

**DESIRABILITY AND FEASIBILITY OF
VIRGINIA'S ACQUIRING THE U.S.S. YORKTOWN**

**REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

To

THE GOVERNOR

And

THE GENERAL ASSEMBLY OF VIRGINIA



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DESIRABILITY AND FEASIBILITY OF
VIRGINIA'S ACQUIRING THE U.S.S. YORKTOWN

Report of The
Virginia Advisory Legislative Council

Richmond, Virginia
January, 1974

To: HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*
and
THE GENERAL ASSEMBLY OF VIRGINIA

The United States Department of the Navy, with the approval of Congress, may donate obsolete naval vessels to any State, city or political subdivision or to any nonprofit corporation or association. To date, four states, Massachusetts, North Carolina, Alabama and Texas, have taken advantage of this program and acquired ships which are on permanent display as war memorials for visitation by the public. It is felt that the display of such vessels serves as a tribute to the members of the Armed Forces who have served in armed conflicts in which this nation has engaged and provides an educational function to persons not otherwise acquainted with the history of American military activities.

During the course of 1973 it became apparent that the carrier ship U.S.S. Yorktown was due for demolition or donation by the Navy. This is the only aircraft carrier named for a Virginia locality. The ship served with distinction during the second World War and was the second carrier of such name. The Department of the Navy advised interested persons that while New York and South Carolina have both requested to receive the ship, final action on the matter of donation would be deferred pending consideration of possible acquisition by the Commonwealth. In view of these circumstances, His Excellency the Governor of Virginia requested the Virginia Advisory Legislative Council to arrange for a study to be made of the desirability and feasibility of acquiring the U.S.S. Yorktown and creating a commission to own and operate it as a tourist attraction in or near the area of Yorktown, Virginia. It was further requested that such study be completed and made available prior to the 1974 Session of the General Assembly.

The Chairman of the Virginia Advisory Legislative Council, Lewis A. McMurrin, Jr., appointed a committee of the Council to perform the initial study. Russell M. Carneal of Williamsburg was designated as Chairman with four other members of the Council serving with him. These members are James M. Thomson of Alexandria, C. Hardaway Marks of Hopewell, Lewis A. McMurrin, Jr. of Newport News and Joseph V. Gartlan of Fairfax County. Senator Gartlan was elected to serve as Vice Chairman of the committee.

The committee communicated with administrative officials in states which presently operate memorials featuring former naval vessels in order to ascertain the success of these ventures and the nature of their operating procedures. In addition, the committee heard from persons capable of providing information concerning possible site locations, procedures for acquisition of vessels, desirability of acquiring vessels, and public reaction to acquisition.

Paramount among the initial considerations in establishing desirability and feasibility is that of determining a proper site at which the vessel can be berthed. In order to make a preliminary survey of site locations a

subcommittee of the committee was appointed by the chairman to include the chairman and Messrs. McMurrin and Marks.

Having examined available materials and heard the report of the Committee, the Council is now able to make its report.

II. RECOMMENDATION

Legislation should be enacted by the General Assembly to create a permanent commission whose charge would be initially to study further the desirability and feasibility of acquiring the U.S.S. Yorktown and thereafter upon acquisition to perform such acts as may be required to operate the vessel as an historical shrine on exhibit to the public.

III. DISCUSSION

Historical preservation is not foreign to the Virginia mentality. Virginians have long been interested in preserving the historical past of the Commonwealth for their own enjoyment and the enjoyment of Virginians in the future. Generally, restoration efforts have centered around Eighteenth and Nineteenth Century structures with a certain lack of attention given to the more recent past. Nevertheless, there are a host of invaluable relics of recent history worthy of preservation. Unfortunately, the view of most citizens is too myopic to be able to comprehend the considerable importance of structures or other memorials of recent vintage. Into this category of recent treasures fall many of the implements of recent wars, including naval vessels. Among the important remnants of the second World War which has not as yet been assured preservation is an aircraft carrier. As such vessels become obsolete the Department of the Navy is authorized either to demolish the ships or donate them to governmental authorities or nonprofit corporations for exhibition purposes.

The U.S.S. Yorktown, an aircraft carrier which served with distinction during the Second World War, is now an obsolete vessel waiting to be disposed of by the Department of Navy. The ship has the distinction of having inflicted more damage on an enemy than any ship in the history of the world. The famous movie "The Fighting Lady" covered the ship's career. It was named for the first carrier *Yorktown* which won glory at the Battle of Midway. Persons who served on the ship have formed the U.S.S. Yorktown Association which has been meeting annually for twenty-five years. Their interest in preservation of the ship prompted the Governor's appeal to the Council. While it is extremely unlikely that the vessel will ever be made into scrap metal, as citizens of both the States of New York and South Carolina have already made application to receive the ship. It seems more appropriate that the U.S.S. Yorktown be brought home to Virginia where it and its predecessor were built at the Newport News Shipbuilding and Dry Dock Company. Further, the ship is named for a Virginia town whereat the war for American independence was conclusively won by George Washington. It seems most fitting that the ship be placed on exhibition to commemorate the valiant efforts of American veterans in our past wars and returned to the Commonwealth in time for the bicentennial celebration of the birth of the nation.

