

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS FOR 1973

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
NINETY-SECOND CONGRESS
SECOND SESSION

SUBCOMMITTEE ON DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES.

JULIA BUTLER HANSEN, Washington, *Chairman*

DAVID R. OBEY, Wisconsin

JOSEPH M. McDADE, Pennsylvania

SIDNEY R. YATES, Illinois

WENDELL WYATT, Oregon

NICK GALIFIANAKIS, North Carolina

DEL CLAWSON, California

GEORGE E. EVANS and BYRON S. NIELSON, *Staff Assistants*

PART 5

TESTIMONY OF MEMBERS OF CONGRESS AND OTHER
INDIVIDUALS AND ORGANIZATIONS



Mr. BRITT. Off 459 where 295 ends at the east end of the Woodrow Wilson Bridge at the cloverleaf. The current access is Indian Head Highway.

Mr. McDADE. How far away is Fort Washington?

Mr. BENNETT. About 10 more miles.

Mr. BRITT. Madam Chairman, there are several fine alternatives to building a phony revolutionary wooden stockade in a genuine Civil War fort, which has had a rather inglorious past.

I call your attention to this aerial photograph, on the same scale, of Fort Washington. Fort Washington contains 437 acres, where Fort Foote has only 66. It has access roads and parking areas already built. Then, just south of Fort Washington, across Piscataway Creek, are large tracts of apparently unused Federal land. They total about 500 acres and extend well below the scope of our photograph.

There are other possible sites. We have no photo of the area where Interstate Routes 495 and 295 intersect, just east of the Woodrow Wilson bridge, but there is a Federal tract of land of at least 400 acres there. The Oxon Hill Childrens' Farm occupies only a small fraction of this land. The remainder would provide excellent parking and access to any park built there. This could be utilized without the enormous cost of new highway construction.

Now let me point out Fort Dupont. It totals 450 acres and is much closer to the city than any other site, as you see by its proximity to Kennedy Stadium in this same photograph.

Madam Chairman, we do not contend the Bicentennial Park is a useless project. But we do believe that locating it at Fort Foote would be a costly mistake and a waste of public money. We suspect that the National Armed Forces Museum Advisory Board, repeatedly frustrated in its efforts to establish a museum to war, has become obsessed with the idea of using this bicentennial park plan to further its war museum objective. I think they are trying to get the nose of a very costly camel beneath the Federal fiscal tent.

Then they can let cost overruns and environmental consequences come when it is too late to stop the project—as the patriotic fervor of the bicentennial year is more nearly upon us all—and you will face the prospect of approving large extra costs or appear to be unpatriotic.

Thank you very much. We will be happy to answer any questions.

Mrs. HANSEN. Mr. Sargent wrote me about this matter and it was discussed in our hearings. I think you would be interested in reading the hearings.

Mr. SARGENT. Thank you.

Mr. McDADE. Thank you for a good statement.

Mrs. HANSEN. Thank you, we appreciate having the information. Thank you for the courtesy of coming and for the excellent pictures.

SMITHSONIAN INSTITUTION

WITNESS

ROBERT H. SIMMONS, FREE-LANCE WRITER OF FALMOUTH, MASS.

Mrs. HANSEN. Our next witness is Mr. Robert Simmons.

We shall insert in the record that portion of your prepared statement that you cover in your oral testimony.

(The statement follows:)

In last year's testimony before this subcommittee Secretary Ripley indirectly called me anti-Semitic, both in his own statement and in a news clipping entered in the record. According to the editor of this newsletter, the information it was based on came from (1) Sam Harris, the private lawyer of Mr. Hirshhorn, and (2) Charles Blitzer, Assistant Secretary for History and Art, Smithsonian Institution.

Mr. Harris is a director of certain of Hirshhorn's business firms, such as Calahan Mining Corp. He is secretary and a director of the Joseph H. Hirshhorn Foundation, one of the parties to the 1966 Agreement with the Smithsonian Institution re the Hirshhorn Museum. The prominent Washington political figures and fundraisers, Max Kampelman and Sargent Shriver, are members of Sam Harris's law firm.

