

**REPORT OF THE
COMMISSION ON THE ACQUISITION
OF THE
LORTON REFORMATORY COMPLEX
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY
OF
VIRGINIA**



SENATE DOCUMENT NO. 4

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PURCHASES AND SUPPLY
Richmond
1977**

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Richmond, Virginia
July, 1976**

To: Honorable Mills E. Godwin, Jr., Governor of Virginia

and

The General Assembly of Virginia

INTRODUCTION

The Lorton Reformatory Complex is the complex of prison facilities for most male convicts from the District of Columbia. It is located on a tract of land in Fairfax County which contains several thousand acres of land. At the 1975 Session of the General Assembly, Senate Joint Resolution No. 103 was adopted to create a Commission to study the desirability and feasibility of acquiring the Lorton Reformatory Complex. The text of that Joint Resolution No. 103 follows:

**SENATE JOINT RESOLUTION NO. 103
Creating the Commission on the Acquisition of
The Lorton Reformatory Facility.**

WHEREAS, the Federal government many years ago established for the District of Columbia a penal institution at Lorton in Fairfax County, Virginia; and

WHEREAS, at that time the District of Columbia was governed by the Congress and by Commissioners appointed by the President; and

WHEREAS, at the time this penal institution was established, the provision of wholesome outdoor work as a part of the correctional program was highly regarded and to this end extensive farming operations were carried out on the Lorton Reformatory grounds; and

WHEREAS, today the District of Columbia enjoys Home Rule with an elected Council and Mayor; and

WHEREAS, conditions now existing at this penal institution are most unsatisfactory both to the government of the District of Columbia and to neighboring Fairfax County; and

WHEREAS, modern correctional practices place much emphasis on rehabilitation through training in lines or work in which jobs now exist; and

WHEREAS, the support of the prisoner's family in the rehabilitation process through easily available visitation and through various intermediate and work release type programs, all of which are benefited by proximity to the community from which the prisoner came and to which he may be expected to return; and

WHEREAS, costly and extensive improvements to the facilities at Lorton are contemplated by the government of the District of Columbia; and

WHEREAS, the problems created by escaping prisoners, rioting prisoners and other difficult situations at Lorton cause much concern and anguish to the people of Fairfax County; and

WHEREAS, the tract of land which this facility occupies might well be used advantageously by various governmental agencies and subdivisions of the Commonwealth of Virginia; and

WHEREAS, the acquisition of the entire Lorton facility by the Commonwealth of Virginia or an appropriate agency or subdivision thereof may well be in the public interest both of the Commonwealth of Virginia and of the District of Columbia; and

WHEREAS, such possibilities justify serious study as to how such acquisition might be accomplished; now, therefore, be it

RESOLVED, by the Senate, the House of Delegates concurring, That there is hereby created the Commission On The Acquisition Of The Lorton Reformatory Facility, composed of thirteen persons to be appointed as follows: two from the Senate of Virginia elected by the Senate Committee on Privileges and Elections; five from the House of Delegates appointed by the Speaker thereof; the Chairman of the Board of County Supervisors of Fairfax County; five citizens of the Commonwealth at large appointed by the Governor. The Governor shall designate the Chairman of the Commission. The Governor shall serve as an ex officio member.

The Commission shall proceed forthwith to determine whether acquisition of the such facility and all of its appurtenances will

serve the best interest of the Commonwealth of Virginia and of its various agencies and subdivisions and how such acquisition might be accomplished and financed if any costs are involved.

The Governor of Virginia is hereby authorized to negotiate with the government of the District of Columbia and the federal government to aid the Commission in accomplishing its purpose.

All agencies of the Commonwealth are hereby directed to cooperate with and assist the Commission in its work.

Members of the Commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, for which there is hereby allocated from the general appropriation to the General Assembly the sum of three thousand dollars.

The Commission shall report to the Governor and General Assembly no later than November one, nineteen hundred seventy-five and shall make such interim reports as it deems proper.

