firmness**: It is structurally solid and sound, and appears to be solid and sound.

2) **Commodity**: It suits its purpose and context.

3) **Delight**: It pleases the eye.

These three qualities are first recorded by Vitruvius, the ancient Roman architect who is to architecture what Plato and Aristotle are to philosophy. The three qualities have been explicit touchstones throughout the history of Western architecture, including for da Vinci, Michelangelo, and Alberti in the Renaissance; Thomas Jefferson and Pierre L’Enfant in the 18\textsuperscript{th}; the developers of the National Mall at the turn of the 19\textsuperscript{th}; and the designers of the Supreme Court and Lincoln and Jefferson Memorials in the 20\textsuperscript{th}. Even the medal for the Pritzker Prize, the prestigious architecture award that often goes to anti-traditionalists, contains the motto “FIRMNESS, COMMODITY, DELIGHT” in Roman type.\textsuperscript{565}

The classical is one of the world’s great traditional styles. So, too, are the ancient Egyptian and classical Islamic styles. Humanistic architecture was the norm in all civilizations until the 20\textsuperscript{th} century, and is still the norm in American residential architecture. Gehry’s Memorial, by contrasts, violates all three requirements of traditional architecture:

1) It is diaphanous and ethereal, as opposed to being and appearing to solid and sound. It is liable to corrosion and rouging as opposed to being inherently sound.

2) It neither suits its purpose, which is to honor Eisenhower in the American tradition, nor its context, which is the National Mall in the nation’s capital.

3) It is ugly and oppressive.

Whether or not Gehry is correct that the American political system is that of chaotic democracy—something that Eisenhower, who fought true chaos and danger, would vehemently deny—most Americans would agree that the National Mall is and ought to be a place of unity in the midst of faction, of harmony in the midst of discord. In a city suffused by politics, the

\textsuperscript{564} “Humanistic” in this context has nothing to do with atheist humanism. Rather, it simply means “relating to the human” as in the “humanities.”

\textsuperscript{565} For an image of the highly ornamented medal, see http://www.pritzkerprize.com/media/_downloads/Pmedal_back_lr.gif.
National Mall is a respite. It is a breath of fresh air from the smog of politics, a place to cleanse one’s lungs of the sulfur and soot of smoke-filled rooms and corridors. It is the Mall’s very non-political nature that has allowed it to be used by any variety of democratic political causes and protests.

The Mall’s green carpet of gardens and parks is an escape not just from politics but from commerce and industry. In contrast to Times Square in Manhattan, the Mall contains no billboards, no advertising, nothing electronic or televisual, nothing tawdry or cheap. One of the early achievements of the leaders of the McMillan Plan was to remove a train station from the Mall. Gehry’s Memorial, however, will violate the Mall Park System with industrial steel and industrial forms. It will also deface the Mall with elements of billboard advertising, particularly the kind oriented toward fast-driving automobiles, not strolling pedestrians. Recall that Gehry and his work are highly influenced by Los Angeles, a sprawling car-oriented megalopolis with no central public space and virtually no pedestrians.

Such things used to go without saying, but the appropriateness of the Memorial must take into account the political, moral, cultural, and aesthetic virtues, values, and ideals (“Virtues, Values, and Ideals”) President Eisenhower represented and advocated, as well as the Virtues, Values, and Ideals of the United States, the American government and armed forces, the American founders (including Presidents Washington and Jefferson, both of whom directed the design of the nation’s capital), the U.S. Constitution and other founding documents, and the American people.

This includes iconography particularly associated with Eisenhower, including his blouson jacket (the “Eisenhower jacket”) and the badge of the Supreme Allied Command Expeditionary Force, which featured a flaming sword. This includes Eisenhower’s personal taste, such as his refusing to wear medals on his uniform, his hatred of chrome on cars, and his disdain for modern art and architecture.

Appropriateness must also take into account the Virtues, Values, and Ideals of and expressed and represented by official U.S. iconography, symbols, music, songs, mottos, protocols, and ceremonies. These include the national motto, flag and Flag Code, anthem, march, pledge of allegiance, oath of allegiance, emblem, bird, floral emblem, tree,

566 Ideally, the Mall would not even permit disruption by automobiles, or would hide them out of site as New York’s Central Park does (and as the Mall does in the 9th and 12th street underpasses).
567 As Gehry explained his opposition to a metal-truss support for the “tapestries,” “You know, it got very high-tech looking with the cables and everything and I thought, oh, my god, this isn’t Washington. This isn’t memorial. This is industrial looking.” CFA Transcript, May 20, 2010 at 50.
568 Note the presentation: Rather than printed on a press, the original copy of the Constitution was engrossed by Jacob Shallus in handwritten calligraphy (Greek for “beautiful writing”) on vellum parchment, an enduring natural material of ancient origin.
569 “In God We Trust,” which President Eisenhower signed into law in 1956.
571 Compare the European Hymn, which consists of the music but not the words from Beethoven and Schiller’s “Ode to Joy.” No lyrics are sung because of the lack of a common tongue.
572 On June 14, 1954, President Eisenhower signed the bill that inserted “under God” into the pledge of allegiance. In his signing statement, he explained, “In this way we are reaffirming the transcendence of religious faith in America’s heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will
and coat of arms; the Great Seal\textsuperscript{573}; the Seal of the President; the presidential coat of arms, oath of office, and portraits\textsuperscript{574}; state dinners; state and military funerals and obsequies; passports; correspondence and typographic manuals and letterhead; civilian and military uniforms, ranks, and insignia; coins, medals, and currency\textsuperscript{575}. 

With few or no exceptions, each and every one of these is traditional or classical in substance, style, and intent. Some of them also adhere to ancient traditions, such as the rules of heraldry. The very existence of some of these categories is significant. For instance, the fact that the U.S. has a national bird, floral emblem, and tree—not a national fish, slime mold, or weed—bespeaks a love for and a particular idealized understanding of nature and the natural.

The three core government buildings of the United States—the Capitol\textsuperscript{576}, White House, and Supreme Court—together with the national monuments and memorials in the nation’s capital, are the landmarks by which we orient ourselves spatially and spiritually.\textsuperscript{577} The Washington Monument and Capitol are the nation’s axis mundi where the heavens, earth, and

\textsuperscript{573}See http://en.wikipedia.org/wiki/Great_Sea\_of\_the\_United\_States.

\textsuperscript{574}Note the significance of the fact that the U.S. has a National Portrait Gallery.

\textsuperscript{575}A good litmus for any national presidential memorial design is whether it will look appropriate on American currency. For an illustration of how Gehry’s design will look on a federal reserve note, see http://www.civicart.org/images/Frank_Gehry_Eisenhower_Memorial_on_American_Money.jpg. Note that the ghostliness of the Memorial makes the Modernist Department of Education the most apparent feature. Compare the obverse of the 500 euro bill for an example of how Modernist architecture looks on paper money, available at http://en.wikipedia.org/wiki/File:EUR_500_obverse_(2002_issue).jpg.

\textsuperscript{576}The choice of the name ‘Capitol’ is significant. Reviewing L’Enfant’s plan, Thomas Jefferson crossed out every reference to ‘Congress house’ and wrote the word ‘Capitol’ in its place. This seemingly minor clarification was significant, for it spoke volumes of the administration’s aspirations for the Capitol and the nation it would serve. Instead of a mere house for Congress, the nation would have a capitol, a place of national purposes, a place with symbolic roots in the Roman Republic and steeped in its virtues of citizenship and ancient examples of self-government. The word was . . . particularly associated with the great Roman temple dedicated to Jupiter Optimus Maximus on the Capitoline Hill.” William C. Allen, \textit{History of the United States Capitol – A Chronicle of Design, Construction, and Politics} (Government Printing Office, 2001), 10 available at http://www.access.gpo.gov/congress/ senate/capitol/. In a July 12, 1812 letter to Benjamin Henry Latrobe, the architect of the Capitol, Thomas Jefferson described the Capitol as “worthy of the first temple dedicated to the sovereignty of the people, embellishing with Athenian taste the course of a Nation looking far beyond the range of Athenian destinations.” \textit{Thomas Jefferson and the National Capital: Containing Notes and Correspondence Exchanged Between Jefferson, Washington, L’Enfant, Ellicott, Hallett, Thornton, Latrobe, the Commissioners, and Others}, http://etext.lib.virginia.edu/etcbin/toccer-new2?id=JeThom.sgm&images=images/modeng&data=\textit{texts/english/modeng/parsed&tag=public&part=all}. Jefferson, it should be remembered, was not one known for superstition, idolatry, or religious zealotry.

\textsuperscript{577}In 1791, L’Enfant established the U.S.’s first prime meridian, part of the basis for his Plan, as running through the exact center of the Capitol dome. His Plan was based on a triangle with the Capitol, White House, and Washington Monument at the vertexes. Jefferson later added a second meridian on the side of the triangle between the White House and the Washington Monument.
compass points meet.\textsuperscript{578} The Washington Monument, America’s first sky-scraper, is also the needle at the center of the national sundial. The core landmarks’ geometrical, orderly arrangement, based on straight lines and triangles and circles is symbolic. The arrangement, which is most visible on maps and from the air, is something far more than pretty, useful, or convenient. The arrangement reflects that the first role of government is ensure order, to prevent chaos and anarchy.