Since I have been one of the principal complainants in this matter, I can only assume that these charges of anti-Semitism, further brought to the public by Mr. Hirshhorn himself in an interview with the New York Times, are aimed at me.

Not only do I deny these charges, and assert my outrage that they should have been admitted in testimony before this subcommittee, but I will submit at any time and place my own profound and lasting respect for the Jewish people in this country and elsewhere, who have contributed so much of benefit to the people of the earth in general and to me in particular that there is no way to repay their contributions.

In the National Portrait Gallery the portrait of Albert Einstein by Josef Scharl is from my collection. In 1969, I gave a drawing by the same artist of Einstein's hands to the Portrait Gallery. Records of this are in the Gallery's files. In a sense, this portrait is a memorial to Einstein, and the only one to my knowledge in Washington.

In 1969, when an opening appeared on the Supreme Court, I wrote letters to the Washington Post and other papers urging President Nixon to reappoint Arthur Goldberg, who had given up his own former position on the Court in an unprecedented act of selfless service to his country.

My ancestors, who arrived on these shores in 1620, founded this Nation as a free country for all, of whatever creed, race, or color. It is the freest country on the face of the earth today, in spite of continuing disparities that should be changed.

It is outrageous that I should have to defend myself against charges of anti-Semitism—and before a subcommittee of the House of Representatives—because I have openly and in the proper manner challenged the illegal procedures of a Federal institution, and because I have challenged the right of this institution to erect a memorial to a convicted confidence man on the most hallowed ground of this Nation, the Capitol Mall.

The question of the propriety of this memorial to Joseph H. Hirshhorn should not only be submitted to the people of the Nation as a whole, but it should be asked of the Nation's Jewish community whether this is the man they choose to represent them forever on the Capitol Mall, in the shadow of our memorials to George Washington and Abraham Lincoln.

On July 5, 1971, it was announced that President Nixon had, at long last, appointed the members of the board of trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden. Presumably, this would legalize, albeit *ex post facto*, the irregularities charged because the museum was "operating" and receiving appropriations for "salaries and expenses" without the required board of trustees.

Because President Nixon's appointments also violate the terms of Public Law 89-788 and the enacting statutes for the Joseph H. Hirshhorn Museum and Sculpture Garden, the legal status of the Hirshhorn board of trustees continues to be questionable and, perhaps, totally illegal.

The statutes (Public Law 89-788, section 3, Nov. 7, 1966; 80 Stat. 1404) provide three classes of membership to the Joseph H. Hirshhorn Museum and Sculpture Garden Board of Trustees:

(1) *ex officio*; the Chief Justice of the United States and the Secretary of the Smithsonian Institution;

(2) General members appointed by the President of the United States: four "from among nominations submitted by Joseph H. Hirshhorn;"

(3) General members appointed by the President of the United States: four "from among nominations submitted by the Board of Regents of the Smithsonian Institution."

It was clearly the intent of Congress in this law to provide separate classes of members of this Board of Trustees according to their relationship to Mr. Joseph H. Hirshhorn. Since this Board will become the most powerful such board in the United States—controlling the destiny of the Federal position in contemporary art “in perpetuity.”—it would be totally improper that all the appointed members should be friends and associates of Joseph H. Hirshhorn.

Thus, Mr. Hirshhorn was allowed to pick only four of the members, who would be, presumably, his friends and associates.

The law required that the Board of Regents of the Smithsonian Institution pick the other four—obviously intending that these four should not be friends and associates of Mr. Hirshhorn.

Especially since Mr. Hirshhorn was known to possess a dubious past, including associations linked to the Mafia, it was necessary to guarantee that this important Federal board of trustees would not be completely controlled by Mr. Hirshhorn and his friends and associates.