Realizing its task was far more formidable than the time allotted by its original authority, the Commission was extended for one year pursuant to Senate Joint Resolution No. 30 adopted at the 1976 Session of the General Assembly. The Joint Resolution continuing the Commission is set out below:

SENATE JOINT RESOLUTION NO. 30

**Continuing the Commission on the Acquisition of the
Lorton Reformatory Facility and allocation
of funds therefor.**

WHEREAS, Senate Joint Resolution No. 103 of the 1975 Session of the General Assembly created the Commission on the Acquisition of the Lorton Reformatory Facility; and

WHEREAS, the Commission has been organized and has begun its work on the study; and

WHEREAS, the complex governmental interrelationships involved and the need for further study as to the use of the facility prevent the Commission from reporting at this time; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission on the Acquisition of the Lorton Reformatory Facility is hereby continued and the membership thereof shall remain the same, except any person holding membership by virtue of other public office and who no longer holds such office shall be ineligible for further service on this Commission.

The Commission is hereby charged with the same duties and purposes as set out in Senate Joint Resolution No. 103 of the 1975 Session of the General Assembly.

The Governor is hereby authorized to negotiate with the government of the District of Columbia and the federal government to aid the Commission in accomplishing its purpose.

Members of the Commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, for which there is hereby allocated the sum of money which remains unspent from the 1975 allocation, from the general appropriation to the General Assembly.

The Commission shall report to the Governor and General Assembly not later than November one, nineteen hundred seventy-six and shall make such interim reports as it deems necessary.

HISTORY

Pursuant to this Resolution, the membership of the Commission was appointed as follows: By the Speaker of the House of Delegates, Delegate C. Richard Cranwell of Roanoke, Delegate Frederick H. Creekmore of Chesapeake, Delegate Robert E. Harris of Fairfax, Delegate Norman Sisisky of Petersburg, and Delegate Raymond E. Vickery, Jr., of Fairfax; by the Senate Committee on Privileges and Elections, Senator Joseph V. Gartlan, Jr., of Fairfax, and Senator Omer L. Hirst of Fairfax; and by the Governor, M. P. Echols, Jr., of Arlington, John P. Herrity of Fairfax, J. Kenneth Klinge, of Arlington, Joseph D. Ragan, Jr., of Fairfax and Ralph G. Louk, of Fairfax. By virtue of her office as the Chairman of the Fairfax County Board of Supervisors, Jean R. Packard served as a member of the Commission. By the authority vested in him by Senate Joint Resolution No. 103, the Governor designated Senator Omer L. Hirst as Chairman of the Commission.

In June of 1975, the Commission held its organizational meeting at which time the Chairman was authorized to appoint a Vice-Chairman and to divide the Commission into subcommittees. The Chairman appointed Delegate Robert E. Harris as Vice-Chairman. He further appointed two subcommittees: a Feasibility Subcommittee chaired by Delegate Raymond E. Vickery, Jr., and a Desirability Subcommittee chaired by Mr. Ralph Louk.

The Commission heard much testimony from Fairfax County officials and citizens on the impact of the Lorton Reformatory Complex on the county. The Commission toured the Lorton Complex and met with corrections officials from the District of Columbia.

After careful study and consideration, the Commission makes its reports.

BACKGROUND

The Lorton Reformatory Complex is located on rolling, wooded countryside in Fairfax County on a tract of land comprising approximately 3,500 acres. The land is owned by the United States.

In 1910, Congress purchased a tract of undeveloped land in Fairfax County on Occoquan Creek and established a Workhouse used by the District of Columbia. In 1913, Congress purchased additional land on which the District constructed the Central Facility and, later, the Maximum Security Unit. Title to the land was in the name of the United States and is, consequently, Federal property. Historically, the property has been administered by the District Government.

The Complex, itself, serves as the place of incarceration for most of the male convicts from the District of Columbia. The Complex has five major facilities: the maximum security facility; the central facility (intermediate custody); the minimum security facility; Youth Center # 1 and Youth Center # 2. The five facilities are capable of housing approximately thirty-eighty hundred inmates.

DESIRABILITY OF ACQUISITION

The Commission, after careful and thoughtful consideration, finds that it is desirable to acquire the Lorton Reformatory Complex for park purposes and for uses compatible therewith.

The above finding is based upon a two-year study conducted for the Northern Virginia Regional Park Authority of 800 acres of the Lorton Complex to be used as a future regional park. The study found that the terrain and its location dictated the proposed usage. The initial development would take place on 400 acres along the Occoquan Creek in the area of an old brick quarry.