Appropriateness must therefore take into account the Virtues, Values, and Ideals of and expressed and represented by the core buildings of the three branches of government as well as the orderly classical plan and landscape of the L’Enfant and McMillan Plans. By studying the core buildings of the U.S. government—the Capitol, White House, and Supreme Court—singly and collectively, as well as their siting and arrangement, we can extrapolate some of the essential qualities of American federal architecture, as well as their opposites.

a) Table: The Essential Qualities of American Federal Architecture

<table>
<thead>
<tr>
<th>American Federal Architecture</th>
<th>Not American Federal Architecture</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand and monumental in style, tasteful, and timeless</td>
<td>Negation of the grand style, tasteless, kitsch, fashionable, up-to-the-minute, instantly dated</td>
</tr>
<tr>
<td>Classical\textsuperscript{579} in design, specifically in the classical idiom \textsuperscript{580} historically and currently most associated with the American form of American government, a democratic republic</td>
<td>Designed in a style or idiom associated with Nazism, Fascism, Communism, and other illiberal or totalitarian forms of government; generic international or globalized style (such as International Style); the styles of non-Western civilizations; any style associated with anarchism and the lack of government and/or civilization</td>
</tr>
<tr>
<td>Monumental in scale</td>
<td>Inhuman or child-sized in scale</td>
</tr>
<tr>
<td>Mass-ive (i.e., great in mass)</td>
<td>Voluminous with relatively little mass, mass-less</td>
</tr>
<tr>
<td>Welcoming, terrestrial, and homely\textsuperscript{581}</td>
<td>Uncanny, ghostly, haunted, creepy, preternatural, or full of dread</td>
</tr>
<tr>
<td>Orderly, rational, decorous, polite, civil, civilized, formal, earnest, sincere, consistent, and harmonious</td>
<td>Disorderly, anal-retentive, hyper-rational, irrational, absurd, jocular, sarcastic, ironic, cynical, casual, rude, uncivil, brute-al, vulgar, clashing, or chaotic</td>
</tr>
<tr>
<td>Beautiful</td>
<td>Ugly</td>
</tr>
<tr>
<td>Symmetrical</td>
<td>Asymmetrical</td>
</tr>
</tbody>
</table>

\textsuperscript{578} See http://en.wikipedia.org/wiki/Axis_mundi.
\textsuperscript{579} Compare, by contrast, the Scottish Parliament Building (2004), which has won major architectural awards, including the 2005 Royal Institute of British Architects Stirling Prize, that organization’s highest prize. Photos available at http://www.galinsky.com/buildings/scottishparliament/ and http://www.edinburgharchitecture.co.uk/scottish_parliament.htm. This is the sort of core government building the proponents of the Design Excellence Program favor.
\textsuperscript{580} From the Greek “to make one’s own.”
\textsuperscript{581} It is the White House, not the White Castle, Palace, or Shed. Compare “White House” with the Russian Kremlin (“fortress”) and the British 10 Downing Street (an ordinary townhouse).
| Traditional, historical, and respectful of the past | Anti-traditional, anti-historical, and has no respect for the past |
| Whole and of a piece, with no visible seams, joints, or construction | Dismembered hodgepodge of separate pieces, with visible seams, joints, and construction |
| Shapeful, with an identifiable front, back, sides, inside, outside, and entrance | Shapeless, amorphous, with no identifiable front, back, sides, inside, outside, or entrance |
| Appears right-side-up with inside in and outside out | Appears upside-down and inside-out |
| Composed of noble luminous luxurious natural materials | Composed of cheap, artificial, industrial materials, especially drab and dark in color |
| Evinces prosperity and generosity | Evinces poverty and stinginess |
| Composed of identifiable, nameable, unironic shapes and forms | Composed of unidentifiable or unnameable shapes and forms, or composed of ironic shapes (e.g., not a temple, column, and tapestry, but a “temple,” “column,” and “tapestry”) |
| Decorated with refined ornament (including on a scale smaller than the size of the average adult hand) inspired by idealized living natural forms and man-made forms inspired by nature | Undecorated and unornamented, or decorated with unrefined ornament (on a scale larger than the size of the average adult hand) inspired by inorganic, machine, and nameless forms |
| Expressed in a vernacular design language understandable by the average American | Expressed in no design language, or in an elite, foreign, or esoteric language, or in an idiolect (a private language) |
| Decorated with refined figurative sculptures | Not decorated with refined figurative sculptures, or decorated with unrefined or abstract sculptures |
| Composed of or containing human forms and forms inspired by humans as idealized persons, not things | Not composed or containing human forms and forms inspired by human beings, or composed or containing humanoid forms based on humans as things, not persons |
| Designed and appear to be designed to serve human beings, purposes, and functions | Not designed or appear to be designed to serve human beings, purposes, or functions, designed or appear to be designed to serve machines, extraterrestrials, supernatural beings, or animals |
| Resembles non-commercial forms of architecture (such as temples and houses) | Resembles commercial architecture, including industrial buildings and factories |

582 It is the White House, not the Casa Rosada, Gray House, or Taupe House. Compare Paris, the civic buildings of which are mostly beige limestone. In the words of Suetonius, Augustus Caesar “found Rome brick, but left it marble.”

583 “One of my unsung heroes is [architect] Erich Mendelsohn. . . . [I]f you go to his Einstein Tower in Potsdam, Germany you see an enormous intellect at work with a language that was personal and new. It has a sense of urban design and of theater and procession I hadn’t seen before. His drawings are expressive and beautiful. If he’d had the computers we have now, everything I’ve done he would have done before me. I would have had to figure out something else.” [emphasis added] Gehry qtd. in Playboy.

584 Mies van der Rohe: “The sociologists tell us we have to think about the human beings who are living in that building. That is a sociological problem, not an architectural one.” Conversations with Mies van der Rohe 73.
<table>
<thead>
<tr>
<th>Visually oriented vertically (including via columns)</th>
<th>Lacking a visual orientation, or visually oriented horizontally(^{585}) or diagonally(^{586})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is above ground, at a high point, with entrances leading upwards(^{587})</td>
<td>Is below ground, at a low point, or with entrances leading downwards or below ground</td>
</tr>
<tr>
<td>Solid and sound and <em>appears</em> to be solid and sound</td>
<td>Is or appears to be liquid, gaseous(^{588}), colloidal, diaphanous, membranous, transparent, translucent, brittle, soft, ductile, weak, structurally flawed, dangerous, or in danger of structural failure or collapse</td>
</tr>
<tr>
<td>Appears indifferent to threats and danger</td>
<td>Appears fearful, anxious, defensive, or terrified</td>
</tr>
<tr>
<td>Clear, univocal, and forthright in its content and expression</td>
<td>Confused, garbled, stuttering, mealy-mouthed, ambivalent, or equivocating in its content and expression</td>
</tr>
<tr>
<td>Pleasing to the touch and <em>appears</em> to be pleasing to the touch</td>
<td>Is or appears to be too hot or too cold, itchy, abrasive, clammy, slimy, piercing, or cutting</td>
</tr>
<tr>
<td>Permanent and <em>appears</em> to be permanent</td>
<td>Temporary, transient, or ephemeral, and appears so</td>
</tr>
<tr>
<td>Intentional and man-made, and appears so</td>
<td>Unintentional or created by nature or chance, and appears so(^{589})</td>
</tr>
<tr>
<td>Static</td>
<td>Dynamic, evolving, in motion, or suspended in motion(^{590})</td>
</tr>
<tr>
<td>Realistic, this-worldly, and sober</td>
<td>Imaginary, hallucinatory, drug-induced, intoxicated, dreamlike, nightmarish, fantastic, or science fictional</td>
</tr>
<tr>
<td>Sane and well-adjusted</td>
<td>Neurotic, histrionic, schizoid, schizophrenic, narcissistic, psychotic, or insane</td>
</tr>
<tr>
<td>Appears complete and finished, well-maintained, and in like-new or good condition</td>
<td>Appears incomplete, under construction, in a state of disrepair, dirty, decayed, ruined, rusted, or under demolition</td>
</tr>
<tr>
<td>Virtuous, uncrooked, and law-abiding; designed in a style associated with places and</td>
<td>Vice-ious, crooked, and criminal; designed in a style associated with places and cities of vice,</td>
</tr>
</tbody>
</table>

\(^{585}\) For an example of a horizontally oriented civic building, see Boston’s City Hall. [http://upload.wikimedia.org/wikipedia/commons/1/13/Boston_City_Hall.JPG](http://upload.wikimedia.org/wikipedia/commons/1/13/Boston_City_Hall.JPG) and [http://en.wikipedia.org/wiki/File:3952794823_CityHallPlaza_Boston_1973.jpg](http://en.wikipedia.org/wiki/File:3952794823_CityHallPlaza_Boston_1973.jpg). (Note incidentally, the total lack of natural landscaping and other forms of life.)


\(^{587}\) See [http://en.wikipedia.org/wiki/City_upon_a_Hill](http://en.wikipedia.org/wiki/City_upon_a_Hill). The Capitol and White House are on hilltops. The Washington Monument was built on a man-made hill.

\(^{588}\) For an example of gaseous civic architecture, see the $7.5 million bubble planned for the Hirshhorn Museum on the National Mall: [http://dcist.com/2011/06/hirshhorn_bubble_slow_to_inflate.php](http://dcist.com/2011/06/hirshhorn_bubble_slow_to_inflate.php).

\(^{589}\) “[My house’s] real artistic value was that you didn’t know what was intentional and what wasn’t.” Gehry qtd. in Isenberg at 67.