Examination of the list of appointments reveals, however, that all eight have long associations, personal associations, with Mr. Hirshhorn.

Of the four nominated by Mr. Hirshhorn:

(1) Mr. Arnason has been employed by Mr. Hirshhorn as early as 1962 to organize exhibitions of the private and Hirshhorn-Foundation collections, and to write catalogs thereto; Mr. Arnason was the single authority to foster the “gift” of the Hirshhorn collection under the arrangements for the Smithsonian’s Hirshhorn Museum and Sculpture Garden.

(2) Miss Houghton has been acquainted with Mr. Hirshhorn for a number of years, having met him through her brother in Corning, N.Y.

(3) Mr. Schreiber, a major fundraiser for the Republican party in California, where Mr. Hirshhorn maintains a Palm Springs home, has been a friend of Mr. Hirshhorn’s for several years.

(4) Mr. Wallis, a major fundraiser for the Republican Party in California, has been a friend of Mr. Hirshhorn’s for several years.

Of the four supposedly nominated by the Smithsonian Board of Regents:

(5) Mr. Block has been a friend of Mr. Hirshhorn’s for at least 15 years and frequently visits him in New York and Greenwich, Conn.

(6) Mr. Cummings, a major fundraiser for the Republican Party in California, has been a friend of Mr. Hirshhorn’s for several years.

(7) Mr. Hamilton, formerly of New Haven, Conn., not far from Mr. Hirshhorn’s Connecticut residence, has known Mr. Hirshhorn for several years.

(8) Mr. Moynihan has been acquainted and associated with Mr. Hirshhorn, in his relation to Mr. Nathaniel Owings, whose architectural firm designed the Hirshhorn Museum and Sculpture Garden, since the early sixties. Mr. Moynihan was involved with Mr. Owings in the Pennsylvania Avenue plan, which annexed the plan to redesign the Mall, which included Mr. Hirshhorn’s memorial museum.

These facts indicate that the appointment of the membership of the Hirshhorn Board of Trustees was counter to the intent of Congress in Public Law 89-788 and is, therefore, null and void.

The Subcommittee on Department of Interior and Related Agencies of the House Committee on Appropriations is fortunate in its work. Providing money for national parks and art museums is something like funding a children’s hospital or the church—the purpose is such a good one that if a few dollars do go astray it seems a small price to pay for the spiritual, moral, and intellectual benefits derived.

It is for this very reason, however, that the watchdog functions of this subcommittee must be applied vigorously. The public expects the Defense Department to be a wastrel and gets what it expects—a recent General Accounting Office report reveals that Defense cannot account for some \$2 billion of expenditures in the last few years. Such an agency as the Smithsonian Institution, however, is held in such high regard that, when irregularities appear, the public rightly feels that a sacred trust has been betrayed.

Intellectual dishonesty, irregular procedures in the arts, a memorial to a confidence man, financial mismanagement, involvements with a convicted criminal, public money diverted for yacht trips and soirees in “art palaces” for the limited pleasure of a handful of Smithsonian officials and their friends—these are not activities that the public can accept when associated with the Smithsonian Institution.

It should be unnecessary to employ deceit in any way in justifying appropriations for the arts and sciences.

MR. SIMMONS. My name is Robert H. Simmons. I am a freelance writer from Falmouth, Mass., and Washington, D.C. This statement which is followed by a supplemental statement is very brief and mainly concerns the Joseph Hirshhorn Board of Trustees which was appointed last year by President Nixon.

Before I speak on that, I would like to mention one part of the latter section of my statement which involves charges that seemed to have been made before this subcommittee last year about anti-Semitism which were unfortunate, I think, and certainly don't apply to me. I am certainly not against Mr. Hirshhorn in any way. I am not against the Hirshhorn Museum because he is a Jew. I am not anti-Semitic in any shape or fashion. I would like to go clearly on the record. The word implies that I am, and I do not accept that.

