

Per the proposed planning and the preference of "Alignment 1" I believe this alignment to be less efficient as per security and more efficient with flow of human traffic and aesthetics. Looking at the security factors here is my opinion on the matter (I will only be speaking of "Alignment 1" and "Alignment 2" because the rest are null and void.

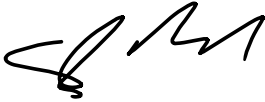
"Alignment 1" has a wider span to navigate for security forces and/or camera personnel. "Alignment 2" (per the pillared entry) seems to be more secure but also less to navigate from a security standpoint. Once the park operations are closed "Alignment 2" (let us call this "the pillared entry") makes the fencing more structurally sound, even if it is "bulkier" in appearance. If there were an issue within the gates "The Pillard Entry" ("Alignment 2") would make it so, the escapee could 1.) be easily apprehended at one of the two main exits (i.e. the pillared points would be harder for the "average American" to jump over) and if there were a failure in closing the gate (i.e. electrical issue, redundancy issue and/or speed of closure issue) the remaining exit points could be blocked by one bigger security personnel given the "normal human dynamic encounter" 2.) the same instance inside the gates also pertains to if there were a breach on the outside of the gates 3). If a camera fails by hacking, electrical redundancy interference and/or there is some other camera interference the less span between "check points" (pillars) for civilian traffic to navigate the better. Therefore making the interference less of an "extreme" issue and more of an "issue that needs to be dealt with immediately."

When the initial "Alignment 1," although aesthetically pleasing and less issue of crowding during busy hours. This option poses a bigger issue due to the wider point of entry, it has a hire percentage rate of missed facial recognition scans, terrorist entry and/or (add any other security risk here). With more ability to group together, it give one more way a terrorist could be hidden and/or hide from a camera and less ability for security personnel to viably due their job efficiently and effectively.

For example: In "Alignment 1" (let us call this "aesthetically pleasing option") there is a very tight group of 15 people easily entering in the "Alignment 1" (wide area), whereas in the "Alignment 2" (less aesthetically pleasing but harder to group people when entering) you could cut that grouping to comfortably 5 or 6 people and facial scan all of them equally even if some were behind others. Take a moment and think of things from a complete non-bias and outside perspective. Which of these options would be 1.) more secure upon entering? 2.) less likely to miss a scan? and 3.) easier for security personnel, and/or security devices to detect a threat? Just ponder this for a moment (no answer needed now),

but think to yourself for a few minutes. Is this project truly about security? Or is this project more about getting less complaints from the civilians by taking down the temporary fencing through the neighborhoods, making the park more inviting to the tourists and regular civilian public and to make the park more aesthetically pleasing to the eye and which of the two "Alignments" I mentioned above truly gives more security overall?

Thank You,

A handwritten signature in black ink, appearing to read 'Shelby A. Blasdel'. The signature is stylized with a large initial 'S' and a series of loops and strokes.

Shelbey A. Blasdel

Owner of Blasdel Barn Reclamation

TESTIMONY OF PAM FESSLER BEFORE THE NATIONAL CAPITAL PLANNING COMMISSION,
LAFAYETTE PARK SECURITY IMPROVEMENTS, SEPT. 4, 2026

Good afternoon. My name is Pam Fessler. I'm speaking to you today as a 47-year resident of the Washington DC. area. I spent many of those years working on or near Lafayette Park. And I, like many Americans, cherish the special role this park plays in our history.

I came to Washington in 1979 to work at the Office of Management and Budget. I loved to sit in Lafayette Park at lunchtime and watch life in the nation's capital unfold before me. The stream of tourists excited to have their pictures taken in front of the White House. Park workers planting beautiful tulip beds. Men and women in suits rushing to important meetings. The almost constant presence of someone holding a sign petitioning their government. This was the America I loved. Democracy, freedom, hope, all on display.

That year, the park was the site of many protests supporting and opposing the shah of Iran. Later, after I became a White House reporter, I watched others demonstrate for and against our involvement in overseas wars. I was there the night thousands of Americans flocked to the park to celebrate the election of our first black president. People came because they knew that THIS was our country's town square. Where they could gather to express their feelings about the direction of our nation, as so many others had done before them. The suffragettes in the early 1900s, civil rights advocates in the 60s, Vietnam War protestors in the 70s.