\(^{590}\) “I was trying to look for a way to express movement in architecture, which artists have done through history in various ways. I made some fish sculptures, which expressed movement, and I was encouraged by that so I continued to explore it.” Gehry qtd. in [http://www.euroartmagazine.com/new/?page=1&content=232](http://www.euroartmagazine.com/new/?page=1&content=232).
<table>
<thead>
<tr>
<th>cities of virtue, law-abidingness, and goodness (e.g., ancient Rome and Athens)</th>
<th>crime, and evil (e.g., prisons, Las Vegas, Berlin in the Third Reich)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ideal-istic</td>
<td>Material-istic</td>
</tr>
</tbody>
</table>

Appropriateness must also take into account the Virtues, Values, and Ideals of and represented by the six existing national presidential monuments and memorials in Washington, D.C., five of which are orderly, decorous, and classical in style, constructed of white marble, and decorated with ornament and figurative sculpture.\(^{591}\) Each of the monuments and memorials except for the Washington Monument features a larger-than-life realistic statue of its subject as he appeared while in office.\(^{592}\) Each of the monuments and memorials except for the Franklin Delano Roosevelt Memorial is fundamentally vertical, not horizontal or diagonal, in orientation. All of them are solid and sound and appear to be solid and sound, as opposed transparent or translucent. The monuments and memorials are permanent and appear to be permanent. The monuments and memorials appear complete and as-new (with at most an intended patina), not dirty, decayed, ruined, rusted, destroyed, under construction, or in a state of disrepair. The NCPC has said the following about Gehry’s unprecedented design: “Generally, we are very supportive of the modern innovative approach the Design Team is taking towards developing a memorial to Dwight D. Eisenhower off of the National Mall and unlike any other Presidential Memorial that you can find throughout the city today.” [emphasis added]\(^{593}\)

Appropriateness must also take into account the Virtues, Values, and Ideals of and represented by the six non-national presidential monuments and memorials in Washington, D.C., four of which are orderly and classical in style (and feature a larger-than-life realistic statue of its subject as he appeared while in office), one of which is Modernist yet clad with traditional white marble (and also contains a larger-than-life bronze bust of its subject), and one of which has neither a clearly discernable style nor a statue of its subject.\(^{594}\)

Appropriateness must also take into account the nobility of the Memorial’s materials, including steel versus other metals, such as titanium and bronze, and concrete and non-marble stone versus marble.\(^{595}\) Gehry has chosen to clad the giant pillars in beige limestone. In doing so, he is matching the color and material of the Department of Education Building. He is also echoing the dominant color and material of Parisian civic buildings (“I like the stone of France . . .

\(^{591}\) The classical presidential monuments and memorials are those honoring George Washington, Thomas Jefferson, Abraham Lincoln, Ulysses S. Grant, and Theodore Roosevelt. The Franklin Delano Roosevelt Memorial is the exception. Compare FDR’s remarks on architecture in his Fireside Chat quoted above.

\(^{592}\) The interior of the Washington Monument contains a life-sized bronze statue of Washington on a pedestal, though this is not an element of the monument’s design.


\(^{594}\) The classical presidential monuments and memorials are those honoring Presidents Andrew Jackson, James Garfield, James Buchanan, and Woodrow Wilson. The John F. Kennedy Memorial Center for the Performing Arts is Modernist, whereas the Lyndon Baines Johnson Memorial Grove is of no clearly discernable style.

\(^{595}\) Referring to the planning of the Disney Concert Hall, Gehry said, “I want to use white marble.” Gehry Talks at 114. Referring to his addition to the Toledo Museum of Art, he said, “the Toledo Museum of Art, which has three large porches with Greek-style pediments [is] a beautiful white marble building . . . . You couldn’t add a white marble piece; it would destroy the existing building, and, anyway, we couldn’t afford marble.” Id. at 124.
. . Parisian stone is very effective as a stucco material’’), as well as Berlin’s Brandenburg Gate. By contrast, the Cohen, FAA, and Air and Space Museum buildings are all clad in white or off-white marble. In Washington, D.C., beige is the color of Brutalism, not national presidential memorials or the core buildings of the American government.

4. The Memorial Design Is Not Permanent

a) The Memorial Design Is Not Permanent Physically

As for the requirement that the Memorial be permanent, Gehry’s design violates the law in numerous ways. Indeed, Commission itself appears to be confused as to the very meaning of “permanence.” Their official statement on the tapestry includes this irrelevant non sequitur: “One chief concern for a presidential memorial is preservation. It must be built to endure and to remain relevant for centuries. For this task, tapestry is appropriate; it has persisted as an art-form for thousands of years . . . .”

As for permanence considered as actual physical permanence, the industrial steel wire of the “tapestries” is liable to corrosion and roughing. Environmental causes of such deterioration include acidic rain, caustic bird and other animal droppings, and road salt atomized in the air, the last of which previously affected a mockup of one of Gehry’s steel buildings. Steel welds are particularly susceptible to corrosion and rouging, and the Memorial has thousands if not millions of such welds. Furthermore, since the “tapestries” are suspended via tension between the outermost pillars, the wire net can easily be damaged intentionally or accidentally. All a vandal or clumsy maintenance worker requires is a blowtorch or bolt cutter to do serious damage.

The Memorial’s emphasis on landscaping as a central design element also militates against permanence. The notion of a permanent garden is a contradiction in terms. A garden always requires a gardener. (A natural park, by contrast, can be permanent.) The Memorial’s garden landscaping will require far more maintenance than all previously built national presidential memorials. But even with attentive maintenance, the landscaping will be susceptible to weather damage and disease. The American sycamore (Platanus occidentalis), the main cultivar in the Memorial, is particularly vulnerable to the anthracose fungus. Gehry himself has acknowledged the possibility of trees dying. Compare how the 85 paperbark maple trees planted at the September 11th Pentagon Memorial were dead within one year.

596 “Since I’m So Democratic” at 45. “The exterior of the [DZ Bank] building is limestone to echo the Brandenburg Gate.” Gehry Talks at 203.
597 Warner at 3.
600 CFA Transcript, May 20, 2010 at 33-34.
As for the permanence of the Electronic Memorial, which is such a central element that it was specifically mentioned in the design competition, it is unclear how the on-site internet connection and power supply are to be made permanent or even reliable. In a fitting irony, at the November 2011 Section 106 meeting, held at the NPS National Capital Region Headquarters, Gehry Partners’ presentation was delayed due to what were explained as the intermittent internet problems of the entire Department of Interior. If the Department of Interior cannot maintain stable internet for its essential day-to-day work, how can we expect it to maintain stable internet access for the Memorial in perpetuity? Similarly, the NPS’s own website is full of broken links and pages that fail to load.

It is also unclear how the Memorial’s on-site internet connection and software programming can be made permanent with respect to the constantly evolving hardware of and software in personal electronic äppärät. By contrast, traditional memorials require only ordinary human vision to be appreciated. Likewise, there can be no guarantee that in the future the custodians of the Electronic Memorial will not change its content, perhaps in ways contrary to the spirit of the Memorial. Feil has said that the information in the Electronic Memorial will change over time “to keep it up to date.” In other words, the Memorial will intentionally change with time. The Electronic Memorial will be far easier to vandalize and politically manipulate than traditional memorials. One can desecrate and destroy a traditional memorial, but is extremely difficult to appropriate one for a purpose for which it was not intended.

b) The Memorial Design Is Not Permanent in Appearance

The requirement of permanence also requires that the Memorial has the appearance of permanence, as distinct from actual physical permanence. As mentioned above, Gehry and his firm have described the “tapestries” as a “shroud,” “shadowy images,” and the Memorial as a “ghost building.” Gehry’s firm has also described the “tapestries” as a “diaphanous membrane.” Gehry has said the Memorial “creates a building without walls.” At a meeting of the CFA, Commissioner McKinnell said to Gehry:

[If I can refer to our mutual friend Peter Eisenman [the deconstructionist architect], I think that what, for me, is happening here is something quite incredible because I think there—it is like the absence of the presence of the building that could have been there. I think the columns at that scale are very important to establish that very, very interesting idea. [emphasis added]

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602 CFA Transcript, Nov. 20, 2008 at 26.
603 “[The Disney Concert Hall] had to be a building that had permanence and one that looked like it was going to stay there a while.” Gehry qtd. in Isenberg at 118.
605 NCPC Transcript, Jun. 3, 2010 at 36.
606 Nov. 17, 2011 Eisenhower Memorial Section 106 meeting. Compare Gehry’s explanation of the considerations he relied on in changing his given surname (“Goldberg”): “I liked that my initials were F.O.G. and I didn’t want to give that up. In fact, my new boat’s name is Foggy.” Qtd. in Isenberg 32. See also the cutaway signage on Gehry’s office, available at http://www.foga.com/contact.asp. See also Philip Johnson’s homage to Gehry at the former’s Glass House. Johnson built in the nearby woods the Ghost House, a chain-link cage. Photos available at http://philipjohnsonglasshouse.files.wordpress.com/2010/09/the-world-of-interiors-article.pdf.
To which Gehry responded, “That is what it felt like to me, too.”

Thus, he sees the Memorial as representing a void, an emptiness. Describing his jealousy for another architect’s commission in a public park in Japan, Gehry said some years ago:

It’s as if I would be given a chance to do a pavilion or a building in the middle of Central Park. An architect never gets to do that in America. . . . If I was put in the middle of a park, I might defer to nature, too. I might say, “nature is ten times more beautiful than anything I’m going to produce.” I might even build something like [architect] Philip Johnson’s Glass Pavilion.

Gehry is referring to Johnson’s own self-designed house, which is an entirely transparent structure of steel and glass with no privacy for its inhabitants.