As I point out in my statement, among other things, the portrait of Albert Einstein, which was illustrated on the cover of the Saturday Review a couple of years ago, is from my collection that hangs in the National Portrait Gallery and is one of the few portraits of Jews that hangs in the National Portrait Gallery. I didn't give them the portrait. They bought it. But I did give them a drawing of Einstein's hands which is by the same artist. I gave this because Mr. Einstein is one of the greatest men of all times. He became an American citizen. I thought he deserved, in my estimation, to hang there.

Questions were raised before this committee about the legality of the Hirshhorn Museum and especially for appropriations being given to salaries and expenses for the Museum, this year will total \$2,048,000.

Questions were raised for three reasons. One, because the Museum had no Board of Trustees. Two, because it had no collection of art, because the collection actually belongs to Mr. Hirshhorn and he won't give title to the Government until after the museum building and the sculpture garden are completed. Three, because it has no museum building and sculpture garden.

In answer to these questions, the Smithsonian, as you will see in examining the statements, just didn't bother to answer the questions about the Board of Trustees. They admitted that there was to be no collection of art until after the museum building and sculpture garden are finished.

They admitted, of course, that it is obvious that the building is a long way from being finished. The Board of Trustees was appointed in the last year.

In general, the law says that the Board of Trustees shall be made up of three classes of membership. The first class is ex officio, the Chief Justice and the Secretary of the Smithsonian. The second class, the general members appointed by the President, four from a list submitted by Joseph H. Hirshhorn, with nominations by him. The third class are four general members who will be appointed by the President from a list submitted by the Board of Regents of the Smithsonian Institution. It was clearly the intent of Congress in this law to provide separate classes of members to this Board of Trustees according to their relationship to Mr. Joseph H. Hirshhorn.

Since this Board will become the most powerful such Board in the United States, controlling the destiny of the Federal position in contemporary art in perpetuity, it should be, and it would be, totally im-

proper that all the appointed members should be friends and associates of Joseph H. Hirshhorn. Thus, Mr. Joseph H. Hirshhorn was allowed to pick only four of the members who would be, presumably, his friends and associates.

The law required that the Board of Regents of the Smithsonian Institution pick the other four, obviously intending that these four should not be friends and associates of Mr. Hirshhorn.

Especially since Mr. Hirshhorn was known to possess a dubious past, which is reviewed in this statement in the pages just previous, including associations linked to the Mafia, it was necessary to guarantee that this important Federal Board of Trustees would not be completely controlled by Mr. Hirshhorn and his friends and associates.

Examination of the list of appointments reveals, however, that all eight have long associations, personal associations, with Mr. Hirshhorn.

One, Mr. Arnason, has been employed by Mr. Hirshhorn as early as 1962 to organize exhibitions of the private and Hirshhorn-Foundation collections, and to write catalogs thereto. Mr. Arnason was the single authority to foster the "gift" of the Hirshhorn Collection under the arrangements for the Smithsonian's Hirshhorn Museum and Sculpture Garden.

Two, Miss Houghton has been acquainted with Mr. Hirshhorn for a number of years, having met him through her brother in Corning, N. Y.

Three, Mr. Schreiber, a major fundraiser for the Republican Party in California, where Mr. Hirshhorn maintains a Palm Springs home, has been a friend of Mr. Hirshhorn for several years.

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Sixth, Mr. Cummings, a major fundraiser for the Republican Party in California, has been a friend of Mr. Hirshhorn's for several years.

Seventh, Mr. Hamilton, formerly of New Haven, Conn., not far from Mr. Hirshhorn's Connecticut residence, has known Mr. Hirshhorn for several years.