But by far the most profound gathering I witnessed in Lafayette Park occurred almost 25 years ago – the week of Sept. 11, 2001. In the dark days following those attacks – when the city was largely silent -- students from nearby universities spontaneously gathered in front of the White House and began to sing patriotic songs. It still sends chills up my spine – thinking about these young people. They were there because their world had been upended as never before. But HERE they could connect not only with each other but with a nation looking for answers and, for once, united. Ten years later, thousands of other students gathered at that same place and jubilantly waved American flags after the death of Osama bin Laden.

I understand the need for security and especially to rid Lafayette Park of the unsightly temporary barriers in use today. But I have no doubt that if this plan goes through, the gates will be closed – and the park sealed off from public access – whenever situations like those I have described occur again. We know that in this city, security officials often err on the side of too much, rather than too little, security. It will undoubtedly become routine for

authorities to shut down the park whenever a protest or mass gathering is expected, on the grounds that it MIGHT be disruptive.

But ask yourself, what is this security protecting? The White House is building a state-of-the-art military complex that has been described as one of the most secure facilities in the world. A fence around Lafayette Park will do little, if anything, to enhance these protections.

The measures have also been justified as needed to protect the park from vandalism or other damage. If so, why protect a park by no longer allowing it to serve the purpose that has made it so important to preserve in the first place?

What we are really doing is putting another barrier between the America people and their government, when people most need to express their collective joy, or fear, anger or patriotism. THIS is what we need to secure. The freedom to gather. The freedom to speak.

I respectfully ask this commission to consider how much will be lost, how much of what makes this country great will NOT be protected, if this proposal goes through. Thank you.



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

**Public Testimony of Elizabeth Merritt
Deputy General Counsel of the National Trust for Historic Preservation
Before the National Capital Planning Commission
Regarding Lafayette Park Security Improvements**

Thursday, September 3, 2026

Mr. Chairman and Members of the National Capital Planning Commission.

The National Trust for Historic Preservation respectfully submits these comments regarding the proposed Lafayette Park Security Improvements. As the owner of Decatur House, immediately adjacent to Lafayette Park, the National Trust has a direct interest in ensuring continued public access to this important historic property, especially in light of the National Trust's congressional charter requiring us to "facilitate public participation" in historic preservation.

We appreciate the security needs around the White House complex, and we support the goal of replacing the current temporary barriers – which are awful -- with a carefully planned, holistic solution that is thoughtfully designed and sensitive to the historic character of this nationally significant landmark. However, more work needs to be done, and more alternatives need to be considered, before rushing to build a permanent barricade.

Lafayette Park is a nationally significant public gathering space. The park has played a central role in the civic life of the nation, and its history is deeply intertwined with the history of the preservation movement itself. In the 1960s, Jacqueline Kennedy and National Trust founder David Finley were among those who helped lead the effort to preserve the historic brick townhouses surrounding the Park, rather than demolishing them for government office buildings. The resulting solution preserved the distinctive early 19th-century character of the square while accommodating the needs of the visiting public and the federal government.

That history underscores why security improvements here demand a thoughtful, cohesive, integrated planning approach. The existing collection of security measures—including bollards, jersey barriers, bike rack barriers, high metal fencing, and constantly repositioned lines of police tape—has detracted from the historic character of the park. We need a more coherent and visually compatible solution.

Other organizations have also voiced their concerns about ensuring that the longstanding tradition of peaceful public assembly in Lafayette Park can continue without unnecessary impediments. We believe those concerns should act as a North Star throughout the design and operational planning for the Park.

Finally, it is important to ensure that the review of this project under Section 106 of the National Historic Preservation Act is based on a complete and accurate understanding of Lafayette Park's historic significance. As The Cultural Landscape Foundation and the SHPO have pointed out to the National Park Service, the Section 106 review currently underway for this project is based on severely outdated information dating back to 1970. The Park Service needs to incorporate a 2022 update to Lafayette Square's National Register and National Historic Landmark listing, which includes substantive changes to both the time period and area of significance. Without this accurate information it raises questions about how NCPC and the Park Service can adequately take into account this proposal's adverse effects, or consider appropriate ways to avoid, minimize, or mitigate them. Making a decision based on fencing from the 1800s fails to take into account this additional more current information.

