

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DC PRESERVATION LEAGUE, et al.,

Plaintiffs,

v.

**BOARD OF TRUSTEES OF THE JOHN
F. KENNEDY CENTER FOR THE
PERFORMING ARTS, et al.,**

Defendants.

Civil Action No.1:26-cv-00981

**DECLARATION OF JOHN ALLEN BURNS
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, John Allen Burns, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct and based on my personal knowledge:

1. My name is John Allen Burns. I am over the age of eighteen and competent to make this declaration. I reside in Alexandria, Virginia.

2. I am a current member of DOCOMOMO US (“DOCOMOMO”). I have been a member since 2005. I was a founding member and currently serve on the board of DOCOMOMO DC, the local chapter of DOCOMOMO in Washington, D.C. Board members are responsible for the leadership and programming of chapter activities and advocacy.

3. I have a longstanding personal connection to the John F. Kennedy Center for the Performing Arts (the “Kennedy Center”) in Washington, D.C., since moving to Washington to work for the Historic American Buildings Survey of the National Park Service in November 1972. My first memory of being at the Kennedy Center was in 1973, watching the 4th of July fireworks on the National Mall from the rooftop terrace. There were just a few of us; people had not realized yet that it was a great vantage spot. Each subsequent year it became more crowded. Thus, I have

attended performances and events or just visited the Kennedy Center countless times over the past fifty years. My most frequently attended events have been the free Millennium Stage performances because they offer a rich variety of programs in an intimate, informal setting. I also enjoy visiting the Kennedy Center's public spaces to walk their soaring spaces that—no matter how crowded—are peaceful and contemplative. The great halls and terraces are wonderful locations to take in the larger world and appreciate the vibrancy of its setting. It is impossible to walk the length of the building and not be more relaxed at the other end.

4. The Kennedy Center holds particular personal significance to me because I am an architect and was in architecture school when the Kennedy Center was under construction. Edward Durrell Stone was the “starchitect” and acoustical engineer Cyril Harris wrote my acoustics textbook. We studied its architectural design and concert hall acoustics and debated its aesthetics. The building's bold massing, rigid geometry, planar surfaces, and simple detailing are decidedly Modernist, but its symmetry and perimeter columns provide a quiet dignity rooted in Classicism. Stone's challenge was to make an enormous building fit its historical context and physical setting and to satisfy thousands of critics about its appearance. He succeeded.

5. I am a member of the “where were you when Kennedy was shot?” generation. I was at lunch in junior high school. Mrs. Jenkins, my Latin teacher in our class after lunch broke the news. Each of us mourned in our own ways, but, as a nation, we chose to create the Kennedy Center as a living memorial to President John F. Kennedy, established by Congress as the sole national memorial to the late President in the city of Washington. Although the Kennedy Center was determined eligible for the National Register of Historic Places in 2012, in my fifty years' experience working with historic buildings throughout the United States, I believe the Kennedy Center meets the criteria to be designated a National Historic Landmark for its architectural and

historical significance. I view the Kennedy Center first as a national memorial and secondarily as a performance venue. Alterations that have taken place over the past year have already compromised the building's historic integrity and have significantly diminished the very qualities that make the Kennedy Center significant to me. Removing the graceful curves of the trees on the plaza and editing out the gold columns with paint presage other changes that I fear may be forthcoming. And the name added above John F. Kennedy's on his national memorial is desecration.

6. I have already been personally and concretely harmed by alterations that the Defendants have completed at the Kennedy Center without following legally required review procedures. I had planned to continue to attend Kennedy Center events after retiring last year, and except for these changes I would continue to use and visit the Kennedy Center.

7. On March 16, 2026, the Board of Trustees and its Chair, Donald J. Trump, announced that in less than four months the Kennedy Center will close completely for several years. While closed, the Kennedy Center buildings and grounds will undergo major structural work, up to and including demolition and reconstruction (the "Project"). The Kennedy Center Defendants have stated that "preliminary work has been started" and that "significant construction work" is anticipated to begin after July 7, 2026.

8. These proposed alterations would personally and concretely harm me because the proposed alterations would significantly compromise the historic character of the Kennedy Center in ways that will destroy its function as a national memorial to the deceased President. It is not just a performance venue; it is a living memorial. Admittedly it is a unique combination, but if you alter the performance hall, you destroy the memorial. I am personally affronted that someone would even contemplate proposing—much less beginning to make—changes to the building's historic

character as in the proposed Project. The Kennedy Center's Modernist design, its materials, its spatial qualities, and its setting along the Potomac are what make the building meaningful to me, and the proposed Project threatens to destroy or fundamentally alter those qualities.

9. The announced multi-year closure of the Kennedy Center, beginning after July 7, 2026, would deprive me of access to a site that I have previously visited regularly to enjoy the Kennedy Center's public spaces including the Grand Foyer, the terraces, and especially shows at the Millennium Stage, and would disrupt a pattern of use I have maintained for many years. I have no adequate substitute for the experience of visiting the Kennedy Center.

10. I am further harmed by the Defendants' failure to follow legally required procedures before proceeding with the Project and the already-completed alterations. For over thirty years, I directed the mitigation documentation program of the Historic American Buildings Survey, so I am well versed in the requirements of the Section 106 process.

11. The failure to initiate and complete Section 106 consultation under the National Historic Preservation Act has deprived me and other members of the public of the opportunity to have our interests considered before irreversible changes are made to this nationally significant historic property. Had Section 106 review been initiated, I would have had the opportunity, either directly or through the Organization, to present my concerns about the impact of the proposed alterations on my concrete interests in the Kennedy Center as described above.

12. The failure to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act means that the environmental consequences of these alterations, including impacts on the monumental core, the historic parkway, and the Potomac River waterfront, have not been adequately studied or disclosed. I would have reviewed and commented on any such analysis.

13. The failure to submit the Project to the National Capital Planning Commission (“NCPC”) for review and approval, and the failure to request advice from the Commission of Fine Arts (“CFA”), has deprived me and other members of the public of the opportunity to participate in the public review processes that Congress established to ensure informed decision-making about development in the national capital. I regularly follow and participate in NCPC and CFA proceedings both directly and through the Organization, and I would have submitted comments or testimony regarding the proposed Project.

14. To my knowledge, no public comment period or consultation opportunity has been provided in connection with the proposed Project or the already-completed alterations, despite the Kennedy Center’s eligibility for the National Register of Historic Places. Had such an opportunity been provided, I would have participated and submitted comments describing the concerns set forth in this declaration.

15. The harm I have described is irreparable. Once the historic fabric of the Kennedy Center is altered or destroyed, it cannot be restored to its original condition. The Kennedy Center’s architectural and historic character, which forms the basis of its eligibility for the National Register of Historic Places, would be permanently compromised. The opportunity for meaningful public consultation will be permanently lost if the alterations proceed before the legally required reviews are completed. Monetary damages cannot compensate for the loss of the aesthetic, cultural, and historic qualities I have described. These qualities, once destroyed, cannot be recreated.

16. The proposed alterations already underway, as the Kennedy Center Defendants have stated that “preliminary work has been started.” The 200 exterior columns have already been painted, new signage has been installed, and the Kennedy Center Defendants have announced that the

building will close after July 7, 2026 for multi-year construction. The announced closure is less than four months away.

I declare under penalty of perjury that the foregoing is true and correct.



John Allen Burns

Executed on 03 / 27 / 2026