The study found that the location of the Lorton Complex, which is adjacent to Interstate 95, U. S. Route 1 and Virginia Route 123, makes it easily accessible to a large segment of the population of Northern Virginia. Based on a driving time of thirty minutes and 1975 population figures, the park would provide service to 802,950 people. As for boat owners, there are eight major marinas along the Potomac within any easy reach of the park.

Among the natural resources factors are mature trees, slopes, streams, valleys and marshlands that would have to be considered a major asset in any park use.

In summary, the conversion of the Lorton Complex into parkland with other compatible uses would provide an important asset to the Commonwealth. Through careful planning, this tract which has been a source of significant problems to the some one million people living in its vicinity could become a useful oasis of

beauty.

FEASIBILITY OF ACQUISITION

The Commission's discussion of feasibility has taken place with the full recognition of the three basic factors necessary if acquisition of the Lorton site is to be considered feasible:

(1) need of the District of Columbia for a replacement facility for the Lorton Complex;

(2) the means to acquire such a replacement facility; and

(3) a practical means for Virginia to acquire the Lorton site. Accordingly, the Commission in considering feasibility of acquiring the Lorton site has concentrated on three basic issues:

(1) the availability of an alternative site for the Lorton Complex within the District of Columbia;

(2) the availability of current funds or other mechanism of funding to assure the District of Columbia a first rate correctional facility; and

(3) availability of a mechanism for Virginia to acquire the Lorton site.

In considering the question of an alternative site for the District of Columbia correctional facility, the Commission considered the availability of sites within the District itself. It was felt that such sites were available. The District of Columbia would benefit from a proximity of its correctional facility to the community which it serves. Consistent with current District of Columbia correctional principles and theories and efforts in the District with respect to work release and furlough programs, the offenders from the District should not be incarcerated many miles from the District and isolated from the District but should have the necessary access for reintroduction into society. In Appendix I of this Report, the Commission includes a report prepared by the Municipal Planning Office of the District of Columbia concerning the availability of alternative land sites within the District of Columbia where penal facilities might be located. The Commission concludes that this report makes it clear that such sites are physically available.

There has been pending in Congress an appropriation of fifty-five million dollars to the District of Columbia for the purpose of renovations and improvements at the Lorton Complex. This money has never been used by the District. The Commission understands that any change in plans for the use of this money at Lorton or at another location would have to be approved by the Congress. The Council of the District of Columbia has not made a decision on its use but indications are that it will have to be reappropriated. The Commission recommends that the District of Columbia would be better advised to have the money reappropriated for use in the

construction of a new facility within the District.

The Commission is informed that the District of Columbia is badly in need of new and improved jail and correctional facilities as indicated by recent decisions of the District of Columbia courts. Even with the new District of Columbia detention facilities, the District is still short many hundreds of spaces for their prisoners. Secure facilities for youthful offenders are inadequate. Transfer of the Lorton facilities to a site within the District presents an excellent opportunity to acquire the modern jail and correctional facilities which it needs so urgently.

The County of Fairfax, as has been previously noted, instituted a suit in Federal District Court to have the Lorton Complex declared a public nuisance. During the course of the trial, several residents of the Lorton area testified to their fear and apprehension as the result of escapes from the Lorton Complex.

In other testimony at the trial, Arnold E. Pontesso, a criminal justice consultant who had thirty-two and a half years of actual correctional experience, characterized the medium custody institution at Lorton as a minimum custody institution if run by the Federal Bureau of Prisons. He stated that the security improvements at Lorton were "bandaid surgery." Mr. Pontesso stated the entire institution represented a state of decay and lack of maintenance such as he had never witnessed anywhere in the United States. He stated that the dormitories in the medium security area were not adequate to house medium security prisoners.

On July 30, 1976, Judge Bryan, who tried the suit, ruled that the Lorton Reformatory was a public nuisance and gave the District officials ninety days to present a plan to abate it. Judge Bryan ruled that the fears and apprehensions of the Lorton residents were not unfounded. The Judge further stated that he was not sure that fencing and lights would solve this problem. Judge Bryan noted the numerous escapes from, and other disturbances at the Lorton Reformatory. He also pointed to the dissatisfaction which has been expressed by the Chief Judge of the District Courts with the situation at the Lorton Reformatory.

The Commission has a copy of the transcript and Judge Bryan's opinion in the suit.

