

**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 JAMES AUBREY SMAILES
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

I, James Aubrey Smailes, 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 James Aubrey Smailes. I am over the age of eighteen and competent to make this declaration. I reside in Washington, D.C.

2. I am a current member of the Committee of 100 on the Federal City (the “Committee of 100”) and have been a member since 2013. I currently serve as a Trustee for the organization, and as such hold governance responsibilities with my colleagues on the Board for overseeing the operations, focus, and activities of the Committee of 100, to carry out its mission to use advocacy and public education to preserve and enhance the historic, aesthetic, and natural character of Washington, D.C. by promoting the highest-quality planning, sustainable development, and responsible land use. In addition, I provide expert assistance to the Committee of 100 in fulfilling its mission based on my knowledge of Washington, D.C. and my training and longstanding professional experience as an independent professional engineer. I currently serve as Chair of the organization’s Subcommittee on Transportation, and in that capacity have provided advice and

testimony on public transportation matters before local and federal agencies on behalf of the Committee of 100.

3. The Committee of 100 is a nonprofit corporation organized under the laws of the District of Columbia, with its principal office in Washington, D.C. The Committee of 100 was founded in 1923. The mission of the Committee of 100 is to safeguard and advance the fundamental planning, environmental, and aesthetic values inherited from the L'Enfant Plan and the McMillan Commission that give Washington, D.C., its historic distinction, natural beauty, and overall livability. The Committee of 100 advances the proposition that planning of the highest caliber is essential to ensure for residents of Washington, D.C.—and for all Americans—the attainment and preservation of a city worthy of the Nation. As independent advocates for sound planning, the Committee of 100 is active city-wide in land-use, housing, transportation, historic preservation, and environmental issues. For over 100 years, the Committee of 100 has championed excellence, responsibility, and activism in public policy, urban design, and land use planning that protects Washington, D.C.'s unique character.

4. The Committee of 100 has a longstanding and direct institutional connection to the John F. Kennedy Center for the Performing Arts (the “Kennedy Center”) in Washington, D.C. The Committee of 100 was actively engaged in providing comments and public advocacy regarding the Kennedy Center at the earliest stages of its planning, both before and after it was proposed to be dedicated as a memorial to President Kennedy after his assassination. In numerous press articles over the years, the Committee of 100 (often described as a “blue-ribbon” committee) was cited as advocating before the National Capital Planning Commission (“NCPC”) and the Commission of Fine Arts (“CFA”) regarding the siting and size of the Center. *See, e.g.,* Wes Barthelmes, *Planners Spurn Mall Site for Culture Center*, Wash. Post, May 2, 1958; *Mall Site Again Favored For Arts*

Center Here, Wash. Post, May 27, 1958; *Civic Group Seeks to Shift Location of Cultural Center*, Wash. Post, Feb. 15, 1964; Jack Eisen, *JFK Center On River Site Backed Anew*, Wash. Post, May 9, 1964; *Committee Opposes Change in Site of JFK Center, Votes to Trim Its Size*, Wash. Post, May 21, 1964 (available at ProQuest Historical Newspapers).

5. In more recent times, the Committee of 100 has engaged in research, advocacy, and public education on planning issues relating to the Kennedy Center, both directly and indirectly. As a general matter, the members of the Committee of 100, through its working sub-committees (particularly including the Historic Preservation, Parks and Environment, and Planning Sub-Committees), regularly research, review, and monitor concept plans and developments on the National Mall and the Federal Enclave that may affect cultural resources and landscapes, including the Kennedy Center.

6. More specifically, the Committee of 100 has taken more formal action regarding proposals, plans, and projects relating to the Kennedy Center. For example, in a March 17, 2010 letter on behalf of Committee of 100, then-Chair George R. Clark, provided comments to Susan Spain, Project Executive for the National Mall & Memorial Parks, National Park Service, regarding proposals for the Lincoln Memorial grounds and seeking information about future links to the Kennedy Center in order to understand the proposals' relationship to the Kennedy Center. In 2019, the Committee of 100 presented a national award (known as its Vision Award) honoring The REACH addition at the Kennedy Center and Steven Holl Architects for the "innovative, exciting, and environmentally responsible addition to the world-famous building."