Since NCPC cannot grant final approval for a project until the Section 106 process has been properly completed, we encourage you to postpone future consideration of plans for Lafayette Park until more consultation has occurred under Section 106 regarding alternatives and modifications to the proposal that would reduce its adverse effects. We need to make more progress toward a consensus about the best way to balance public access and security.

Thank you for the opportunity to comment on these matters. The National Trust remains committed to working constructively with the NCPC, the National Park Service, and all other parties to achieve security improvements that protect both the White House complex but also the historic, civic, and democratic functions of this extraordinary outdoor public space.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Merritt". The script is cursive and fluid, with the first name and last name clearly legible.

Elizabeth Merritt
Deputy General Counsel
National Trust for Historic Preservation



August 28, 2026

Mr. Marcel Acosta
Executive Director, National Capital Planning Commission

Transmitted by email

RE: Saint John's Church, Lafayette Square Comments on the Lafayette Square Proposed Fencing Project

Dear Mr. Acosta,

Thank you for the opportunity to provide comments on the concept design for the proposed permanent fencing of Lafayette Square. Given the multi-jurisdictional location of our church and the potential impacts of the proposed project, we look forward to working with the National Park Service, the U.S. Secret Service, District agencies, and our neighbors to find good solutions and maintain excellent working relationships. Our concerns and suggestions are grounded primarily in our status as a place of worship. We recognize the more secular need for safety and security, but first and foremost it is important to us that our spiritual function is not negatively impacted by the proposals regarding Lafayette Square.

St. John's Church is located at the northeast corner of 16th and H Streets, adjacent to Lafayette Square. The church and our adjoining parish building, Ashburton House, are both National Historic Landmarks (NHLs). We are part of the Lafayette Square and 16th Street Historic Districts. St. John's is a strong steward of these iconic, symbolic buildings. The church is the second oldest building in the neighborhood, after the White House. As the "Church of the Presidents," we are mindful of the historic and civic contributions we provide within this neighborhood.

We recognize the important security requirements within this area, including our own need to provide a safe location for our congregants and visitors while fulfilling our mission to be welcoming and open, a place of grace in the nation's capital.

Permanent fencing will fundamentally change the historic use and experience of Lafayette Square as a location for the public to come and see the White House and conduct First Amendment activities. We have significant concerns about the adverse impacts of the proposed permanent fencing on St. John's and the Lafayette Square neighborhood, informed by what we are experiencing with the current temporary fencing. The proposed fencing may negatively alter the historic use and context of Lafayette Square, impact views to and from church properties, affect the historic use and pedestrian travel

patterns throughout Lafayette Square and around St. John's, affect the experience and context of the historic districts, create a variety of security and safety threats for the St. John's buildings and those using our facilities, and increase noise, trash, and access issues.

Overall:

- We encourage updating the NHL nomination of Lafayette Square and analysis of the current Period of Significance. Fencing from the 1880s may no longer be as significant as protecting public access for First Amendment rights. The proposal compares the recent temporary fencing and the 19th century fence with permanent fencing; what is more appropriate is to consider the long-standing design of Lafayette Square as an open public space, framing the discussion around a choice between increased security measures versus the symbolic and experiential public access to our nation's executive branch.
- Providing enough information to understand why enhanced security is needed and key objectives driving this proposal would be helpful. The documents and discussion mention standoff distance for the White House and Blair House and control of potentially violent demonstrations. We are concerned, given recent area shootings, that a largely fenced public space may exacerbate risks and impacts from an active shooter. There is no information on the criteria for and frequency of temporary or full closures of Lafayette Square and/or Pennsylvania Avenue, which would help establish impact.
- Explaining this proposal in the larger context of recent and proposed projects is strongly encouraged to understand use, design and security objectives. This includes the recently upgraded White House fencing, the under-construction White House East Wing, and a proposed visitor center. We also wish to confirm that the project does not include pedestrian screening into Lafayette Square.
- More in-depth visuals are needed for fences, designs, operations, hardware, and visual impact when large gates are in closed positions and in open position and taking up space south into the park from H Street. The provided visuals show a cluttered appearance and congestion for entering and exiting.