In determining the alternative methods of acquiring the Lorton site, the Commission has explored the possibility of using the Commonwealth's power of eminent domain in this regard. As indicated by letter from the office of the Attorney General which is included as Appendix II, the condemnation mechanism is not available as the property is titled in the United States of America.

Exploring further possibility, the best method available appears to be the use of the federal mechanism for disposal of surplus federal land. The transfer of the correctional facilities at the Lorton site to a site within the District of Columbia could permit the director of the General Services Administration to declare land upon the present site as surplus. Upon such a declaration, if no federal

agency had an immediate need for the land, the Commonwealth of Virginia could acquire the land at no cost for use as a park, open space and historic and natural preservation as well as for the purposes of education and health.

In conclusion, the term "feasibility" is varied in its meaning. However, it is the opinion of the Commission that the Federal Government, the government of the District of Columbia and the State Government and/or its political subdivisions could work together to achieve the transfer of the District of Columbia correctional facilities to the jurisdiction which such facilities serve and the acquisition of the site by the Commonwealth of Virginia.

CONCLUSION

The Commission concludes that it is both desirable and feasible for the Commonwealth to acquire the Lorton Complex. The Commission urges that the Commonwealth in conjunction and consultation with its political subdivisions continue its discussions on the Lorton Complex and to open any new avenues which may be necessary to bring the recommendations of the Commission to fruition.

Respectfully submitted,

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Omer L. Hirst, Chairman

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C. Richard Cranwell

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Frederick H. Creekmore

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M. P. Echols, Jr.

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Joseph V. Gartlan, Jr.

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Robert E. Harris

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John F. Herrity

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J. Kenneth Klinge

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Ralph G. Louk

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Joseph D. Ragan, Jr.

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Norman Sisisky

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Raymond E. Vickery, Jr.

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APPENDIX I

Government of the District of Columbia
EXECUTIVE OFFICE

Municipal Planning Office
District Building
Washington, D.C. 20004



.. July 10, 1975

PRELIMINARY EXAMINATION OF POSSIBLE CORRECTION CENTER SITES WITHIN THE
DISTRICT OF COLUMBIA

The Municipal Planning Office has made a preliminary review of possible sites in the District of Columbia where penal facilities might be located. The attached staff report is a product of that review.

That there is dearth of substantial vacant land assemblies in the District of Columbia is well-known. In making this review, it was necessary to examine possible locations which cannot be considered truly vacant in the sense that they have no present use. Those that have been identified, generally, have been dedicated to other purposes. To make use of these spaces would involve the sacrifice of local and Federal park land and open space programs or abandonment of significant residential and commercial or industrial development projects.

We have reviewed a variety of locations, 36 in all, including 14 in the 40 acre range specified by the Corrections Department, and a number in lower acreage ranges. It is our conclusion that it would be difficult, if not impossible, to obtain the land assemblies that would be required to relocate the Lorton installations within the District of Columbia.

Our preliminary planning analysis of alternative locations strongly suggests that the proposed relocation of the Lorton facility to the District is unfeasible from a land use perspective and would impose an extreme burden on the District's resources — environmental and social, as well as economic. Moreover, such action would represent a loss to the city in terms of the capital investment in the Lorton facilities.

Given the lack of readily available land in the District, it would seem desirable from a municipal planning standpoint, to continue to make use of the Lorton reservation for penal purposes.

A handwritten signature in cursive script that reads "Ben W. Gilbert".

Ben W. Gilbert
Director

.PRELIMINARY EXAMINATION OF POSSIBLE CORRECTION CENTER SITES WITHIN THE
DISTRICT OF COLUMBIA

INTRODUCTION

This paper outlines a preliminary examination of possible sites for relocation of the District of Columbia correction facilities now housed at Lorton, Virginia, to sites within Washington, D.C., if such a move should become necessary. This examination should not be construed as approval by the District of any such sites for the proposed relocation of Lorton. Lorton is a 3,500 acre site providing a variety of correctional facilities for sentenced offenders, primarily from the District of Columbia. Facilities for the treatment of alcoholics are also provided by the Lorton Reservation, as well as a land-fill site that is used by the District and Fairfax County.

REVIEW ISSUES

There are a number of issues and considerations to be reviewed in an examination of this type. These include:

- (1) Program Needs: What is the size and type of land needed to replace the Lorton facilities?
- (2) Land Availability: To what extent is land available in the District of Columbia to meet program needs?
- (3) Land Review Criteria: What criteria should be used in evaluating possible sites?
- (4) Other Implications: The District historically has operated facilities outside the city, while maintaining within its boundaries facilities and support services for areas outside the city. What are the implications of the proposed transfer of Lorton to the District from a regional perspective?

