

# DEMONSTRATIONS, SPECIAL EVENTS, AND NATIONAL CELEBRATIONS

## BACKGROUND INFORMATION

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### The Importance of the Venue

The National Mall is a place where Americans have gathered for generations to celebrate, make their opinions known, and commemorate significant events. Popularly known as America's front yard, it is a place where citizens come together to organize events that celebrate achievements, bring focus to important issues, and provide opportunities for education. Lying between the U.S. Capitol, the Washington Monument, the national museums of the Smithsonian Institution and the National Gallery of Art, it is the nation's foremost people's space. There is no other place that conveys an equal sense of national purpose or belonging.

First Amendment demonstrations, special events, and national celebrations, and such events are permitted by the National Park Service in accordance with the *Code of Federal Regulations* (see page 16). The *NPS Management Policies 2006* define these uses, as well as fireworks displays, filming, and photography, as special park uses (NPS 2006e, sec. 8.6).

Special events and demonstrations are generally open to the public. Participation is limited only by the numbers of people that can be safely accommodated. Locations that are closer to the subway system may facilitate access and participation. The Mall, Union Square, and the Washington Monument are the areas with the easiest access to public transportation and the most popular locations for special park uses.

### Regulations

Reasonable time, place, and manner regulations have evolved, and some of them have been tested, upheld, or modified through judicial proceedings. As previously described, the *Code of Federal Regulations* addresses public use limits (36 CFR 1.5; see page 16).

Specific requirements of the National Capital Region as they apply to the National Mall are

stated in 36 CFR 7.96. The regional director may impose reasonable restrictions on the use of temporary structures in the interest of protecting park areas, traffic, and public safety. This has resulted in *Requirements for Special Events Held on Parkland in the National Capital Region*, supplemented by *Standard Public Health Requirements for Temporary Food Establishments Operating in Conjunction with a Special Event Held on Parkland in the National Capital Region*. These two documents set requirements for submittals, resource protection, site plans, first aid, portable restrooms, signs, food, onsite supervision and security, liabilities, prohibition of glass containers, media, and other necessities. Within the National Mall and Memorial Parks, the 2009 *Guidelines for Special Events and Demonstrations* for the Lincoln Memorial establish procedures to protect resources at the memorial, and the 2006 "Record of Decision for Partial and Temporary Closure of a Portion of the National Mall (the Mall) for Turf Renovation" schedules the annual fall/winter closure of half the Mall for turf renovation.

NPS and NCR requirements and restrictions applying to all activities on the National Mall have not been consistently followed. For example, tent stakes are not to be installed any more than 18 inches into the ground, and no structures or parking, or equipment operated, within tree root zone areas.

### Number and Size of Events

Thousands of special events take place annually on the National Mall. The event size and complexity determine the need for additional planning, submittals, and the need to provide facilities and services. The majority of demonstrations and special events are smaller, with expected attendance of 5,000, but more than 500,000 people can come to a major national celebration, such as the Fourth of July. Each year about two dozen events exceed 25,000 people. Attendance estimates are inaccurate on some permit applications; for example, organizers for large annual events (such as the Fourth of July

and the American Folklife Festival) may list expected attendance in the thousands, while hundreds of thousands of visitors usually attend; while for other events attendance falls short of estimates.

### Time Frame

Demonstrations and special events are limited to four months (36 CFR 7.96(g)(4)(ii)). Demonstrations may be extended unless another applicant's use precludes double occupancy. Time limits listed for specific special events are

- Lighting of the National Christmas Tree and Christmas Pathway of Peace — 4 weeks, plus setup and takedown between October 1 through February 1
- Cherry Blossom Festival — 2 weeks, plus 2 weeks for setup and takedown
- Fourth of July Celebration — 3 weeks, including setup and takedown
- Smithsonian Folklife Festival — 2 weeks, plus 8 weeks for setup and takedown

Other national celebrations that require lengthy setup and takedown times include inaugural ceremonies. The Lighting of the National Christmas Tree and Christmas Pathway of Peace (formerly the Pageant of Peace) takes place on the Ellipse in President's Park.