Whatever Gehry is looking to achieve by his Memorial, a structure that is intended or appears to be a shroud, ghost, or diaphanous membrane simply does not satisfy the requirement of permanence. Moreover, to the extent that the screens reference genuine tapestries, they recall textiles that are notoriously prone to fading and decay.

To the best of our knowledge, with the exception of ad hoc temporary structures, all national monuments and memorials in America are permanent and appear to be permanent. Excluding the use of the U.S. and other official flags made of cloth, not one national monument or memorial includes as a central design element a mesh, scrim, “tapestry,” gauze, diaphanous membrane, screen, transparent billboard, chain-link fence, chicken wire, textile, cloth, fabric, shroud, drape, or curtain of any material. According to a Senior Urban Planner at the National Capital Planning Commission, “The metal tapestries are a very innovative approach. There’s nothing like them in the district [of Columbia].” [emphasis added]

Commissioner Rybczynski said of the “tapestry,” “It is not something we can—I can go look at and say, ‘I have seen that before. I haven’t seen it before. Nobody has.’” The “tapestries” are thus experimental both aesthetically and in terms of their engineering. This would likely be the first time a national memorial was used to make such an untested experiment. Eisenhower and the American people get to be the guinea pigs.

B. The Memorial Grievously Violates the L’Enfant and McMillan Plans

The Memorial design must conform with the 1791 L’Enfant Plan, which was enacted by President George Washington, directed by Thomas Jefferson, and came to fruition in the 1901-2 Senate Park Improvement Plan (commonly known as the McMillan Plan). Both plans are predicated on the classical idea of unity and harmony. To quote the McMillan Plan:
The very fact that [George] Washington and [Thomas] Jefferson, [Peter] L’Enfant and [Andrew] Ellicott, and their immediate successors, drew inspiration from the world’s greatest works of landscape architecture and of civic adornment made it imperative to go back to the sources of their knowledge and taste in order to restore unity and harmony to their creations and to guide future development along appropriate lines. . . . We know, also, that L’Enfant had the advantage of those maps of foreign cities, . . . which Jefferson gathered during his public service abroad, and we learn from Jefferson’s letters how he adjured L’Enfant not to depart from classical models, but to follow those examples which the world had agreed to admire. In order to restudy these same models and to take note of the great civic works of Europe, the Commission spent five weeks of the summer of 1901 in foreign travel, visiting London, Paris, Rome, Venice, Vienna, Budapest, Frankfort, and Berlin. [emphasis added]613

The L’Enfant and McMillan plans are the fundamental zoning codes for the city and Monumental Core, respectively.614 No subsequent zoning plan put forth by NPS, NCPC, or any other agency has ever replaced them—nor could a later-in-time plan do so without having had a permanent significant adverse effect on them.

In 1990, NPS successfully nominated the L’Enfant Plan (which NPS defined as “the L’Enfant Plan area with modifications made in accord with the McMillan Plan”) for the National Register of Historic Places.615 The application also repeatedly spoke of the “L’Enfant-McMillan plan” as if it is one unified work, akin to the U.S. Constitution and its Amendments. In 2002, NPS submitted a nomination for the L’Enfant Plan (and the McMillan Plan contributions to it) to become a National Landmark. According to 40 USC § 3309 (“Buildings and Sites in the District of Columbia”):

The purposes of this chapter [33] shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L’Enfant. Public buildings shall be constructed or altered to combine architectural beauty with practical utility. [emphasis added]

The Memorial is not only in disharmony but is positively discordant with the L’Enfant and McMillan Plans. Gehry’s firm has partly admitted this, explaining of the planned Eisenhower Square, “It’s not like many of the other L’Enfant squares with a statue or building in the center.”616

For the reasons stated above, we believe there is no conceivable way the Memorial design and the concept design it is based upon can have anything but a grievous permanent

614 Under the Zoning Act of 1938, federal buildings are exempt from the District of Columbia’s zoning laws. The NCPC, however, must review and regulate such buildings according to the L’Enfant and McMillan plans.
615 http://pdfhost.focus.nps.gov/docs/NRHP/Text/97000332.pdf
616 NCPC Video, Oct. 6, 2011 at 56:15.
adverse effect on the L'Enfant and McMillan plans and National Mall, not to mention on numerous other protected districts, sites, buildings, structures, and objects in the Area of Potential Effects. This is not just due to the Memorial’s impermissible blocking of any particular viewsheds, though that may in fact be the case. It is also due to the fundamental way the form, style, and ethos of the Memorial violate the integrity of the plans, including by changing their character and through introducing disintegrating elements. The Memorial is as much of a violation of the plans integrity as would be a memorial that featured an enormous offensive symbol—e.g., a 9/11 symbol—even if the memorial blocked no particular viewsheds. Style does matter under the law, even if those who oppose tradition would like us to forget this.

By contrast, EMC Executive Architect Daniel J. Feil has denied that there is a right or wrong style for the Memorial. Commenting on the winning designs in the National Civic Art Society’s Eisenhower Memorial Counter Competition, which solicited submissions from traditional architects, Mr. Feil said, “The neoclassical ideas they have, it’s just another approach . . . . There’s no right or wrong way. But we went this way.” [emphasis added]617

The Memorial design’s style, form, materials, content, scale, and scope are totally anathema to and discordant with the National Mall and the Monumental Core. Indeed, Gehry has repeatedly stated his rejection of harmony as a principle of architecture and urban planning. Furthermore, the Memorial is ugly and offensive to the eye according to the standards of the L’Enfant and McMillan Plans as well as traditional and current public standards of beauty. Indeed, as quoted above, Gehry has previously attacked the traditional and public understanding of architectural beauty, and has admitted to his own confusion on the matter. His collaborator Robert Wilson, speaking of the Memorial, has a stated his preference against architecture altogether:

There’s nothing more beautiful than an empty room or an empty space. They say the best architecture is—forgive me, Frank [Gehry]—is no architecture.618

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618 Qtd. in Brussat “Latest Twists.” The saying “the best architecture is no architecture” is a quotation from Aaron Betsky, the influential avant-garde architectural theorist who used to work for Gehry’s firm. He is the former director of the Cincinnati Art Museum. In 2008, Betsky directed the 11th International Architecture Exhibition at the Venice Biennale, perhaps the most prestigious art show in the world. Betsky explained that the exhibition, titled “Out There: Architecture Beyond Building,” “wants to move towards a building-free architecture . . . . instead of presenting the graves of architecture, that is the buildings . . . . [A]rchitecture is not about making things,” La Biennale di Venezia, Out There: Architecture Beyond Building (2008) http://www.labiennale.org/en/architecture/history/11.html?back=true. At the exhibition, Betsky awarded Gehry the Golden Lion for Lifetime Achievement and officially praised the architect for representing what Betsky was calling for: “Frank Gehry’s architecture is the very modern model for an architecture beyond building.” Id. In his “Theme of the Competition” for the exhibition’s student competition (an open competition that was blindly reviewed), Betsky called for an anti-architecture of ephemerality and transience: “Deep in our culture, however, is the notion that a small-scale community, whether by itself or as the neighborhood in a larger city, is at the core of what connects us not just to a place, but to a sense of community. These days, such places arise and disappear much more quickly than at any time in human history. If we cannot live there long enough to make them our own, and if they cannot develop over time, what makes them real places that create social and physical foundations for our experience of the world? Certainly architecture is not the answer, at least not in the traditional sense of the word. It is unlikely that monuments or recognizable structures such as churches or banks were ever anything either placeholders or late appearances in the forming of community. It is the texture, the changing, decaying and growing
This preference for emptiness over architecture necessarily entails a preference for emptiness over beautiful architecture.

Furthermore, even the practical utility requirement of 40 USC § 3309 has not been sufficiently considered—as shown by the difficulty in maintaining the “tapestries,” the likely danger of falling snow and ice, and the lack of measures to shield the site from traffic noise. Gehry, previously known as the architect of the ephemeral (and who likewise built furniture out of cardboard), would apparently be satisfied if the “tapestries” are able to survive 100 or 200 years, which is not long for a monument.619 According to the minutes of the Eisenhower Memorial Commission, Gehry “wanted the completed Memorial to withstand corrosive and destructive forces for a minimum of one hundred years.”620 Gehry has spoken of the “tapestries” being cleaned with sprays,621 though it is hard to see how even a high-pressure spray will be able to get into all of the nooks and crevices of the web. There can be no doubt that the “tapestries” will require far more regular maintenance than all prior national presidential memorials.622 Even if they were neglected for thousands of years (compare the Egyptian pyramids), those memorials would largely remain the same. By contrast, without maintenance on a monthly, weekly, or perhaps even daily basis, the steel wire “tapestries” will start becoming overgrown with biological matter, stuck with debris and detritus, and will begin corroding and rouging. Due to maintenance concerns, NCPC maintenance expert Bradley Provancha preferred other concept designs to the one with the “tapestries.”623 The cost of the maintaining the “tapestries” in perpetuity will not be borne by the Commission and is not included in the $119 million estimated cost of the Memorial. It will be passed on to the National Park Service and thence to the American taxpayer. We have yet been able to find a cost-estimate of the maintenance.

C. NPS and NCPC Are Failing to Enforce the National Environmental Policy Act and National Historic Preservation Act

The process of authorizing the Memorial under federal law is highly complicated and confusing, and entails an alphabet soup of overlapping independent federal agencies, as well as the D.C. State Historic Preservation Office (SHPO). Simplifying this process would be both highly beneficial in improving enforcement and would also help identify responsibility with the appropriate parties. At present, it is easy for persons and agencies to hide behind a thicket of rules and regulations with no one clearly in charge.