PROGRAM NEEDS

Full review of the possibility of moving the Lorton facilities to the District would require an in-depth examination of the program for such correctional facilities, including an examination of future penal operations and policies and the impacts of such use on comprehensive planning for the District. Such a review has not been possible in this preliminary examination.

The Department of Corrections suggests that seven facilities of 40 acres each (at a total of 280 acres) would be needed to replace the Lorton facility with a properly buffered standard urban prison facility. The considerations leading to this finding have been set out separately in a departmental analysis of this matter.

If the Lorton functions were to be relocated to the District, a number of facilities would be necessary. There is a consensus among correction administrators that facilities which accommodate very large correctional populations, such as high-rise correctional institutions, should be avoided. The District Department of Corrections believes that relocation to such high-rise institutions to economize on the use of land would severely set back its rehabilitation efforts aimed at the successful reintegration of offenders into the community. The creation of such large facilities tends to reinforce the image of rejection of the offender by society. Moreover, they would pose formidable security and safety problems. In addition, statutory height limits drastically restrict the locations in the District of Columbia where high-rise prisons could be constructed.

To the extent possible, it is desired that scale of spaces within correctional institutions relate to the minimum scale of spaces required for the pursuits of normal community life. Space requirements for both cells and the full range of supporting facilities should relate to such standards. By providing for such amenities, within a prison facility, adjustment problems upon release can be minimized and resocialization increased. Generally, such spaces found both

inside and outside the institution would include dining space, living space, recreation and sleeping space. Increasingly, court orders are requiring that such spaces be provided.

Today, decentralized and dispersed arrangements appear to be more acceptable and viable than single massive facilities. The Lorton Improvement Plan is based on the use of this dispersion technique, making use of the expanse of the reservation. The same effect can be achieved by the use of several sites, thereby creating a network of facilities which can accommodate the program objectives of correctional institutions.

If correctional goals are to be achieved in the District, the dispersion approach appears more viable and acceptable than the use of a single large (high rise) facility to house the 1,800 to 2,400 sentenced offenders.

Although the design criteria for a correctional facility should be flexible, they should provide the institutional residents with physical areas with which to relate and identify. The correctional system should consider the following functions:

- Residential
- Sleeping
- Dining
- Food Preparation
- Visiting
- Recreation
- Counseling
- Education
- Library
- Testing
- Multi-Purpose
- Vocational Training
- Music
- Religion
- Commissary
- Holding/Waiting
- Intake

Medical
Clothing Storage
Weapons Storage
Storage
Toilets
Administration
Crisis
Program Planning
Mobile Programs
Research
Psychiatric
Employment
Detoxification

LAND AVAILABILITY

Vacant land is obviously limited in the District. Three stages have been undertaken in reviewing possible sites to provide the requested seven 40-acre facilities. Initially, a list of 14 sites identified by the Department of Corrections was reviewed. All of these sites are approximately 40 acres in size. These sites were selected primarily for the purpose of determining immediate and long-range costs of land. Their listing was not necessarily intended to represent actual or even potential choices. Many of these sites are unacceptable because of conflict with certain criteria listed below.

A list of sites considered for the Detention Center in 1971 was also reviewed. One of the eight sites on that final list (near D.C. General Hospital) was finally selected for that center, leaving seven sites. Most of these remaining sites were less than the desired 40 acres.

Several additional sites not on these lists were also considered. Some of these sites were also less than 40 acres.

LAND SELECTION CRITERIA

A number of criteria can be outlined for evaluating sites for correctional facilities:

1. Relocation: The need to retain existing sound housing, and the need to retain businesses in the city, are both prime policy objectives of the District of Columbia. Sites requiring relocation of residences or businesses should receive low ratings. Any significant relocation should exclude the site from consideration.

2. Open Space: It is always a temptation to use existing open space - park and recreation land - for new public facilities. While the District and the Federal Government have spent years acquiring open space and a recreational system for the city, the recreation needs of the city are still unfulfilled. Open space is a land use. Space so dedicated cannot be considered as vacant land for building purposes.