### FIRST AMENDMENT ACTIVITIES

First Amendment demonstrations comprise an essential democratic right of citizens on the National Mall. As previously mentioned, the Mall's "location in the heart of our nation's capital makes it a prime location for demonstrations. . . . As the court has stated before, 'It is here that the constitutional rights of speech and peaceful assembly find their fullest expression'" (*Friends of Vietnam Memorial v. Kennedy*, 116 F.3d 495, 496 (D.C. Cir. 1997), quoting *ISKCON of Potomac v. Kennedy*, 61 F.3d 949, 952 (D.C. Cir. 1995)).

Demonstrations are usually thought of as political protests; however, they can address or support virtually any side of any issue. The National Mall accommodates over 1,000 First Amendment demonstrations annually. Demonstrations

in 2008 included prayer vigils, peace vigils, religious activities and services, anti-war demonstrations, rallies to support the military troops, support for Latin American citizens, the Longest Walk II, Children's Defense Fund, saving the salmon fishery, Amnesty International, support for Falun Gong, Greek unity, march for the U.S. Constitution, Guantanamo prisoners, march for life, vegetarian benefits, concern about torture, and Million DJ march.

While demonstrations generally last for a short time, are attended by a few hundred people, and require few temporary facilities, attendance can range up to 10,000, and some demonstrations can attract hundreds of thousands and even spawn counter demonstrations. Participants typically hand out literature in support of their cause.

Demonstrations are permitted in most areas of the National Mall, and areas can be reserved on a first-come, first-served basis. Demonstrations of less than 25 people generally do not require a permit. To protect the sanctity of visitor experiences in memorials, demonstrations are not allowed inside the ring of flagpoles at the Washington Monument, inside the Lincoln Memorial and the Thomas Jefferson Memorial, near Freedom Wall at the WWII Memorial, and near the Vietnam Veterans Memorial (36 CFR 7.96(g)(3)(ii)).

The Mall and Union Square are popular venues because visual backdrops include symbols of power (the U.S. Capitol) and symbols of our nation (the Washington Monument). The Washington Monument grounds also include visible backdrops or symbols of the nation — the Washington Monument, the White House, the Lincoln Memorial, the Thomas Jefferson Memorial, and a layered view of the World War II Memorial, the Lincoln Reflecting Pool, and the Lincoln Memorial. These areas are conveniently accessible to the Metro system.

The Lincoln Memorial is a prime location for demonstrations related to freedom, equality, or civil rights because of its commemoration of the Great Emancipator, and it has been the site of several historic events, including the 1939 concert by Marion Anderson, the 1963 "I Have a Dream" speech by Dr. Martin Luther King Jr., and the 1968 Poor People's Campaign.

Small structures related to the Vietnam Veterans Memorial, previously located near the west end of the Lincoln Reflecting Pool, are First Amendment demonstrations related to the military, the memorial, and those missing in action. These structures were relocated to complete construction on the Lincoln plaza.

## **NATIONAL CELEBRATIONS**

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National celebration events on the National Mall, which are generally very well attended, include the National Cherry Blossom Festival, the Fourth of July celebration, the Smithsonian Folklife Festival, and inaugural activities. In 2007 the National Mall and Memorial Parks undertook independent operational assessments of two national celebrations, the National Cherry Blossom Festival and the Fourth of July celebration. As a result of these assessments, a number of operational changes were made in 2008, including the location of portable restrooms and frequency of service, as well as public parking and circulation.

The National Cherry Blossom Festival is synonymous with spring in the nation's capital, and an estimate 2-4 million people annually attend the approximately two-week festival. The narrow walks around the Tidal Basin are overwhelmed and people trample the roots of the cherry trees they have come to admire. Performances take place daily on a stage on the Thomas Jefferson Memorial plaza; food, portable restrooms, and information are provided in several areas around the Tidal Basin. In 2008 the Tidal Basin parking lot (141 spaces) was closed and many temporary facilities relocated to the paved parking lot to reduce the impact of the celebration. Additional post-and-chain fencing reminded many visitors to stay away from tree roots. A free shuttle bus provided access to and from nearly 800 parking spaces in East Potomac Park, and parking for bicycles was increased.

The Fourth of July celebration attracts around a half a million people during a single day and evening and requires a great deal of logistical preparation. Some roads are closed during the entire day (Madison and Jefferson drives) and others (14th, 15th, and 17th streets, and Independence and Constitution avenues) are closed during the evening. Visitor services are

supplemented with portable restrooms, mobile food carts, and first-aid and information stations.