Cf. Gehry, previously known as the architect of the ephemeral (and who likewise built furniture out of cardboard), would apparently be satisfied if the “tapestries” are able to survive 100 or 200 years, which is not long for a monument.619 According to the minutes of the Eisenhower Memorial Commission, Gehry “wanted the completed Memorial to withstand corrosive and destructive forces for a minimum of one hundred years.”620 Gehry has spoken of the “tapestries” being cleaned with sprays,621 though it is hard to see how even a high-pressure spray will be able to get into all of the nooks and crevices of the web. There can be no doubt that the “tapestries” will require far more regular maintenance than all prior national presidential memorials.622 Even if they were neglected for thousands of years (compare the Egyptian pyramids), those memorials would largely remain the same. By contrast, without maintenance on a monthly, weekly, or perhaps even daily basis, the steel wire “tapestries” will start becoming overgrown with biological matter, stuck with debris and detritus, and will begin corroding and rouging. Due to maintenance concerns, NCPC maintenance expert Bradley Provancha preferred other concept designs to the one with the “tapestries.”623 The cost of the maintaining the “tapestries” in perpetuity will not be borne by the Commission and is not included in the $119 million estimated cost of the Memorial. It will be passed on to the National Park Service and thence to the American taxpayer. We have yet been able to find a cost-estimate of the maintenance.

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The National Environmental Policy Act (NEPA) of 1969 requires federal agencies to carefully consider environmental impacts in their decisions. Environmental impact is understood broadly to include cultural and historic impacts. NCPC, NPS, and other agencies enforce this law by undertaking an Environmental Assessment (EA). At present, while enforcing the Act, NCPC and NPS simultaneously undertake procedures to enforce the National Historic Preservation Act (NHPA) as amended. (It is not clear whether this simultaneous process comports with the law or is even good policy.) The NHPA’s intent is as follows:

The Congress finds and declares that —
(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;
(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;
(3) historic properties significant to the Nation’s heritage are being lost or substantially altered, often inadvertently, with increasing frequency;
(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

[. . .]

It shall be the policy of the Federal Government, in cooperation with . . . private organizations and individuals to —
(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;
(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;
(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means; [emphasis added]

The NHPA established the Advisory Council on Historic Preservation (ACHP) as an independent federal to promote the preservation, enhancement, and productive use of the

624 42 U.S.C. 4321, et seq.
country’s historic resources.626 The ACHP’s most important role is in enforcing the NHPA via the regulations it promulgated under Section 106 of the Act.627 For the Eisenhower Memorial, the Section 106 process has been led by NCPC and NPS in conjunction with GSA, SHPO, and other stakeholders. In 2006, they granted Section 106 approval for the Memorial site. NPS and SHPO initiated Section 106 design approval on April 9, 2010.

Despite the NHPA’s clear goal of giving maximum encouragement to private organizations and individuals, it appears that the Section 106 process has been set up to fly below the radar. For instance, regarding Section 106 site approval, the past chair of Committee of 100 on the Federal City, a non-profit organization devoted to improving the nation’s capital, wrote to NPS:

We must take strong exception to the way in which this “consultation” has taken place. Despite repeated written and phoned requests, we have received no material until this [Environmental Assessment] arrived by FedEx just days before the comment period closed on July 14. Obviously this precluded our ability to participate in the June 29 event and to research portions of the EA for comment.

Both I and C100 Chairman Don Hawkins have requested the materials and notices . . . but not a single communication related to this project has come. In light of the years of my involvement in S106 and EA/EIS processes during which communication has never been a problem, I call into question the due diligence of this EA process . . . .628

The National Civic Art Society (NCAS), a Section 106 consulting party, has likewise found that it has been difficult to give outside input. For instance, Section 106 meetings were held at NPS National Capital Region headquarters, which is inaccessible by public transportation. Moreover, the official minutes of the November 2011 Section 106 meeting are incomplete and conveniently avoid putting NPS and other stakeholders in a negative light.629 Perhaps as a result of the difficult questions the NCAS asked at the November 2011 meeting, on February 24, 2012 NPS announced that the Section 106 process was complete.630

As further evidence of the inadequacy of NCPC’s leadership, in its 2006 site approval action it declared the following design principles for the Memorial:

1. Preserve reciprocal views to and from the U.S. Capitol along Maryland Avenue, SW.
2. Enhance the nature of the site as one in a sequence of public spaces embellishing the Maryland Avenue vista.

628 Written communication from Barbara Zartman of the C100 to NPS National Capital Region, July 17, 2006. CFA archive.
629 For instance, the minutes fail to mention that David Maloney, of the D.C. State Historic Preservation Office, said that Gehry called the Memorial a “ghost building.” He affirmed this when questioned at the meeting. Likewise, the minutes fail to mention that at the meeting the National Civic Art Society pointed out that the Section 106 process was focusing on rules but ignoring standards under the law.
3. Create a unified memorial site that integrates the disparate parcels into a meaningful and functional public gathering place that also unifies the surrounding precinct.
4. Reflect L’Enfant Plan principles by shaping the memorial site as a separate and distinct public space that complements the Department of Education Headquarters and other surrounding buildings.
5. Respect and complement the architecture of the surrounding precinct.
6. Respect the building lines of the surrounding rights-of-way and the alignment of trees along Maryland Avenue.
7. Incorporate significant green space into the design of the memorial.\(^{631}\)

Rather than deriving these principles independently, the NCPC merely accepted, with only slight modification, the principles drafted by NPS and the Eisenhower Commission.\(^{632}\) NCPC, however, hid this fact from the public.\(^{633}\) Unsurprisingly, these principles are entirely insufficient and self-serving to NPS and the Commission.

In principle 4, the L’Enfant Plan is mentioned but not the McMillan Plan. This is despite the fact that the one of the purposes of the Commemorative Works act is “to preserve the integrity of the comprehensive design of the L’Enfant and McMillan plans for the Nation’s Capital.” Principles 4 and 5 require the Memorial to complement the Modernist Department of Education, surrounding buildings, and surrounding precinct, but do not require the Memorial to respect and compliment the McMillan Plan, Monumental Core, National Mall, and protected sites in the Area of Potential Effects. NCPC apparently fails to consider that the surrounding buildings and precinct, which are undistinguished and sterile at best, are likely to be replaced in the future. By contrast, the National Mall and other affected sites are protected by law under the NHPA for all perpetuity.

1. **NPS Has Misidentified the Memorial’s Area of Potential of Effects**

NPS, as the lead agency for the project, and NCPC and GSA, as cooperating agencies, must comply with Section 106 of the NHPA, which reads in pertinent part:

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any department or independent agency having authority to license any undertaking shall, prior to the

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\(^{632}\) NCPC made only slight modifications “We’re thinking that the easiest way to handle design guidelines is to accept those drafted by NPS and the Eisenhower Memorial Commission, with whatever modifications we would need to make them acceptable.” E-mail from Christine L. Saum, of NCPC to Thomas E. Luebke of CFA et alia, Aug. 18, 2006 1:08 pm. CFA archive.

\(^{633}\) As the NCPC reported at its February 3, 2011 meeting, “Here is a listing of the seven design principles that were developed by staff with input provided by the Park Service, as well as the consulting parties, during the site selection 106. The D.C. SHPO also played a very big part in crafting and interpreting the actual language of the principles.” NCPC Transcript, Feb. 3, 2011 at 29, available at http://www.ncpc.gov/DocumentDepot/Open_Gov_files/Commission_transcripts/2011/February%202011.xml

By “consulting parties,” NCPC apparently meant Gehry.
approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, *take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register [of Historic Places]*. [emphasis added]

Washington, D.C. likely has a greater density of such protected sites than anywhere else in the country. At present, there are over 800 such sites on the National Register in the District of Columbia, many of them in the vicinity of the Memorial.

The Memorial’s properly understood Area of Potential Effects is very large, and should not be limited to those protected sites in a direct line of sight (itself a significant number). The Memorial is huge in both size and impact; it will weigh heavily on the precinct, neighborhood, district, and entire city. The qualitative degree of the effect will be both highly substantial and permanent.

This being said, NPS Section 106 scoping for the site authorization and current design have been undertaken with a woefully underinclusive Area of Potential Effects (APE). The APE appears to have focused solely on the visual effects of the Memorial, entirely neglecting the cultural and historic effects. Here is how NPS explained their methodology:

For the Eisenhower Memorial design, the Primary APE for above ground historic resources includes the facades of buildings that are adjacent to the project site. As part of the current consultation effort, a broader secondary APE was defined which represents the area within which the proposed Memorial has the potential to have both direct effects and indirect visual effects on historic properties.634

Note how small the Primary APE is drawn.

Even on visual criteria alone, the APE fails to account for the highly significant fact that the Memorial will be visible from the observation deck of the Washington Monument as well as the cupola of the Library of Congress, both of which are on the National Register.635 In 1990, the L’Enfant Plan (defined by NPS as “the L’Enfant Plan area with modifications made in accord with the McMillan Plan”) was nominated and approved for the NRHP.636 The application repeatedly speaks of the “L’Enfant-McMillan plan” as if it is one unified thing. In 2002, NPS submitted a nomination for the L’Enfant Plan (and the McMillan Plan contributions to it) to become a National Landmark. National Landmarks are protected even more stringently than historic properties on the National Register.