7. With a longstanding relationship to the Kennedy Center reaching back to its origins, and with an equally longstanding practice of participating in advocacy before federal and local agencies, including litigation, the Committee of 100 fully intends to continue to engage in public

advocacy and education regarding the Kennedy Center. The engagement of the Committee of 100 on these matters is made with the full support of the Board of Trustees, and individual members of the Committee of 100. As described below, however, our interests and rights in this regard have been adversely affected by the actions of Defendants.

8. I personally have a longstanding personal connection to the Kennedy Center. I have had a ballet subscription at the Kennedy Center since the mid 1980's. Typically, there are six to eight companies visiting in a season, and often I will go more than once to see a different cast. I go with a group of ballet aficionados, or balletomanes, and we often meet for dinner beforehand or drinks and we discuss past performances, arrival of new talents, and changes to company rosters. Also, I have been an attendee at performances by the National Symphony Orchestra, visiting orchestras, and, occasionally, jazz groups. So far, I have attended four performances this season and had been looking forward to attending many more in the beautiful facilities at the Kennedy Center. I have tickets for the New York City Ballet in June, and I had planned to attend the performance by the San Francisco Ballet in May (now cancelled), and by the Washington Ballet (now relocated to the National Theater). With family members, I plan to attend a concert by the National Symphony Orchestra in early April.

9. In addition to attending regular performances at the Kennedy Center, I have been directly involved in activities supporting performances and cultural events at the Kennedy Center. For example, I volunteer at the Kennedy Center Honors as a "Talent Escort," meeting performers at the airport, getting them to their hotels, and then to the Kennedy Center for rehearsals and the show. I have been engaged in these activities for approximately eight years.

10. In addition, I have been a "Supernumerary" for ballet performances at the Kennedy Center for more than ten years. Supernumeraries (or "Supers") are non-dancing actors, often children or

local performers, who appear in professional ballets, such as *The Nutcracker*, *Sleeping Beauty* or *Giselle*, performed by the American Ballet Theatre, Cincinnati Ballet, and earlier this season the Stuttgart Ballet, which returned this year after a 33-year absence to premier *Onegin*. Supers perform roles like soldiers, party guests, or mice, filling out scenes to add scale. They are typically used to fill out a town scene or provide additional actors on stage. I've been a Guard, a Monk, a Butcher and Dead Body (an actual role in the tomb) in *Romeo and Juliet* (various company productions), a Cavalier in *Sleeping Beauty*, a Guard in *Giselle*, an Ambassador in *Nutcracker* and others.

11. These various activities have given me a chance to work backstage and to experience just how complex operations are in the Eisenhower Theatre, the Opera House, and the Concert Hall at a personal level that goes far beyond what most Kennedy Center visitors experience. I have come to know many of the staff and volunteers, and I have an understanding and appreciation of the Kennedy Center, the building and grounds, and its operations that are different and more intimate than experienced by most members of the attending public.

12. It is my intention—if not impeded by the proposed action to close the Kennedy Center for two years for yet-unspecified “renovations” —to continue visiting the Kennedy Center and its grounds, to attend performances at least five to ten times a year, as well as to continue my participation in supporting the operations of the Kennedy Center as a Talent Escort and as a Supernumerary. The actions of the Defendants would deprive me and my friends of these opportunities, and my future enjoyment of the Kennedy Center would be prevented.

13. It is not only that the Defendants proposed *future* actions will impair my future enjoyment of the Kennedy Center: I have *already* been personally and concretely harmed by alterations that

the Kennedy Center Defendants have made at the Kennedy Center without following legally required review procedures.

