TESTIMONY OF CHARLES O. MONK, II
CHAIR, BOARD OF DIRECTORS
THE GREATER BALTIMORE COMMITTEE
BEFORE THE UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

"GSA and Federal Courthouses:
Management, Renovation, and Construction Issues"

April 28, 2011

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Madame Chair, and members of the Committee, my name is Charles O. Monk, II. It is my privilege to appear before the Senate Committee on Environment and Public Works today to testify on behalf of the Greater Baltimore Committee on the question of "GSA and Federal Courthouses: Management, Renovation, and Construction Issues."

I appear before you today in two capacities. First, as the Chair of the Board of Directors of the Greater Baltimore Committee (GBC), a regional business organization focused on economic growth in Baltimore City and the five adjoining Maryland counties. The Greater Baltimore Committee is the State of Maryland's leading business organization serving Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard counties, a region with a population of approximately 2.6 million residents. The GBC is a 56-year-old private sector membership organization with a rich legacy of working in collaboration with government to find solutions to problems that negatively affect our competitiveness and viability as a region. It is an organization that prides itself on advocating for changes in public policy that strengthen the business climate and improve the competitive environment of the Greater Baltimore region.

In addition to my role as Chair of the Board of the GBC, I also serve as the Managing Partner of the Baltimore Office of the Saul Ewing law firm. As such, I am a practicing attorney, who specializes in commercial litigation. My practice brings me to the United States District Court in downtown Baltimore on innumerable occasions, as well as federal courthouses in the major cities in our country. As a private sector attorney, I am personally familiar and have experienced the inadequate and somewhat deplorable conditions in our federal courthouse.

Wearing both these hats, I am here today to impress upon you that the Baltimore federal courthouse is sorely in need of replacement.

As you may have noticed upon your arrival here at the courthouse, there are a high number of deficiencies, both internal and external, that highlight the inadequacies of this federal courthouse structure.

Constructed in 1976 for a total cost of $23 million, the federal courthouse building is an anonymous and dreary edifice. Upon its completion, it was hailed as the least expensive courthouse in terms of dollars per square foot of any courthouse in the nation. Although I recognize the importance of cost savings and acknowledge that it is something of which government should be proud, cost savings should not be achieved at the expense of efficiency and practicality.

An excerpt from A Bicentennial History of the United States District Court for the District of Maryland, 1790-1990, written by H.H. Walker Lewis and James F. Schneider, states:

> Unquestionably, the interior decoration in the new building lacks the refinement and dignity of the old one. All of the walls are white plaster, and even the rippled ceiling in some of the courtrooms which appear to be carved wood are actually plaster covered with a thin wood veneer. Bright orange and green furniture and carpeting in the halls and courtrooms reminded…of a day care center.

As a result of the Oklahoma City bombing of the Alfred P. Murrah Federal Building on April 19, 1995, a 1996 Baltimore Sun article noted that a federal team of filmmakers had recorded a video designed to demonstrate how to avoid the mistakes that were made in the construction of the Garmatz federal court building – "mistakes that have cost taxpayers millions, mistakes that make this building hardly a secure structure." The article further described the courthouse as "one of the worst designed, most horribly constructed halls of justice in the country."

In 1998, then Chief Judge Motz noted in his annual address on the State of the Court that the exterior looks like a second rate office building, and on the inside most of its courtrooms are undersized and unsightly. Most importantly, Judge Motz emphasized the security risk presented by the similarity in design of our federal courthouse to the ill-fated Murrah building in Oklahoma City.

So great were the needs presented that Judge Motz reported the Administrative Office of the U.S. Courts (AO) advised him at that time that it would probably be recommending the construction of a new courthouse in Baltimore to be completed within ten to twelve years. This was the beginning of the federal government's interest in constructing a new federal courthouse in Baltimore.