There can also be no doubt that on visual criteria alone, the Memorial will have a profound severe effect on the National Mall and the L’Enfant and McMillan Plans. And of

635 Gehry himself noted the sightlines to and from the Washington Monument in his early-2011 submission to the CFA and NCPC.
course, the Memorial will be visible from the president’s helicopter Marine One, airplanes heading to and from Reagan National Airport, and in aerial and satellite photography and imagery, including Google Maps. Indeed, current technology allows the average person a greater understanding of the geography, plan, and thus symbolism of the Mall and District than ever before.

In the Section 106 process, NPS listed the following as “Historic Resources within the Area of Potential Effects”:

**HISTORIC STRUCTURES AND DISTRICTS**

- L’Enfant Plan of the City of Washington
- U.S. Capitol Building and Grounds
- Lyndon Baines Johnson Building and plaza
- Orville and Wilbur Wright Buildings
- U.S. Botanic Garden
- Hubert Humphrey Building
- Wilbur Cohen Building

**CULTURAL LANDSCAPES**

- The Mall (and its Contributing Features)
- Union Square

Their source for this is AECOM, one of the partners on Gehry’s team. It thus appears that NPS outsourced this work to the very party it is supposed to be judging.

As mentioned above, this list omits the Washington Monument and Library of Congress, both of which are protected landmarks. It also omits the McMillan Plan. Stranger still, it does include the LBJ Department of Education Building, Wright FAA Buildings, and Humphrey Building even though not one of them is on the historic register, nor are any of them eligible for it. While performing its Environmental Assessment, in 2011 NPS together with GSA and the D.C. SHPO officially recommended that the LBJ and Wright Buildings be added to the National Register of Historic Places. As bad as that is, they also included the Humphrey Building, which NPS calls “an example of Brutalism” and admits has not even been evaluated for NRHP purposes.

Notice how NPS downplays the National Mall: “The Mall was a key component of the L’Enfant and McMillan plans.” [emphasis added] Tellingly, they use the past tense. Here is the most praise they can muster for the Mall in the Section 106 assessment:

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637 The NPS application for the L’Enfant Plan to be placed on the National Register of Historic Places states, “Vistas, for the most part related to the course of avenues and streets, propel the nominated area into the third dimension.” [http://pdfhost.focus.nps.gov/docs/NRHP/Text/97000332.pdf](http://pdfhost.focus.nps.gov/docs/NRHP/Text/97000332.pdf).

Numerous national museums line the Mall, and a tree-lined greensward runs through the center. The Mall was listed in the DC Inventory in 1964 and the NRHP in 1966. It is also a contributing element to the L’Enfant Plan. In 2006, a cultural landscape inventory was completed for the Mall which identified contributing features and concluded that the Mall clearly has national significance. The following character-defining features proximate to the Eisenhower Memorial are listed as contributing features to the cultural landscape:

- Views to building facades from the Mall
- View up 4th Street, a cross-street
- Historic circulation of 4th Street

A foreigner reading this would get no sense of the fundamental place of importance the Mall holds in American history and our national identity. The sole contributing features listed are visual, not historical or cultural.

2. *NPS Suppresses and Ignores the Mall and Other Protected Sites While Seeking to Preserve What Is Unworthy of Preservation*

At the same time NPS downplays the Mall, it lavishes praise on the LBJ Building and landscape, which it has concluded is eligible for listing in the National Register. NPS calls the building and site “a hallmark of the Modern Movement” and “the most successful component of the Southwest Rectangle, a grouping of Modernist buildings at the southern edge of the National Mall.” In applying the building for the NHRP, they are following the determination of the DC SHPO that it is worthy of the NRHP. SHPO wrote the report on behalf of GSA, which appears to be dedicated to preserving all of its buildings regardless of their quality or likability.

As discussed above, even NPS has previously called the site “bleak.” Feil called it “a Brutalist concrete plaza.” The Commission has described the site “as being somewhat blighted.” Fine Arts Commission Chairman J. Carter Brown said the site “frightens you a little.” The bleakness, dereliction, and neglect of the site are presumably the fault of GSA, the

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639 *Id.* at 18.
640 *Id.*
643 CFA Transcript, Nov. 20, 2008 at 17-8, *available at*.
645 CFA Transcript, May 20, 2010 at 50.
same agency that, in a performative self-contradiction, now seeks to place it on the NHRP. The building’s own tenants call its neglected sunken courtyard “the pit.”\(^{646}\) Gehry, too, has suggested that the LBJ Building is ugly, as he surely must think given his hatred of Modernism and banal boxes. Contrasting the site with a “picturesque setting,” Gehry has said, “The architecture in the area is comprised of large, mid-century buildings, primarily of a Brutalist aesthetic. . . . The Southwest Federal District . . . reflects the Brutalist era with little existing green space or ground floor retail activity. . . . The existing building mass and its austerity are a major contextual site consideration.”\(^{647}\) At the very best, the building is nondescript and generic. SHPO itself admits that the buildings in the neighborhood “were intended as generic federal office buildings, rather than cultural institutions.”\(^{648}\) The LBJ Building is not even identifiably related to education.

NPS and others are acting to preserve the building as “a hallmark of the Modern Movement,” though they never question whether that movement deserves preservation at all. Their preservationist ethic is relativist; they would make any architectural or planning mistake permanent so long as it was part of a movement and survived long enough. That relativism is contrary to the law. Many Americans believe that generic International Style federal office buildings such as that of the Department of Education are as much a blight as Modernist failures of “urban renewal,” such as the Pruitt-Igoe Housing Complex, that already have been torn down. Not even NPS or GSA dares call the LBJ building beautiful or even likable. It will never appear on a postcard. In the words of the SHPO, it is a building that represents the U.S. government as “the most gigantic business on earth.”\(^{649}\) The SHPO described the LBJ and similar buildings as having been designed by “architects and engineers who ran their firms like businesses rather than studios.”\(^{650}\) As Gehry would agree, the buildings look like they were designed by utilitarian contractors, not architects. Speaking of the Department of Education and the surrounding buildings, the CFA quickly came to regret its approval of them, especially since they were so close to the Mall:

We regret that certain sites, which would have been far better used for the cultural purposes, have now been taken for office purposes, but beginning now at this point, we declare that this site be respected and that buildings of such enormous size be curbed regardless of purpose.

We now declare from this date on that this is our purpose, our hope, and our insistence. [emphasis added]\(^{651}\)

Regarding the Eisenhower Memorial, one hopes that the CFA still holds that “this site be respected and that buildings of such enormous size be curbed regardless of purpose.”

NPS’s love of Modernism is also evident when it takes pains to mention the “historic significance” of the Brutalist Hirshhorn Museum and the Modernist Air and Space Museum,

\(^{646}\) CFA Transcript, Sep. 21, 2006 at 26.
\(^{647}\) Gehry submission to CFA Jan. 6, 2011. CFA archive.
\(^{648}\) SHPO at 16.
\(^{649}\) SHPO at 16.
\(^{650}\) SHPO at 5.
\(^{651}\) CFA Transcript, Aug. 1, 1957 at 64-5. Qtd. in SHPO at 19.
even though NPS admits they are “not identified as contributing elements in the NRHP nomination.”\textsuperscript{652} It is as if NPS and GSA are collaborating on a manifesto that will be the architectural sequel to George Orwell’s \textit{1984}:

\begin{quote}
UGLY IS BEAUTIFUL

GENERIC IS HISTORIC

QUANTITY IS QUALITY

NEGLIGENCE IS CARE

BRUTALISM IS COMFORT

EFFICIENCY IS GRANDEUR

FAILURE IS SUCCESS

INTERNATIONAL STYLE IS AMERICAN STYLE

LE CORBUSIER NOT L’ENFANT
\end{quote}

3. \textit{NPS Fails to Account for Adverse Effects Since it Focuses on Rules and Ignores Standards}

The criteria for determining whether there is an adverse effect under Section 106 are detailed in 36 CFR 800.5:

\begin{enumerate}
\item (1) Criteria of adverse effect. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. \textit{Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.}

\item (2) Examples of adverse effects. \textit{Adverse effects on historic properties include, but are not limited to:}

\begin{enumerate}
\item \textit{Physical destruction of or damage to} all or part of the property;

\item Alteration of a property . . . that is not consistent with the Secretary’s standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines . . .
\end{enumerate}
\end{enumerate}

\textsuperscript{652} NPS “3.0 Affected Environment” at 19.
(iv) **Change of the character** of the property’s use or of physical features within the property’s setting that contribute to its historic significance;

(v) **Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features**; [emphasis added]

A historic property is defined as follows:

**Historic property means any** prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties.653

The NPS has not just underinclusively determined the Area of Potential Effects, it has woefully limited its understanding of adverse effect. Until the involvement of the National Civic Art Society as a consulting party to the Section 106 process, the only adverse effects that appear to have been considered by NPS are those regarding effects on L’Enfant reservations and viewsheds, such as the view of the Capitol. While these are important effects, and on their own might require halting the Memorial design, they are by no means the only ones Section 106 was intended to cover.

The fundamental problem appears to be that **NPS and the SHPO have focused and continue to focus exclusively on potential adverse effects that are delimited by rules as opposed to those effects that are delimited by standards.**654 Applying a rule is a mechanical process—for instance, to determine whether the Memorial encroaches on the Maryland Avenue 160-foot-wide right-of-way and the 60-foot-wide historic cartway/view corridor running through the center of the right of way. Understandably, bureaucrats appreciate rules, which prevent others from second-guessing their decisions. By contrast, applying standards takes judgment. It takes judgment to determine whether the Memorial “would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” Likewise, it takes judgment to determine if there would be a “Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance” or the “Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features.” It takes judgment to determine if there is a kind of adverse effect that it not explicitly listed in 36 CFR 800.5, which clearly states that its list of effects is not exhaustive.