Historic preservation:

- Permanent fencing will fundamentally change the historic use and experience of Lafayette Square as a location for the public to conduct First Amendment activities, view the White House, and enjoy this urban park.
- The permanent fencing separates and isolates the park from the context of the surrounding buildings and streetscapes.
- The experience and associations of the fenced park may be uninviting and negative and reduce the ability of the public to physically see and experience an iconic symbol of our democratic government.
- Views and vistas from Lafayette Square, H Street, and 16th Street will be negatively impacted by obstructions and increased distance, with the experience of seeing the White House as restricted and through fence slots.
- In addition to impacting the Square, the fencing proposal may negatively impact views to and from the church properties, affect the experience, setting, and context of St. John's historic buildings, limit access to the church, and create a variety of security and safety threats for the church buildings and users.

- We request greater analysis of impacts to NHLs, and specifically to both the Church and the Parish House, if fencing and closures push the public north onto H and 16th Street. The presentation information provided did not mention the Church in many instances.

Safety and security:

- St. John's Church is known as the "Church of the Presidents" and is nationally recognized as an iconic, symbolic, and historic building. While we are proud to be stewards of this important civic legacy, this also makes the church a potential target for protest, violence, and terrorist activities in its own right, as well as indirectly through our proximity to the White House.
- The Parish House was set fire in 2020 by an unknown arsonist during the Black Lives Matter protests; noting that these protests had been pushed to H and 16th Street by the closure of Lafayette Square. Reported threats have been made by phone and email to our clergy and buildings. Active shootings have occurred within blocks of the church in the past year. Protesters have attended Easter services with the intent of disruption. Park and street closures have restricted access to services and events at the church.
- St. John's believes in taking appropriate measures to ensure the safety and security of clergy, staff, congregants and visitors, consistent with our mission. We do not have unlimited resources to do this. St. John's has hired security guards for all services, installed various features including security cameras, and solicited consultant services to prepare a current threat assessment and security plan, and conduct staff and congregant emergency response training.
- Temporary fencing of Lafayette Square increased the number of people on or adjacent to the public spaces around St. John's for First Amendment demonstrations and people seeking to view the White House. This increases our vulnerability as a soft target for protest or violence. Permanent fencing with the possibility of frequently closed gates will continue to push visitors and First Amendment gatherings north and impact St. John's historic buildings.

Critical Concerns:

- *Unsafe vehicular and pedestrian activity* at 16th and H Street areas occurs frequently, as demonstrators and tourists stand in the streets, pedestrians cross at unmarked areas, or vehicles come into conflict with pedestrians at crosswalks and other locations. The increased security presence and increased demonstration activity on H Street intimidates people walking to the church and attending services and events.
- *Increased noise* is occurring, particularly from First Amendment activities on H Street, that include chanting, speeches, music, and other crowd participation (often with microphones and speakers). This is audible inside the church during services.
- We already experience the impact of *street closures*, often occurring with little or no notice, that restrict access to the church, including during Sunday services. Many adjacent buildings, including St. John's, need access for visitors and events, which may be negatively impacted by the fence proposal and other security measures.
- *Vendors* and other vehicles are increasingly occupying *curb space* adjacent to the church given the increased number of people at H and 16th Street. Attended and unattended vendor trucks are parked on the curb used for Sunday valet services. Ongoing parking restrictions on H Street and the redesign

of 16th Street have reduced public parking available to congregants. St. John's has no off-street parking, so drop-off areas and free valet parking services are provided for church services. Vendor trucks blocking this curb area are forcing congregants, including the elderly, disabled, and families, to exit their cars in active traffic lanes.

- Since the temporary fencing was installed, St. John's has seen an increase in *trash and acts of vandalism*, including shopping carts thrown into landscaped areas.

Lafayette Square, 16th Street and H Street are multi-jurisdictional, with the National Park Service and the U.S. Secret Service managing Lafayette Square and District agencies (including the Metropolitan Police Department and the District Department of Transportation) providing planning, permitting, policing, and enforcement of 16th and H Streets. The proposed fencing may shift the impacts noted above, creating a lack of clarity in responding to concerns in the short and long term.