By January 1999, the Baltimore federal courthouse was listed on the FY 2000-2004 Five Year Courthouse Construction Plan. Over the years the courthouse received varying scores for site selection and design but in December 2001 the Baltimore Courthouse project moved to number one on the FY 2003-2007 five-Year Courthouse Construction Plan and was slated for site and design work in FY 2005.

Thereafter, the courthouse remained number one on the FY 2005-2009 Five-Year Courthouse Construction Plan, but site selection and design was pushed back to FY 2006. However, in October 2004, the Administrative Office of Courts announced a moratorium on new courthouse construction projects including projects listed on the Five-Year Courthouse Construction Plan.

Following the moratorium on court construction for all federal courts, in May 2005, the Administrative Office of Courts announced the development of a new process for evaluating district-wide long-range space needs including the courts based in both the Baltimore and Greenbelt courthouses.

In October 2005, an Administrative Office of Courts memorandum advised that only four courthouses were slated for construction in 2007 – Baltimore, the number one project less than two years earlier, was effectively dropped from the list of projects to be undertaken.

It appears that a policy change occurred at the Administrative Office of Courts placing a higher emphasis not on security but focusing almost entirely on space needs. How this policy change came about or whether the policy was officially adopted or approved is beyond our knowledge. Nevertheless, Baltimore appears to have been left with the longstanding plans to reconstruct the Baltimore Courthouse effectively shelved but apparently without taking into due consideration the issues of (i) structural engineering that could induce a progressive collapse in the event of a bombing, (ii) security setbacks from neighboring streets, and (iii) the inadequacy of courtroom design that does not separate defendants from juries, witnesses, and attorneys.

In addition to the host of practical problems, the courthouse is simply not an edifice worthy of the federal judiciary. As former Chief District Judge Benson E. Legg has noted "This courthouse is ugly. It provides no foot traffic, synergy, or life to downtown. It resembles a post-World War II Soviet-bloc parking garage, and it's sitting on a prime piece of downtown real estate."

It turns out that there are very clear needs and significant public support for the construction of a new federal courthouse.

A federal courthouse does not simply serve as a bastion for dispensing justice, when planned appropriately it represents an important symbol of authority and dignity for the federal judiciary. Moreover, it can become an integral part of a downtown's business community, architectural design and economic development objectives.

The presence of a federal courthouse provides a catalyst for economic activity in the immediate area as ancillary functions are needed to serve the courthouse constituency (i.e. – restaurants, office space, parking garages, service businesses related to the legal system). These operations provide jobs not directly related to the activities inside the walls of the courthouse but indirectly serve the courthouse "customers' and would not be located in that segment of the city "but for" the courthouse.

In Baltimore, the current courthouse structure has failed to attract those indirect economic opportunities because of its location and appearance. The inefficiencies, the poor quality of the courtrooms and judges chambers, the security challenges, and the unimposing appearance, all call for a new Baltimore federal courthouse.

The Greater Baltimore Committee is currently pursuing a public private partnership to construct a new arena, hotel, and expanded convention center on the properties bordering Charles and Conway streets. The successful completion of this project would result in the current arena site bordered by Baltimore Street on the north, Lombard Street on the south, Howard Street on the west, and Sharp Street on the east, to be available for a new federal courthouse facility. The construction of a new federal courthouse at the current arena site could serve as a significant anchor to the City of Baltimore's current plan to redevelop its Westside.

The Greater Baltimore Committee, recognizing the fiscal constraints at all levels of government, strongly suggests exploring a Public Private Partnership, or P3, for the purpose of designing and constructing a new federal courthouse located on the current site of the 1st Mariner Arena. The utilization of a public private partnership may be a novel approach to these forms of public use projects, but we are convinced that the potential exists for a private sector developer to design and construct the federal courthouse and enter into a long term lease back with the GSA. Although this type of a P3 may be a new concept to the AO and the GSA for the construction of federal courthouses, this may very well be the perfect time to begin exploring what the private sector can bring to our public building needs in this country. The Greater Baltimore Committee stands ready to assist you in this innovative approach.

Thank you for your time and I will be pleased to respond to any questions you may have.

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