NPS and other stakeholders **must** exercise their judgment in this regard. Enforcing zoning law is not just a matter of surveying and measurement. Indeed, NPS is required by the NHPA to do so. It also comports with NPS’s fundamental purpose as stated in the “Organic Act” of 1916, the very law that created the agency as the guardian of America’s natural and man-made heritage:

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653 36 CFR 800.16(l)
The [National Park] Service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified . . . by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and . . . to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. [emphasis added]655

Even if the NHPA did not exist, the NPS is required to do everything in its power to preserve the nation’s heritage from any impairment whatsoever.

To be clear, the judgment that is required of the NPS and other stakeholders is of a less sophisticated quality than that of the Commission of Fine Arts. The latter has the duty to be refined judges of taste according to classical American principles, to determine whether the Memorial design is beautiful or great. NPS, by contrast, has the duty of being gross judges of taste: The duty to judge not whether the Memorial achieves aspirational standards of beauty but whether the Memorial’s design is so bad, so anathema that it violates the District of Columbia’s most basic zoning codes, whether de jure and de facto. Thus, to draw an analogy to food, the NPS is not tasked with determining whether the dish is tasty but whether the milk is sour, the eggs rotten, the flesh poisoned. In the case at hand, NPS is not required by law to undertake overall design review, but to serve as the city’s first line of defense, to act like the zoning board it is in part—not a mere Board of Vistas. The CFA, by contrast, is the city’s last line of cultural defense.

To use a highly relevant example to prove the point: Suppose the Memorial design contains a symbol spelling out “9/11”, but that the symbol does not block any views to or from the Memorial. Would that not ruin the scenery as well as the cultural and historical integrity of the National Mall and other protected sites? Further imagine that the offensive symbol was not even visible from outside the Memorial—for example, imagine the Memorial as a walled maze with the symbol at the center. Would not the mere presence of that symbol constitute a grievous adverse effect on the National Mall and other protected sites? Yet the current Section 106 process does not appear to even acknowledge the possibility of such a non-visual violation.

To use a different hypothetical to emphasize the importance of aerial scenic views, suppose the Memorial’s foundation was in the shape of an offensive symbol or spelled out something offensive, such as “Death to America” or “9/11.” Would not the foundation constitute a substantial adverse effect on the National Mall and other protected sites, even if the foundation was not obvious from the ground?

Given NPS and other stakeholder’s misunderstanding and misinterpretation of their role in the Section 106 process, it should come as no surprise that they have under inclusively determined the Memorial’s Area of Potential Effects.

655 16 USCS §1.
4. Gehry Has Engaged in Misdirection or Misrepresentation in the Section 106 Process

The Section 106 process has not just been inadequate due to NPS’s role. We believe that Gehry has engaged in misdirection or outright misrepresentation in the Section 106 process. For example, at the most recent Section 106 meeting, his firm presented, and very briefly at that, only one model or rendering of the Memorial showing what it will look like with trees in winter. Moreover, at no point within or without the Section 106 process has Gehry presented models or renderings of the Memorial with immature trees, even though it takes 15 to 20 years for a sycamore, the main planned cultivar, to reach maturity. With the one minor exception just noted, all of the models and renderings were populated with giant trees in full bloom so as to obscure the size and appearance of the colossal pillars and “tapestries,” the issue that has been the greatest concern of the consulting parties. The foliage was a giant fig-leaf. Likewise, the firm provided no models or renderings showing the effect of the sun on the Memorial (including shadows cast) at various times of day at various times throughout the year. Our suspicion is that is because those models would show just how frightful the towering pillars’ shadows will be.

Gehry has also provided only the scantiest of information about what the central core of the Memorial will look like. There has been little information about the design of the statuary and graven images, and it is not even clear whether the Section 106 process will even consider the central core in making its assessment. That would, of course, slow down the rush to approve the Memorial. Indeed, no further Eisenhower Memorial Section 106 meetings have been scheduled. NPS apparently believes it currently has enough information to make its determination.

At the most recent Section 106 meeting, Gehry Partners made the consulting parties sit through a charade in which the firm proffered numerous “alternatives” to the current design, each one worse than the last. When pressed, Gehry’s representative, a partner at the firm, even admitted that one of the alternatives resembled football goalposts. The alternatives consisted of moving around the pillars and tapestries in various pointless ways. It was akin to re-arranging the deck chairs on the H.M.S. Titanic, except in this case the deck chairs themselves were titanic. (Remember, as noted above, that Gehry himself has said the pillars were so huge that each is like a building itself.) This is a classic negotiating tactic, in which intentionally worse alternatives are offered to force the client to “choose” the original, only remaining option. Of course, in reality the client has been given no choice at all.

This all comports with Gehry’s avowed support for what he calls “the organization of the artist.” It is his strategic and tactical system for architects to maintain total control over their work so as to prevent meddling from contractors and business and political interests. Given his

657 The CFA also requested this at their January 20, 2011 meeting. CFA Transcript, Jan. 20, 2011 at 54-55.
impressive ability to have his way with clients, it is all the more important that the Eisenhower Memorial’s client—proximately the federal government, ultimately the American people—not bow down to Gehry. “The organization of the people” must stand up to him. Gehry works for us, and not the other way around.

5. **The National Capital Planning Commission Is Failing to Enforce the National Capital Planning Act**

The National Capital Planning Commission is an independent agency created by the National Capital Planning Act. According to 40 USC 8701, the Act was designed to achieve the following:

Objective. - The general objective of this chapter . . . is to enable appropriate agencies to plan for the development of the federal establishment at the seat of government in a manner - (A) consistent with the nature and function of the National Capital . . . ; and (B) which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare . . . .

The NCPC has paid little if any attention to the effect of the Memorial on public morals and public order in the approval process. The NCPC appears to be concerned entirely with questions of location and siting, not with the symbolic and ethical aspects of the Memorial, which are equally if not more important. Considerations of symbolism and ethos do not appear at all in the NCPC’s principles for the Memorial. For better or for worse, this is consistent with NCPC’s longstanding view of itself as fundamentally a land planning commission concerned with land and not a design planning commission. This separation of land from design is a historic planning problem that can be seen, appropriately enough, as far back as the debate in the 1950s and 1960s over the approval of the Department of Education Building and the entire Southwest Rectangle. According to the DC SHPO history of that building:

The [Fine Arts] commissioners were adamant that they had not formally approved [the Public Buildings Service’s] 1956 Plan [for the Southwest Rectangle], but they admitted neither had they expressed their disapproval. By limiting their discussions to architectural design, they had failed to object to the building sites, and by default, approved the site locations. In fact, site location approvals rested solely with NCPC, and NCPC had formally approved the 1956 Plan in December 1955. The reality of this frustrated CFA enormously, “The thing that is not understood by most people is that land planning is just as much a part of the design of a project as the building itself. In other words [NCPC] cannot simply plan buildings and have us pass on the design, and be able to say that it is going to turn out a successful venture.”

6. **NPS, NCPA, and GSA Are Failing to Enforce the Commemorative Works Act**

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660 SHPO at 19.
Public Law 107-117, Section 8120 (approved January 10, 2002) amended Public Law 106-79 to authorize the Eisenhower Commission to establish the Memorial according to the standards of the Commemorative Works Act of 1986 (as amended). According to NPS, the Act “was enacted during the Reagan Administration following what some characterized as ‘monumental chaos’ over the Vietnam Veterans Memorial, which was dedicated in 1982. At that time, Congress was frustrated by the lack of guidelines for the subject matter, siting, and design of memorials, and the lack of a public process.” The Act’s intent is as follows:

The purposes of this chapter are—

(1) **to preserve the integrity of the comprehensive design of the L’Enfant and McMillan plans for the Nation’s Capital**;

(2) **to ensure the continued public use and enjoyment of open space in the District of Columbia and its environs**, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;

(3) **to preserve, protect and maintain the limited amount of open space available** to residents of, and visitors to, the Nation’s Capital; and

(4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—

(A) **are appropriately designed, constructed, and located**; and

(B) **reflect a consensus** of the lasting national significance of the subjects involved.

Throughout their oversight of the Memorial, it appears the NPS, NCPC, and GSA have ignored the Act’s very purpose. At no point have they required in the competition, planning and design processes that the Memorial design “preserve the integrity of the comprehensive design of the L’Enfant and McMillan plans for the Nation’s Capital.” Neither have they attempted to enforce this requirement, which is never mentioned.

Neither NPS nor NCPC appears to have even considered that the Memorial, on account of its Electronic Memorial, is in fact a museum. As the EMC stated in its March 18, 2006 Memorandum of Agreement with the Department of Education, “The Commission . . . resolved that the Eisenhower Memorial be composed of a physical memorial *and* a living memorial.” [emphasis in original] Turning the Memorial primarily into a museum is not only inappropriate, it is **illegal** under the Commemorative Works Act: “No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary [of the Interior] in Area I.” As noted above, the Memorial is on land in Area I.

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661 40 U.S.C. §§8901 et seq.
NPS, GSA, NCPC, and other stakeholders have failed to enforce the following criterion from the regulation promulgated under the Commemorative Works Act:

Material - A commemorative work shall be constructed of durable material suitable to the outdoor environment.