Comments on Alternatives:

Overall, St. John's favors alternatives that keep visitors and First Amendment activities away from H and 16th Streets and areas near St. John's, while reducing harmful impacts on the church and parish house.

- Ideally, we prefer to return to an open Lafayette Square that can be freely accessed by the public and First Amendment users, with temporary closures as needed. This is consistent with the symbolic and historic use of the Square.
- The alternatives shown dismiss options that only fence the Square on the side next to Pennsylvania Avenue. We encourage greater exploration of alternatives that leave more of Lafayette Square open to the public permanently and move visitor and First Amendment activities away from H Street.
- Providing more protection at the east and west ends of Pennsylvania Avenue as part of a comprehensive access and security approach may also change or eliminate the need for fencing at the south end of Lafayette if access is controlled in other ways.
- Between the alternatives offered, Alternative Two offers more space for visitor and First Amendment activities during partial and full closures, including a larger plaza area. Public sidewalk circulation would be better maintained. We believe the priority, consistent with the Square's historic use, is a safe and welcoming space for visitors and continued First Amendment activities, rather than the protection of public statues or relocation of benches.

To address current and future issues, we also hope to work with Federal and District agencies to:

1. Support ongoing funding and other support for St. John's security guards, MPD or other assigned personnel to ensure security guards for the church at all services.
2. Support funding for permanent and operational security measures at SJC, including perimeter security.
3. Provide signage that assigns the curb area on H Street near 16th to St. John's on Sunday mornings. Provide clear guidance and support for enforcement for curbside valet and event parking on Sundays.
4. Enforce food truck permits and vehicle parking permits along 16th and H Street and restrict use during Sunday services.

ST. JOHN'S CHURCH
LAFAYETTE SQUARE

5. Limit or put conditions on First Amendment activities on Sunday mornings from 7:00 to 1:00 PM to address noise, trash, and people gathering on public areas near the church.
6. Restore or provide a new comfort station on the Lafayette Square grounds to allow people access to toilets, trash receptacles, and water.

We look forward to working together with the Commission, the National Park Service, U.S. Secret Service, and others to develop solutions that address the complex and nationally significant needs of the Lafayette Square neighborhood. Please direct any requests or correspondence to Julia Koster, Junior Warden and John Stowe, Chief Operating Officer.

Sincerely,



The Reverend Robert W. Fisher

Cc:

Tammy Stidham, National Park Service
Andrew Stohs, U.S. Secret Service
John Stanwich, National Park Service
Alfred Thesmar, Senior Warden, St. John's Church
Julia Koster, Junior Warden, St. John's Church
Sharon Park, Property Committee Chair, St. John's Church
John Stowe, COO, St. John's Church



September 3, 2026

Chairman Mark Paoletta
National Capital Planning Commission
401 9th Street, NW, Suite 500N
Washington DC 20004

Chairman Paoletta and Commissioners,

My name is Zachary Burt, Community Outreach and Grants Manager for the DC Preservation League (DCPL), Washington's citywide advocate for preserving and protecting our city's historic resources. Thank you for the opportunity to present our views on the proposed security modifications.

DCPL would first like to express its support for the comments submitted by The Cultural Landscape Foundation (TCLF). The proposal to erect a permanent, ten-foot-tall metal fence around Lafayette Park threatens to irreparably sever the historically significant visual, physical, and symbolic connection between the American public and the Executive Mansion.

The Commission should pause this proposal because it relies on incomplete historic information. The National Park Service (NPS), Secret Service, and the consultant have evaluated adverse effects using the 1970 National Historic Landmark designation, omitting the 2022 Boundary Increase & Additional Documentation that expands the park's period and area of significance that includes the park's role as the nation's premier site for First Amendment assemblies. Proceeding without incorporating NPS's own updated documentation risks irreversible harm to a national cultural landscape.

Lafayette Park's history is linked to peaceful public assembly and democratic expression. Alice Paul and the National Woman's Party established the tradition of protesting directly in front of the White House in January 1917. Known as the "Silent Sentinels," these women picketed in Lafayette Park and along the White House fence line for two years to secure women's right to vote via the 19th Amendment.