For the Fourth of July there are two evening concerts (one on the west lawn of the Capitol and the other on the Washington Monument grounds) that are timed so the finale is highlighted by the fireworks display. Fireworks are staged from the reflecting pool, so nearby areas are closed for public safety, and the World War II Memorial is closed in the afternoon. In 2006 and 2007 there were weather-related evacuations that tested emergency preparedness, shelter procedures, and effectiveness of mass notification. The typical Fourth of July celebration results in nearly 30 tons of trash that must be removed by the next morning.

The midsummer Smithsonian Folklife Festival has been taking place since 1967 and coincides with the Fourth of July celebration. Sponsored primarily by the Smithsonian Institution, with assistance from the National Park Service, the festival has been expanded to include international as well as American folklife. Temporary event facilities, such as tents and stages, are located in the elm tree panels to take advantage of shade (approximately a 10 degree cooling effect), even though no such facilities are allowed within any tree canopy by NPS National Capital Region requirements. Some utilities have been developed for festival use.

## **SPECIAL EVENTS**

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In accordance with NPS regulations at 36 CFR 7.96(g), special events may be permitted "when (1) there is a meaningful association with the park area and the event, and (2) the event will contribute to understanding of the significance of the park area" (NPS 2006e, sec. 8.6.2.1). They will be denied when they would result in unacceptable impacts, such as impeding the ability to achieve desired natural and cultural resource conditions, diminishing opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values; or unreasonably interfering with park programs or activities, an appropriate use, the atmosphere of peace and tranquility, or NPS concessioner or contractor operations (NPS 2006e, sec. 1.4.7.1). The park has discretionary

authority to allow and manage authorized uses that will not cause impairment or unacceptable impacts, and should consider presidential and congressional interest and enabling legislation or proclamation (NPS 2006e, sec. 1.4.3.1).

Numerous special events take place annually on the National Mall. Some special events have an association with the National Mall, such as annual commemorative ceremonies related to park areas or memorials, including Veterans Day commemorative ceremonies and birthday ceremonies for George Washington, Thomas Jefferson, Abraham Lincoln, and Franklin Delano Roosevelt. Ceremonies generally take place in or near memorials on pavement, and the impact of these events is limited. Military concerts and performances of patriotic music by visiting school groups also take place at the Lincoln Memorial, the Thomas Jefferson Memorial, the Sylvan Theater, and other areas.

Some cultural or educational events are associated with nearby federal facilities, such as the Library of Congress Book Festival (estimated attendance 50,000), or simulcasts with the Kennedy Center for the Performing Arts. The Library of Congress Book Festival, held in the autumn, is a more recent tradition and has grown annually for more than five years. Kennedy Center simulcasts are held at various locations on the National Mall. The National

Park Service also supports three annual National Symphony Orchestra concerts on the west lawn of the U.S. Capitol, each of which attract many tens of thousands of people.

The Solar Decathlon, which has been held every two years, brings together national and international institutions of higher learning to compete in the design and operation of small solar houses they have built offsite. Each spring the Public Employees Roundtable is a recognition and recruitment event with information and education, with displays by federal agencies on the National Mall. Large tents cover the entire center grass panel, and vehicles and military equipment are on display. There are no accurate estimates for these events, but tens of thousands of people usually attend.

Some events celebrate or honor a group's identity, such as Black Family Reunion (annual two-day weekend, with the permit listing 100,000). Other events honor rites of passage or significant individual celebrations, such as college graduations, weddings, enlistments/reenlistments, and citizenship ceremonies. Other events provide information about various conditions (cancer, diabetes, HIV) and offer opportunities for interested people to gather.

## Inauguration Day 2009 — Lessons Learned from a Unique National Celebration

For the inauguration of Barack Obama on January 20, 2009, preparations were made for unprecedented crowds on the National Mall. The Lincoln Memorial was used for pre-inaugural concert on Sunday, when it is estimated that over 500,000 people attended and were concentrated from the Washington Monument west to the Lincoln Memorial. The inauguration ceremony took place on the west side of the Capitol on Tuesday, and an estimated that 1.8 million attended, with people concentrated east from the Washington Monument grounds.