“Stainless” steel is liable to both corrosion and rouging.\textsuperscript{665} This is true even for 316 “stainless” steel, the alloy currently being proposed for the “tapestries.” These problems are especially common at welds, and it appears that the “tapestry” will contain \textit{hundreds of thousands if not millions} of such welds. It does not appear that the oversight agencies and other stakeholders have sufficiently considered the suitability of “stainless” steel wire mesh in the outdoor environment of Washington, D.C., which includes the impact of sun, rain, lightening, snow, road salt\textsuperscript{666}, wind (including any sounds created via vibration, resonance, whistling, stuck foreign objects, and other means)\textsuperscript{667}, storms (including hurricanes), pollution\textsuperscript{668}, natural and artificial airborne debris and detritus (including leaves, plastic bags, balloons, and (intentionally thrown) toilet-paper rolls and pairs of shoes tied together by the laces), plants and fungi (including ivy, moss, and lichen), raccoons, squirrels, bats (including their guano), and birds\textsuperscript{669} (including their nests and droppings).\textsuperscript{670} When, at the most November 2011 Section 106 meeting, the author of

\begin{itemize}
\item See http://www.corrosionlab.com/Failure-Analysis-Studies/rouging.htm.
\item I’d seen a number of Ellsworth Kelly’s sandblasted stainless sculptures, and I loved them because they looked like suede. I was going to use it on the Weisman [Museum in Minneapolis, Minnesota]. We made mockups, and put them on the site. And then the worst thing happened: when they put salt on the road for the snow, it pocked the surface, and the metal developed rust spots. So the university said, ‘You can’t use it because of the rust spots.’ I was devastated.” Gehry Talks at 132.
\item Gehry has previously aimed to create buildings with sound effects. See “Frank Gehry as a Young Rebel,” TED video at 30:26, available at http://www.ted.com/talks/lang/en/frank_gehry_as_a_young_rebel.html.
\item See Gehry’s remarks on pollution: “It’s ironic that the stability given by the stone is false, because stone deteriorates in the pollution of our cities, whereas a third of a millimeter of titanium is a hundred-year guarantee against city pollution. We have to rethink what represents stability.” Gehry qtd. in Coosje van Bruggen, \textit{Frank O. Gehry Guggenheim Museum Bilbao} (Guggenheim Museum Publications, 1999) 141.
\item According to the NPS’s Environmental Assessment, “The existing wildlife community on-site likely includes common urban species of small mammals and birds, such as gray squirrels (Sciurus carolinensis), Norway rats (Rattus norvegicus), house sparrows (Passer domesticus), pigeons (Columbia livia), and starlings (Sturnus vulgaris).” NPS, \textit{Dwight D. Eisenhower Memorial Design Environmental Assessment, Part I}, Sep. 2011 at 26 (p. 40 of PDF), available at http://parkplanning.nps.gov/FshowFile.cfm?FileID%3D16139%26docType%3Dpublic%26MIMETYPE%3Dapplication%25252Fpdf%2526filename%3D1%25252525252520Eisenhower_Memorial_Design_EA_Chapters_1-21.pdf%26clientFilename%3D1%25252525252520Eisenhower_Memorial_Design_EA_Chapters_1-2.pdf&ei=jljb7Tq-NGYTu0zHG8PWqAg&usg=AFQjCNGFI3GuDmIPgF4O-Xz5UK8ZzxxvLg.
\end{itemize}

\textit{See} also Frank Gehry’s comments on the choice of materials for the Guggenheim Bilbao: “We decided to make the building metal because Bilbao was a steel town, and we were trying to use materials related to their industry. So we built twenty-five mock-ups of a stainless steel exterior with different variations on the theme. But in Bilbao, which has a lot of rain and a lot of gray sky, the stainless steel went dead. It only came to life on sunny days. That’s why we could use stainless steel at the Walt Disney Concert Hall in Los Angeles, where there’s so much sun it doesn’t die.” Otd. in Isenberg 138. Compare Gehry’s remarks on the material used for the University of Minnesota’s art museum: “I initially worked with stainless steel that was much more benign and shiny, but it soon became obvious that it would merge insignificantly into the grey weather of Minneapolis.” Gehry, “Since I’m So Democratic” 44.
this report mentioned the likelihood of rouging at the hundreds of thousands, if not millions, of steel welds, it appeared that that was the first time that term “rouging” had ever been used.

D. The U.S. Commission of Fine Arts and the National Mall

In 1910, President William Howard Taft created the U.S. Commission on Fine Arts (CFA) to facilitate the 1901-2 McMillan Plan. Its “seven well-qualified judges of the fine arts” are appointed by the president. According to its own official history, the CFA was created “to meet the growing need for a permanent body to advise the government on matters pertaining to the arts; and particularly, to guide the architectural development of Washington so that the capital city would reflect, in stateliness and grandeur, the emergence of the United States as a world power.” [emphasis added] As NPS explains, “In addition to its specific duties, the Commission of Fine Arts became the unofficial guardian and implementer of the McMillan Commission Plan and, therefore, of the L’Enfant Plan.” The CFA are the city’s official judges of refined taste. They are its cultural guard.

The CFA has a duty to ensure that the Memorial conforms with, among other laws, 40 USC § 3309 (“Buildings and sites in the District of Columbia”), which is described above. For the reasons detailed above, the Memorial design, including its concept, violates 40 USC § 3309 and the L’Enfant and McMillan Plans, and the CFA must act accordingly.

The CFA is also charged with enforcing the Shipstead-Luce Act of 1930, which reads in pertinent part:

In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved . . . .

For the reasons stated above, the Memorial design lacks good order, good taste, and due regard for the public interests involved. The design shows zero solicitude toward President Washington’s efforts in planning and developing the District of Columbia. Indeed, the design shows a positive antagonism toward President Washington’s efforts.

Gehry intentionally sought that effect in Bard College’s Fisher Center: “the stainless steel reflects the sky, so on a gray day the form just disappears into the sky. . . . Everything is kind of ephemeral, and you’re not quite sure whether it’s a building or not.” Qtd. in Isenberg 226. “Because it [the Bard Center] sits in the trees, and it’s green and wonderful, we’re able to use stainless steel, which is cold and maybe forbidding in other places.” Gehry Talks 217. “Disney Hall would look beautiful at night in stone. . . . Metal at night goes dark.” Qtd. in Isenberg 239.

671 The idea for the CFA originated with President Theodore Roosevelt. Its duties have been expanded to including advising on designs of Federal and District government buildings, U.S. coins and medals as well as heraldic designs by the Heraldic Branch, Quartermaster Corps, of the Department of the Army.
672 Codified at 40 USC §9101.
Reviewing the intent of the Shipstead-Luce Act, the U.S. Court of Appeals District of Columbia Circuit held that:

The purpose of the [Shipstead-Luce] Act conferring authority upon the Commission of Fine Arts is to enhance and to preserve the beauty and aesthetic values of specified parts of the Nation’s Capital . . . . An unsightly building may interfere with this purpose. [emphasis added] 675

For the reasons stated above, the Memorial design fails to preserve the beauty and aesthetic values of the relevant parts of the nation’s capital. The Memorial is extremely unsightly according to the beauty and aesthetic values of the relevant parts of the city, which includes the National Mall, the Washington Monument, and the Capitol.

E. The Memorial Design Is a Public Nuisance and Must Be Enjoined from Being Built

For the reasons stated above, the Memorial design, if built, will be a public annoyance and inconvenience. 676 It will also be injurious to public morals since it mocks, in the voice of the nation, President Eisenhower and republican virtue. A de-moralized memorial, it rejects American values for an ersatz populist leveling-down. It rejects heroism and greatness, as well as the sacred and transcendent. Instead of inspiring, it crushes the spirit. Instead of uplifting, it brings us down low. It rejects solemnity for entertainment. It rejects wisdom for information, electronically supplied.

The Memorial design is therefore a public nuisance under the law and must be legally enjoined from being built. 677 This is the case even if the Memorial does not contain the benches spelling out “IXXI.” Indeed, the fact that the “9/11 message” is in at least one of the most recent designs—the very basis for the working design—prevents us from trusting that any further designs will not contain intentional or inadvertent offensive messages. Gehry can no longer be trusted with the Memorial.

XIV. Conclusion: We Demand an Investigation and a New Competition

To recall the lament of President Eisenhower with which we began, “What has happened to our concept of beauty and decency and morality?” 678 We demand an investigation of the

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675 Stanley Co. of America v. Tobriner, 298 F.2d 318, 321 (D.C. Cir. 1961).
676 “In the District of Columbia, ‘a public nuisance is an unreasonable interference with a right common to the general public.’” Acosta Orellana v. CropLife Int'l, 711 F. Supp. 2d 81, 101 (D.D.C. 2010). Such rights include “damage to property, damage to human health, or damage to anything remotely approximating a ‘right common to the general public’” such as offenses interfering with “the public health, safety, morals, peace, or convenience.” Id. quoting Tucci v. District of Columbia, 956 A.2d 684, 696 n.11 (D.C. 2008).
677 Given the difficulty in maintaining the Memorial, it is liable to become even uglier and more of an eyesore and embarrassment that it will be in pristine condition.
Memorial planning, competition, design, and approval processes. Congress must investigate, as must the GSA Office of Inspector General and the General Accounting Office. At the very least, the facts warrant an entirely new competition, one that is open, democratic, inclusive, and fair—one that is as open to an unknown designer from Abilene as much as a starchitect from L.A. No ground shall be broken, no ground despoiled, by Gehry’s monstrous Memorial.