It would be false economy to use open recreation space for these correctional facilities, therefore depriving the District's citizens and visitors to the Capital of needed amenities. This is not only a matter of District policy, since much of the open space in the city is Federal property. An effort to acquire such land for correctional facilities would also conflict with Federal policies.

3. Community Impact: Location of a community facility should, to the extent possible, be based on community impact and acceptance. In the case of these correctional facilities, this may be a moot point. No neighborhood is likely to welcome a major correctional facility. There is an obvious need for buffering and provision of ample open space and trees. Obviously, it would not be possible to provide the buffering of the kind that exists at Lorton, considering the limited size of potential sites in the District and the highly urbanized character of the city.

4. Land Condition: Land for a correctional facility must be buildable. This means that it should be relatively level, and that soil conditions should be able to support the buildings without excessive cost. Hilly land, or land that has been created from landfill, are therefore questionable. Land fill land would need further checking. Some of the open space in the District which might be available must be rejected because of such conditions.

5. Land Acquisition Costs: The cost of land is a capital item of the District budget. Land acquisition cost must be considered in evaluating site alternatives. When possible, acquisition costs should be minimized, particularly in high-cost urban situations. Moreover, the availability of lower cost land at Lorton is an important factor to be weighed.

6. Land Use Impact: Several land use impact factors need to be considered. One is the question of compatibility with surrounding development. This involves both the matter of community acceptance in terms of perceived impacts, and possible direct impacts from traffic, noise, and air pollution.

A more important consideration involves the matter of optimum use of land of the city. The District's boundaries are fixed. It is therefore especially important to make the optimum use of existing land resources both in terms of new development and in avoiding uses that would have adverse impacts on the urban environment.

Several sites that have been suggested are clearly in conflict with optimum land use policies. For example, using a portion of the Fort Lincoln tract would remove a significant amount of land which is to be developed for the Fort Lincoln

New Town, just when that project is ready to move ahead. Use of the Harmony Cemetery site would conflict with plans to use that land, which is adjacent to a Metro station, for new development. In addition, zoning requirements need to be considered.

7. Access: A correctional facility generates considerable traffic in terms of staff movements, movement of prisoners, receiving supplies and shipping out finished products and refuse, and visits by attorneys, friends, and relatives of the prisoners. Good automobile and truck access is therefore required. This access should be directly to the site, and should not require traffic to move over local residential streets to reach the facility. Access to the site by public transportation is also desirable.

OTHER FACILITIES

The District Government conducts activities on sites outside of the limits of the city. All of these activities are on sites having over one hundred acres. The combined acreage for these activities is 5180.98, of which 120.83 acres are two landfills, and the remaining 3960.15 are used for institutional purposes. Excluding Lorton, the total for six other facilities is 1,680 (of which 120 are for landfill). This has occurred historically and is a product of local and Congressional awareness of the limitations on the use of District land. It is not unusual for such facilities to be located outside of the urban centers they serve.

LAND USE CONSIDERATIONS

Several broad land use considerations must be weighed in discussing alternative sites for dispersing the Lorton facilities in the District.

The deterioration of the area of Washington located east of the Anacostia River has occurred at least in part due to the indiscriminate placement of certain public facilities in that part of the city. Rejuvenating large sections of Far Northeast and Far Southeast has become a major concern of the District. Unfortunately, this area also has several facilities for which new uses are being sought at the same time that consideration of an in-town site for Lorton is underway. The opportunity to improve the environment, status, and character of Far East Washington would be lost if a prison facility were to be located here. The image of Far East as "dumping ground" would be reinforced in concrete and steel.

Several sites owned by private institutions for their expansion are located in Upper Northeast Washington near Metro Stations. Development pressure inspired by the subway access could encourage the creation on these sites of live/work communities which require no automobile use for daily activities. Environmental goals and the goal of reinforcing the use of the subway, the region's largest capital project, dictate that this trend be encouraged. Locating a prison on sites near Metro stations and their proposed higher density neighborhoods would eliminate the possibility of providing housing on such sites. In Northwest Washington, the number of sites with sufficient acreage is severely limited unless one seeks out dedicated open spaces, particularly parkland. Nor is there sufficient acreage along the riot corridors without requiring massive displacement of residents. Two possible sites where substantial relocation of residents would be required were rejected at the outset and are not identified.