### Resource Protection

United States Park Police, with assistance from local, state, and federal agencies, provided law enforcement services. The National Park Service increased the number of uniformed park rangers and guides in anticipation of large crowds. There were no arrests. Jumbotrons were strategically placed throughout the National Mall, but a small percentage of the 1.8 million people did climb trees to get better views.

Steps taken to protect memorials included temporary fencing to guide pedestrian flow, additional staffing to monitor resource preservation issues, and temporary environmental monitoring equipment in the Lincoln Memorial for the effects of additional lighting for the opening ceremonies. Staging on the National Mall and near the Lincoln Memorial used hardscape as much as possible, and the primary east-west viewshed was maintained. Staging at the Lincoln Memorial was installed with protections for the memorial steps and plaza.

### Public Access and Wayfinding

Advance media notices were made about access, openings, and closures of roads and subway stations. Public access was by subway, bus (public or tour), walking, and bicycle. On January 20 Metro provided about 1,120,000 rail trips, 423,000 bus trips, and 1,721 Metro-Access trips (for people with disabilities who cannot use public transpor-

tation), for a total of 1,544,721 trips, the highest ridership day ever in WMATA's history (WMATA 2009). Subway announcements provided information about locations, but because of the crowds and talking, the announcements may not have been widely heard.

On inauguration day crowds began arriving by 4 a.m., and the Mall area had to be closed by 9:15 a.m. because crowds had reached unsafe levels. While many law enforcement and military staff were present to guide people to and from the National Mall, coordinated information to help pedestrians find available space was insufficient, as was accurate information about the status of Metro stations. Hundreds of pedestrians holding tickets to ticketed areas on the east end of Mall were unable to reach their areas. Areas west of 15th Street could have accommodated more people during the inaugural ceremony.

Attended bike valet parking was provided, but use was not required. In some areas people locked bikes to any structure they found, which affected pedestrian circulation.

While arrivals were staggered over many hours, crowds left on both Sunday and Tuesday in one concentrated mass, proving very difficult to manage. More electronic signs would have helped guide people to open subway stations. The Smithsonian Institution museums were very crowded after the ceremony, with people sitting and sleeping under exhibits.

### Visitor Experience

Numerous media broadcast from mobile studios on the Mall. More than 20 jumbotrons were dispersed around the National Mall to accommodate expected attendance. However, more large screens would have facilitated viewing both the concert and the inauguration.

The National Park Service printed cards with educational information about the inaugurations of the five presidents with memorials on the National Mall — George Washington, Thomas Jefferson, Abraham Lincoln, Ulysses S. Grant,

and Franklin Delano Roosevelt. Commemorative buttons were also handed out.

### Visitor Amenities

*Restrooms* — About 5,000 portable restrooms were dispersed throughout the area expected to receive the greatest use. These facilities were sufficient, and they were kept well stocked (toilet paper, hand sanitizer dispensers) and clean. However, long lines at restrooms in adjacent museums and at the Washington Monument grounds indicated that people preferred not to use portable restrooms.

*Food Service* — In addition to 10 refreshment stands there were 12 tents selling food and or souvenirs. A total of 140,000 hot dogs were sold, 170,000 sodas, along with hot cocoa, Italian sausages, coffee, water bottles, and candy bars.

*Retail* — While the NPS concessioner was authorized to sell official Presidential Inaugural Committee souvenirs, there appeared to be many impromptu sellers of souvenirs without permits.

### Public Health, Safety, and Security

Only 30 children were reported lost and reunited with their parents. First-aid tents provided service to hundreds who were not prepared for the cold weather. No arrests were reported.

Vision and breathing for some visitors on the Mall was affected by dust whipped up by winds after the ceremony.

### Park Operations

Between 95 and 100 tons of trash and debris were picked up by the next morning. In addition to permanent trash containers, 300 special recycling containers were provided, and numerous cardboard boxes were available. Many of the boxes were used to provide some insulation from the frozen ground.

The turf on the Mall and in other areas was destroyed, and the lack of turf cover throughout large areas contributed to windblown dust.

**FIGURE 44: THE INAUGURATION AND ITS AFTERMATH**



Between 95 and 100 tons of trash were removed.

About 5,000 portable restrooms were brought in.