Decades before widespread national recognition, Dr. Franklin Kameny and the Mattachine Society of Washington led the first organized White House gay rights pickets in Lafayette Park in April 1965, protesting federal employment discrimination during the "Lavender Scare".

Throughout the 1960s, 70s, and 80s, the park served as a gathering space for Civil Rights marches, anti-Vietnam War rallies, and anti-nuclear vigils—most notably the Peace Vigil started by William Thomas and Conception Picciotto in 1981, which became a decades-long symbol of free speech.

People also gather at Lafayette Park to express shared national joy, mark momentous political shifts, and celebrate historic milestones for our country. Spontaneous celebrations regularly erupt in the park following presidential elections, civil rights victories, and the end of major conflicts.

Designing a security solution for Lafayette Park requires an innovative, site-specific approach that honors its solemnity and safeguards its expanded historical significance. Permanent, restrictive fencing strips the site of its essence as the "People's Yard". DCPL urges the Commission to require NPS to provide complete, updated documentation before making any design decisions.

Thank you for the opportunity to present the views of the DC Preservation League.



September 2, 2026

Mr. Mark Paoletta, Chairman
National Capital Planning Commission
401 9th Street, NW
Suite 500N
Washington DC 20004

Dear Commission Chairman Paoletta and Commissioners,

Thank you for this opportunity to comment on the [Lafayette Park Security Modifications](#), a proposal to permanently enclose Lafayette Park, a National Historic Landmark that is ground zero in the nation for First Amendment protected rights, with a ten-foot-tall metal fence, which would forever alter the site's historically significant visual and spatial relationships. The Cultural Landscape Foundation (TCLF), a national Washington, D.C.-based education and advocacy organization, is a consulting party to the current Section 106 review for this undertaking.

Located directly across Pennsylvania Avenue from the White House, Lafayette Park has been the nation's premier site for free speech and peaceable assembly from the Suffragette movement up through Black Lives Matter. According to the [submission](#) and [National Capital Planning Commission \(NCPC\) staff report](#), "the proposed perimeter fence at Lafayette Park is needed to address public access during times of heightened security in a **holistic** manner that reflects the historic character of the site and improves the visitor use and experience." [emphasis added]

The word holistic appears numerous times in the [staff report](#), which is encouraging. Also notable is the report's statement that "NCPC's primary interest in security improvements at Lafayette Park are related to the visitor experience, including visual impacts, historic preservation, and public access."

However, a holistic solution cannot be developed because the National Park Service (NPS), the U.S. Secret Service (Secret Service), and their contractor, AECOM, are working with incomplete and out of date information—the 56-year-old [National Historic Landmark designation of 1970](#), which is restrictive in its focus on building architecture and has not been updated to include a vitally important amendment, the [Additional Documentation and Boundary Increase & Boundary Decrease of 2022](#).

The amendment of 2022 was prepared by NPS. This is their work product and it was unanimously approved by the D.C. Historic Preservation Review Board on [September 29, 2022](#), and approved by David Maloney at the D.C. State Historic Preservation Office on [October 5, 2022](#). However, according to remarks made by Mr. Maloney at the August 12, 2026, Section 106 consulting party meeting, **NPS never forwarded this vital information that**

provides essential context—about the park’s area of significance and expanded period of significance to the National Register of Historic Places program.

The Cultural Landscape Foundation (TCLF) asked NPS on [August 17, 2026](#), and [August 25, 2026](#), when the nomination would be updated. As of today, TCLF has received no response.

To repeat, **the design proposals presented to NCPC are based on incomplete data, which limits their value and threatens the resource.** The “Key Information” section of the [NCPC staff report](#) notes the designation of 1970 but makes no mention of the amendment of 2022, leaving NCPC in the dark. NPS, the Secret Service, and AECOM are asking for NCPC’s support for permanent fencing when they don’t yet know how their design proposals would fully impact the park. And since NPS, the Secret Service, and AECOM been apprised of *and have acknowledged* that stunning lack of information, it’s shocking and audacious for them to bring this proposal before NCPC.