The development of Fort Lincoln New Town on land contributed by the Federal Government represents an undertaking by both national and local governments to provide high quality residential environments within the District. To use that site for a penal institution would require the abandonment of the promising Fort Lincoln project.

The only way that institutions requiring large tracts of land such as prisons can be developed on the few large tracts of land left in the District is to sacrifice opportunities for building new neighborhoods and for increasing industrial employment. These opportunity costs are high even if the Federal government donates land for such facilities. Almost any land which the Federal government would declare surplus has been considered an appropriate site for residential neighborhoods and employment centers. In general, any land except parkland which is declared surplus has been considered as a generator of revenue in its new use.

REGIONAL LAND USE POLICY

A basic principle, with respect to Lorton, is one of a regional approach with respect to regional needs. The District has been sensitive to regional concerns in the management of Lorton and has made heavy investments in the maintenance of security in the institution. In addition, Lorton improvement plan calls for a substantial additional expenditures for security and protection of the environment. In requesting the relocation of Lorton, Fairfax County is advancing the concept that, in effect, suggests that all of a city's facilities should be located within its boundaries. Yet, this concept does not really make sense for the District of Columbia which has state-level responsibilities, as well as purely municipal ones. Operating a penal system is such a state-level responsibility.

It is not uncommon for cities to have facilities outside their boundaries, such as water supply intakes, sewerage plants, waste disposal, recreation lands, and specialized institutions. There also are instances where institutions of one jurisdiction provide services to other jurisdictions. There is another point that is relevant. Suburban areas outside central cities receive significant benefits from their location. They should also be prepared to accept certain responsibilities as well, for proper functioning of the metropolitan region. The District has always been prepared to shoulder such metropolitan obligations as they emerge.

EVALUATION OF SITES

Sites that have been suggested by the Department of Corrections and the sites previously considered for the detention center are examined below. In addition, fifteen other "hypothetical" sites were also reviewed. It should be clear that these are preliminary reviews. Even so, the high adverse impacts of a decision to acquire such sites within the District for parts of a penal institution are self-evident.

DEPARTMENT OF CORRECTIONS SITES

The Department of Corrections outlined 14 sites for consideration. Note that these were selected to determine land costs, and were not necessarily to represent proposed sites. In our initial review, two sites were dropped because of relocation impact problems.

Site C-1: This is part of Anacostia-Bolling tract north of Portland Street. Present plans call for this area to be developed for military offices and other uses. The District would like to acquire part of the Anacostia-Bolling tract

north of this site for housing, industrial development, and community facilities and recreation space. The Defense Department has resisted such efforts. Much of this land is filled and some is on the floodplain. If land were available, the possibility of utilizing the land for major buildings would have to be determined.

Site G-2: This site is located between the Anacostia Freeway and the Anacostia River. This is Park Service land that has been used for Navy purposes. Park Service plans call for developing the land for park purposes. At the minimum, the site would have to be decreased to allow park land along the river. Such use would conflict with city and Federal goals to obtain additional recreational space. Since this is filled land, questions of suitability would have to be considered.

Site G-3: This site requires over half of Fort Stanton Park, plus some private property. Acquisition of this site would also remove needed open space.

Site G-4: This site requires about one-third of Fort Dupont Park. As with several previous sites, such a transfer would be detrimental to community and Federal recreation goals.

Site G-5: This site requires all of Fort Mahan Park, which is operated by the Park Service. This hilly site probably would be unbuildable.

Site G-6: This site would require the taking of the southeast corner of the National Arboretum, owned and operated by the Department of Agriculture. The Arboretum is an important scientific and cultural resource for the Nation and the District. The Arboretum is part of an open space complex at the northeast edge

of the District which includes Anacostia Park and the Kenilworth Aquatic Gardens. A correctional facility at this location would seriously impair the full utilization of that open space complex.

Site G-7: This is the northwest corner of the Fort Lincoln tract. It includes the land where a public housing building for the elderly and a new elementary school have recently been completed. The entire Fort Lincoln project, which will provide new housing and related community facilities for 16,000 people, is now moving ahead. Taking this land for a correctional facility, or any other part of the Fort Lincoln tract, would require major plan revision. It would probably so adversely affect the marketability of the project that Fort Lincoln New Town would never be built.

Site G-8: Not reviewed because of relocation problems.