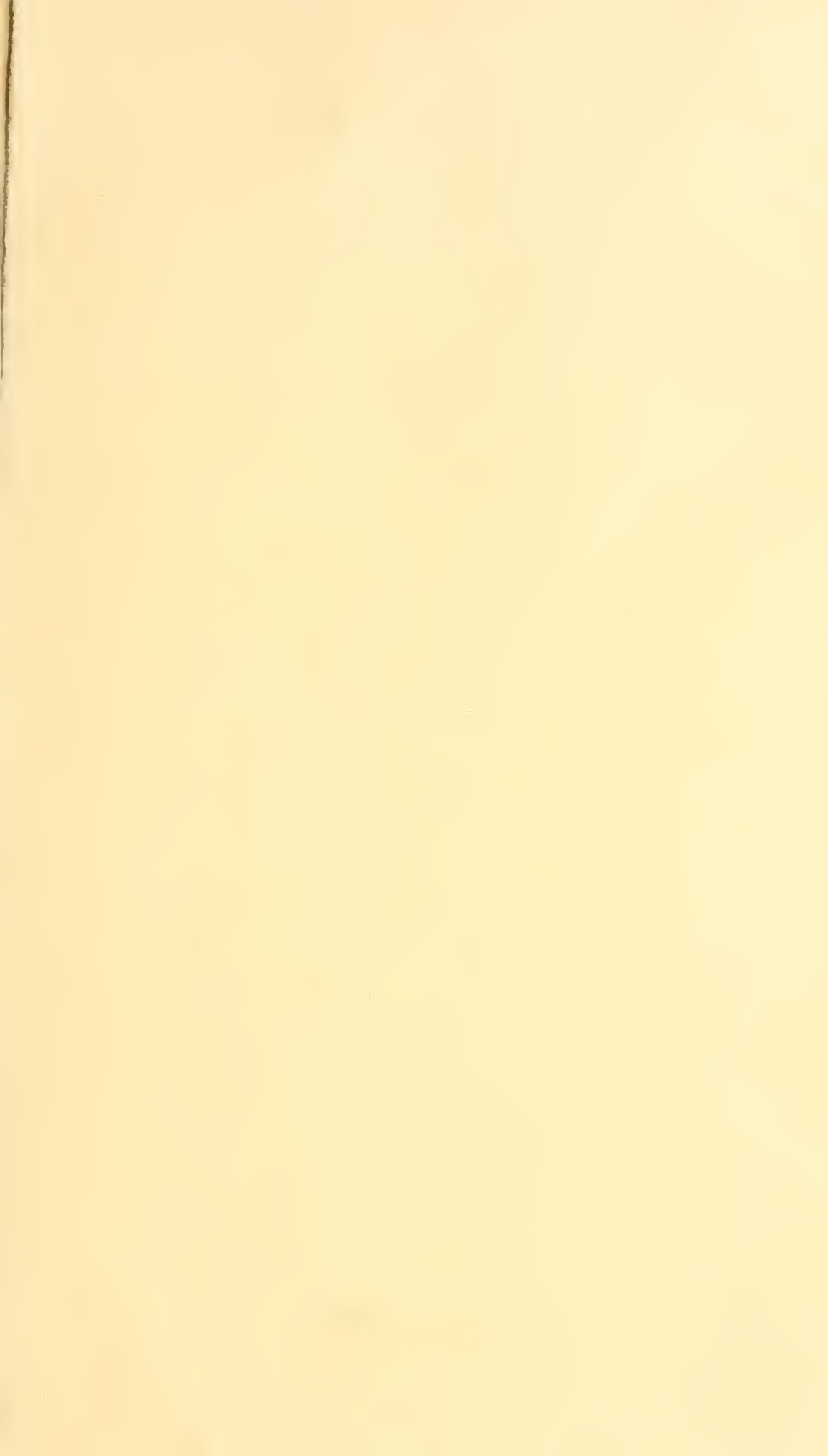
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These facts indicate that the appointment of the membership of the Hirshhorn Board of Trustees was counter to the intent of Congress in Public Law 89-788, and is, therefore, null and void.

That is about all I really wanted to say.

Mrs. HANSEN. Thank you.

We will adjourn until tomorrow morning at 10 o'clock.



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