How can we possibly introduce permanent fencing and assess adverse effects if we don’t recognize the updated period of significance and what the areas of significance are? Is this the cart before the horse?

NPS, the Secret Service, and AECOM have proposed a response that may address security concerns but does little to address the designated district’s expanded significance. The nation’s premier site for First Amendment protected rights requires an innovative, site-specific design response that is respectful of its solemnity and dignity and reflects an up-to-date understanding of the park’s and the Lafayette Square Historic District’s expanded historic significance.

Sincerely,

Charles A. Birnbaum, FASLA, FAAR
Founding President & CEO

Laura K. Follansbee
Staff Attorney

Good afternoon,

My name is Laura Follansbee, and I am an attorney with the American Civil Liberties Union of the District of Columbia.

Throughout the ACLU of DC's 65-year history, it has focused on protecting First Amendment rights in the Nation's Capital, including in Lafayette Park and the White House area. The Secret Service has repeatedly pressed for greater limitations on public access to Lafayette Park, as it is here. Yet when such limitations have been rejected by the courts, Presidential safety has not been compromised. The Secret Service's assertions about presidential security are not scripture. It is the responsibility of the National Capital Planning Commission to weigh them against countervailing considerations, like the Park's storied history of expressive activity, and make independent, evidence-based judgments about the need for a fence.

As NPS and the Secret Service recognize, Lafayette Park and the White House area are unique, historic sites for First Amendment-protected protest activity. People routinely come to those areas to demonstrate or to celebrate because of the expressive significance of making their voice heard at the front door of the People's House, within sight and sound of the President.

Demonstrations in Lafayette Park have almost always been peaceful—from the Suffragists, to the spontaneous celebration of the killing of Osama bin Laden, to the Peace Vigil that stood in the park for more than forty years. None of the many assassinations and attempted assassinations of Presidents have had any link to Lafayette Park.

The proposed permanent fence will significantly interfere with the Park's value as one of the most important, if not *the* most important, locations in the Nation for First Amendment activity. The Proposed Modifications claim that a fence will “preserve[] day-to-day openness.” But it will do just the opposite. Even when the gates are open, the very presence of a fence will send a message to the public that the Park is only open by permission. People who wish to exercise First Amendment rights in the Park will sensibly fear that NPS and the Secret Service—ultimately directed by the President—will have essentially unfettered discretion to close the Park at will. For more than eight months, this administration has closed Lafayette Park entirely. There is every reason to anticipate that this administration, and potentially future administrations, will choose to close the gates of a fence indefinitely, to avoid hearing the public's voices on matters of public concern.

Both NPS and NCPC seem to take the position that leaving the current temporary fencing in place forever is the default option. But it is not. Pretending that the temporary fencing around Lafayette Park is the “no action alternative” improperly avoids considering the Park's historically open character,

which offered freedom of movement and visual connectivity to the White House, as the basis of comparison.

The Proposed Modifications also fail to explain why the proposed new fence is necessary for presidential security. Why isn't the existing White House fence, recently rebuilt, and the manifold other security measures in place around the White House, adequate? Wouldn't a fence along the south side of Lafayette Park address any lingering concerns? The Commission should ask such questions and consider the responses before approving any proposal.

Construction of the proposed fence would also violate an Act of Congress. Congress has explicitly prohibited the construction of any "building or structure . . . on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress." 40 U.S.C. § 8106. The proposed fence is such a structure. Yet Congress has not passed any law providing "express authority" for its construction.

We also disagree that proposed Alignment 1 "creates a plaza space for First Amendment gatherings along H Street, NW during temporary full closures." The so-called plaza space would be tiny and as far removed from the White House as possible. We urge the Commission not to support any plan that would relegate demonstrators to such a remote, tiny sliver of property.

The White House is a very safe place for the President. Safety is constantly balanced against other interests desirable to the President and the American People, such as attending far flung political rallies and sporting events. And the right of the American People to engage in free assembly and expression in proximity to the White House is of greater constitutional value. This Commission should remind the Park Service that it must give "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances" greater weight than adding some unexplained improvement to the safety of the President when he is safely in the White House.

Thank you.