14. For example, I was and continue to be harmed by the recent actions of the Kennedy Center Defendants to paint, or cause to be painted, the Kennedy Center's 200 exterior columns from their original gold color to white without going through the necessary reviews required by law. I was surprised the first time I saw them painted, causing me to wonder what other changes are proposed for the exterior. This inappropriate alteration harmed me by adversely affecting my aesthetic enjoyment of the Kennedy Center as an important historic building from the Modernist period by eliminating a character-defining feature of the building that I respected and enjoyed. But in addition to aesthetic harm, as a member and Trustee of the Committee of 100, I have been deprived of my opportunity—either directly or as represented by the Committee of 100—to participate in the review and consultation processes mandated by federal law, including Section 106 of the National Historic Preservation Act, as amended (the “Section 106 Consultation Process”) and the National Environmental Policy Act, as amended (the “NEPA Review Process”). These unlawful actions by the Kennedy Center Defendants harmed me in my capacity as a member and Trustee of the Committee of 100, which frequently participates as a Consulting Party in projects in the Nation's Capital that are subject to review through the Section 106 Consultation Process, and which, I believe, would seek to participate in a Section 106 consultation on this matter had it been initiated by the Kennedy Center Defendants. Similarly, the Defendants' actions in failing to properly evaluate those changes through the NEPA Review Process deprived me, individually and as a member of the Committee of 100, of the benefit of that evaluation process.

15. Similarly, the installation of new signage by the Kennedy Center Defendants adding the “The Donald J. Trump and” to the name of the “John F. Kennedy Memorial Center for the

Performing Arts” has also adversely affected me *both* in terms of my aesthetic enjoyment of the Kennedy Center and in my capacity as a member and Trustee of the Committee of 100 on the Federal City. The original lettering properly reflected the intention of Congress that the building be dedicated as a memorial to President Kennedy following his assassination in 1963. To me this change is offensive, inappropriate, and greatly worries me for the future of the building. My personal interest in volunteering to support the Kennedy Center remains strong because I volunteer to support the artists who come to perform. I have met many talented dancers, singers and musicians from my volunteer work. And I have seen the best dancers in the world perform twenty feet from me. But I worry about an institution that would make such an inappropriate change that has contributed to many patrons deciding not to attend events while this inappropriate change remains. In addition, alterations to the original memorial dedication, as carried out by the Kennedy Center Defendants, should have been carried out only after following public consultation through the Section 106 process, and should have been evaluated through the NEPA Review Process. Those actions have also harmed me by depriving me of the opportunity—either directly or as represented by the Committee of 100—to participate in the consultation process that characterizes the Section 106 process.

16. Finally, 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. I found this announcement, made without any apparent public review, deeply concerning: What is that significant work, who are the architects

and engineers hired for the work, and what building conditions are so decrepit that require such an early closure? What will happen to the artists scheduled to perform for the rest of the 2026 season? Why the rush?

17. These proposed alterations would personally and concretely harm me. From a personal standpoint, for at least the next two years the closures would deprive me of: (1) the opportunity to participate as an attendee at performances, particularly but not exclusively of the ballet; (2) the opportunity to engage with the Kennedy Center as a “behind the scenes” participant as a Talent Escort; and (3) the opportunity to actually perform at the Kennedy Center as a Supernumerary. I have a track record in engaging in these activities and would plan to continue doing so over the next two years and beyond.

18. In addition, the changes to the Kennedy Center that the Defendants plan to carry out over the two-year closure would further harm me because of the Defendants’ failure to follow legally required procedures before proceeding with the Project and the already-completed alterations. I have been and will be harmed as a member and Trustee of the Committee of 100 because I have been deprived of the opportunity to participate in the public review and consultation required by law, which I would have engaged in, either directly or through the representation offered by the Committee of 100.

19. 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 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.

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

James Aubrey Smailes

James Aubrey Smailes

Executed on 03 / 27 / 2026