Needless to say, acquisition of the ship is not to be accomplished without some degree of difficulty. Should Virginia apply to receive the vessel and thereafter be given the ship by the Navy it would have to be towed from Bayonne, New Jersey to Virginia and berthed at a suitable location, yet to be established. Following the ship's relocation, the proper administrative organization would need to be developed to provide for the continuing operation of the vessel and its maintenance. Our preliminary investigation has revealed that towing costs from Bayonne, New Jersey to Virginia would be

approximately \$30,000. In addition to this amount, it would be necessary to establish a permanent area for mooring the vessel at an as yet undetermined cost. Despite these unknown factors the experiences of other states are reassuring.

North Carolina has acquired the U.S.S. North Carolina which is maintained by the U.S.S. North Carolina Battleship Commission. The Battleship Commission is an agency of state government, being a unit of the Department of Cultural Resources. No state financial support is provided. The profits derived from the sale of admission tickets, souvenir gift shop and vending machines on shore are the sole support for the operation directed by the Commission. The average monthly operating expense is \$18,489 which includes the salaries of 14 permanent employees and 7-15 temporary employees. Ticket sales average \$19,857, gift shop \$15,565 and vending machines \$2,724, monthly. The average annual attendance is 280,000 persons; most people visiting the ship between May and September.

Alabama, which has acquired the U.S.S. Alabama, operates its battleship on much the same basis as North Carolina's Commission. The Battleship Commission, a nonprofit, self-supporting independent agency of the State of Alabama, created pursuant to statute, is responsible for the operation of the ship and a submarine on display with it. The Commission hires 55 employees to maintain the ships and an adjacent store and park. Annual expenses are over \$500,000. No state or federal funds are provided. Possibly additional ships will be acquired for exhibition.

Massachusetts has provided a different system for the operation of the U.S.S. Massachusetts from that used in North Carolina or Alabama for their exhibition ships. The Massachusetts' ship is owned and operated by a nonprofit corporation though the vessel is designated as the Massachusetts World War II memorial and the World War II Memorial Commission of the state has erected and maintains honor rolls on the ship.

Based on the successful operation of exhibition ships in other states it is quite reasonable to conclude that a vessel on display in Virginia would meet with at least as much success as that in other states. Virginia is among the nation's leading tourist states and attracts many more vacationing persons to its territory than any of the three states just mentioned. Costs for the operation of the U.S.S. Yorktown would likely be met on much the same basis as elsewhere with probably no expenditure of public monies beyond that which is initially required prior to the time when revenues can be produced from the operation of exhibition facilities.

Though several site locations were suggested, it is difficult for a final site determination to be made at this time. Representatives of local government and other interested persons have suggested several appropriate sites, including Yorktown, Newport News, Virginia Beach, Norfolk and Portsmouth.

The York area was suggested because of the name; Newport News because of the shipyard that built the U.S.S. Yorktown; Virginia Beach because of Lynhaven Roads where Admiral de Grasse defeated the British Navy and sealed Lord Cornwallis' fate in 1781; Norfolk as headquarters of the Atlantic Fleet and NATO; and Portsmouth because it is the site of the oldest Naval yard, Royal Dockyard of Colonial Days and base of Cornwallis before Yorktown. Despite these considerations, the Council is of the opinion that no site in the York area is suitable.

The Yorktown Association points out that the carrier was the true capital ship of World War II and subsequent wars. (Incidentally, two-thirds of the heavy carriers were built in Virginia at the Newport News Shipyard.) They visualize types of Naval aircraft of World War II, the Korean conflict and Viet Nam War

to be displayed on the flight deck. They believe that the hangar deck would make a wonderful museum with space for one or two movie theaters as well.

Our recommendation is essentially preliminary in nature and should be subject to considerable scrutiny by a more permanent body given the task of making a more adequate determination.

In light of the uncertain nature of many of the facts presented in this report and in consideration of the lack of time available, it appears best that the General Assembly enact at once legislation which would provide for the establishment of a commission more adequately to deal with the charges given this Council. Time is of the essence, the Department of the Navy has stayed final action with respect to the U.S.S. Yorktown in order to give Virginia some opportunity to make its own application to receive the vessel. Unfortunately, the extension allowed by the Navy on making its final decision will end in February, 1974 leaving little time for decisive action to be taken.

Knowledgeable persons who have been in communication with the Department of the Navy have suggested to us that some additional extension of time may be allowed should Virginia take affirmative action now. In our minds it would appear that the most decisive action that can be taken is some form of legislative enactment. Therefore, we recommend that a commission be established to acquire and operate the U.S.S. Yorktown and that an initial appropriation be made in order that the commission can properly carry out its assigned duties. As there are yet many other unanswered questions concerning the desirability and feasibility of acquisition including lack of knowledge of exact costs involved and proper site location, the first charge of the commission should be to make a proper review of these questions; the commission's further operation being dependent upon satisfactory findings to be reviewed by the Governor, the Speaker of the House of Delegates, and the President Pro Tempore of the Senate. Appointments to the commission would be made immediately upon the enactment of the law in order to avoid delay.

Unquestionably our report at this time is less detailed than is desirable. This is due to the strict time frame in which we have been required to perform our duties and the need to create a more permanent body able to react to contingencies as they arise respecting the acquisition of the U.S.S. Yorktown. The Council recommends that the legislation appended to this report be enacted at once so that more data can be collected and analyzed and thereafter proper policy decisions formulated. From what we have learned to date there

can be little doubt that the acquisition of the Yorktown would be desirable yet a final recommendation must await further information.

Respectfully submitted,

Lewis A. McMurrin, Jr.

Willard J. Moody

Russell M. Carneal

Joseph V. Gartlan, Jr.

Jerry H. Geisler

Arthur R. Giesen, Jr.

Edward E. Lane

C. Hardaway Marks

Stanley A. Owens

William V. Rawlings

D. French Slaughter, Jr.

James M. Thomson

Lawrence Douglas Wilder

Edward E. Willey

LEGISLATIVE PROPOSAL

A BILL to create a commission to study the acquisition of the carrier ship U.S.S. Yorktown and to operate the same; to appropriate funds.

Be it enacted by the General Assembly of Virginia:

1. § 1. *Purpose of Act.*—The Commission created by this Act shall establish, operate and maintain a memorial of the Commonwealth to honor the Virginians who have participated so valiantly in the armed conflicts in which the United States of America has been engaged.

§ 2. *Creation; membership of Commission.*—There is hereby created the U.S.S. Yorktown Commission hereinafter referred to as the Commission. The Commission shall consist of nine members, three of whom shall be appointed by the Speaker of the House of Delegates from the membership thereof, two of whom shall be appointed by the Committee on Privileges and Elections of the Senate from the membership of the Senate, and four of whom shall be appointed by the Governor from the State at large. The terms of the legislative members of the Commission shall be concurrent with the terms for which they have been elected to office. The terms of those members appointed by the Governor shall be for four years, provided that of the first such appointments made by the Governor, one shall be for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The commission shall elect its own chairman and vice-chairman and may provide for the appointment of an executive committee to consist of the chairman, vice-chairman and such other members of the commission as are deemed necessary.

§ 3. *Powers and Duties.*—The Commission shall have the duty and authority to acquire the carrier ship U.S.S. Yorktown and to select and improve appropriate sites for the permanent or temporary berthing of such vessel, taking into consideration factors including, but not limited to, the accessibility of same, the location of nearby roads and highways, scenic attractions, aesthetic value, cost, cooperation with federal, State, local and other governmental authorities, protection from the hazards of weather, fire and sea, and any other factors which may affect the suitability of such site for the establishment of the ship as a permanent memorial and exhibit.

The Commission may accept public or private gifts, grants, and donations for the purposes of this Act, may make and enter into contracts with other governmental departments, agencies and boards either federal, State or local and with private persons and corporations, transport the ship to and berth the same at temporary and permanent sites, ready the ship for visitation by the public, establish and provide for proper charges for admission to the ship, and otherwise renovate, maintain and operate the ship as a permanent memorial and exhibit.

The Commission shall have full, complete and exclusive jurisdiction over the vessel, the sites and any related exhibits, and shall expend sums allocated by law or otherwise provided for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this Act.

The Commission shall have the further power and authority to acquire, transport, renovate, maintain and exhibit other appropriate and suitable military, naval, maritime or historic units, articles and exhibits.

The Commission may further adopt a flag, seal, and other emblems for use

in connection with any exhibition which it established and may copyright the same in the name of the Commonwealth.

In order that the operations of the matters under the control of the Commission may be conducted properly, the Commission may employ an executive director and such assistants as may be required to perform such duties as the Commission may specify.

§ 4. *Funds.*—The revenues derived by the Commission, from any source, including the sale, lease or right of use of property and any money or monies derived from admissions, inspection fees, gifts, donations, grants, bequests, loans, governmental appropriations or other sources, either public or private, shall be paid into the general fund of the State treasury to the credit of a special fund established for the use of the Commission from which the expenses of the Commission shall be met.

2. That upon the effective date hereof, the appointing authorities specified by this Act shall appoint to the commission such persons as are specified herein.

3. That there is hereby appropriated from the general fund of the State treasury to be expended in accordance with the provisions of this Act the sum of one hundred thousand dollars.

4. That the commission established pursuant to Clause 1 of this Act, before entering upon the duties specified by such clause, shall conduct a desirability and feasibility study pertaining to the acquisition of the U.S.S. Yorktown with special emphasis to be placed on matters relating to cost projections and site locations. During this initial phase of the commission's work the Division of Legislative Services shall serve as secretariat for the commission. Upon the completion of this study the commission shall report its findings to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate who shall forthwith authorize the commission to proceed in the performance of its duties or desist therefrom until such time as matters which are the subject of this Act can again be reviewed by the General Assembly. If instructed to desist from further action, no action shall again be taken by the commission unless by joint resolution the General Assembly shall instruct the commission to take further action.

5. That an emergency exists and this act is in force from its passage.

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