Site G-9: This site includes part of the Fort Drive System, the Metro station site at Fort Totten, land now used for industry, and several blocks of semi-detached homes. This land is also clearly not acceptable for a correctional facility.

Site G-10: The site is in Rock Creek Park and serves city-wide and Federal recreational needs and goals.

Site G-11: The site would take over half of the width of Glover-Archbold Park just south of New Mexico Avenue. Glover-Archbold Park is a narrow stream valley park. The topography is not suitable for a facility. It serves as a recreation resource and as a natural buffer between neighborhoods. The terms of its grant to the nation precludes non-park use.

Site G-12: This is the Miller site on the District line, plus some single family homes. Plans are underway for development of the tract for new housing which will be compatible with surrounding development.

Site G-13: This Federal property is part of Soldier's Home but is isolated by North Capitol Street. It is now vacant, and used as a nursery. The site is bordered on the east by the Shrine of the Immaculate Conception and Catholic University, and on the north by Augustinian College.

Site G-14: Deleted because of relocation problems.

Detention Center Sites

The search for a detention center site was narrowed down to seven sites of which one was selected. The other seven could be considered for a correctional facility, although most fall below the 40 acre criteria. They are briefly reviewed below.

Site D-1: This is the "Catholic Sisters" property north and south of Buchanan Street. The total site was 30 acres, though split by Buchanan Street. The land immediately north of Buchanan Street is being developed for residential use. Plans have been outlined for development of the southern tract.

Site D-2: This is the Harmony Cemetery Site. The previous study identified 24 acres as being available. However, this prime site is adjacent to the Rhode Island Avenue Metro Station. It would better be used for new development, as now proposed, rather than a correctional facility. There would be substantial community opposition from area residents.

Site D-3: The present Receiving Home site consists of 3 acres. This land could be expanded to 10 acres by removing residential property, but it nevertheless would be too small. Use of this land in the New York Avenue corridor for new industrial development would be preferable.

Site D-4: This "Parkside" site is a narrow site of approximately 50 acres along the Anacostia River, and is part of Anacostia Park. As in other places where park conversion is projected, there would be community and Park Service objections to its removal from potential park use and the consequent elimination of needed recreation space.

Site D-5: This site is the present D.C. Tree Nursery. It is landfill. The site consists of approximately 32 acres. It is just east of Site G-2. In reality, the site would have to be reduced to allow for the park drive along the river. Use of this site for a corrections center would remove open space along the river developed over many years.

Site D-6: This is a portion of the Bolling site, south of Site G-1. However, it is already being developed for military housing.

Site D-7: This 45 acre landfill site is directly south of D.C. Village at the southern corner of the District. Further information must be developed on the suitability of the landfill for major construction.

ADDITIONAL SITES

In addition to considering the sites previously suggested, a search has also been made of other possible sites. These are described (to the extent information is available) below. Many of these sites obviously are too small, or would cause problems making use for a penal facility unacceptable. They are outlined here to examine all options.

Site O-1: Part of the St. Elizabeths Hospital tract could possibly be used for a correctional facility.

Site O-2: The Camp Sims site might be used after the D.C. Guard is relocated. The site has been considered for housing or for a community facility. Part of the site is steeply sloping and unbuildable.

Site O-3: The Wilbern tract (29 acres) might be used. However, housing is proposed for that site.

Site O-4: Part of the Navy Yard, which is surplus land, might be used for a correctional facility. Long range plans now call for new Federal offices. The District has suggested consideration of new housing and commercial development in addition to offices. This is prime land which seems better used for new development.

Site O-5: The D.C. Village site (54 acres) is not being used since D.C. Village was closed. It is possible site for a new correctional facility.

Site O-6: The Knox tract (9.14 acres) is a former public housing site which has been cleared. New housing is proposed. A new correctional facility here would be in the center of a residential area.

Site O-7: The Parkside site (22 acres) west of the Anacostia Freeway is another former public housing site which has been cleared. New housing and commercial development is proposed.

Site O-8: Part of the main portion of Soldiers Home could be used if the land could be obtained from the Federal Government.

Site O-9: The Catholic University property north of Taylor Street (40 acres) is a possible site. The land has a relatively steep slope, making building more difficult.

Site O-10: The Trinity College property (25 acres) is bordered by major arterial streets (North Capitol Street, Irving Street, Michigan Avenue) and might be suitable for a small facility.

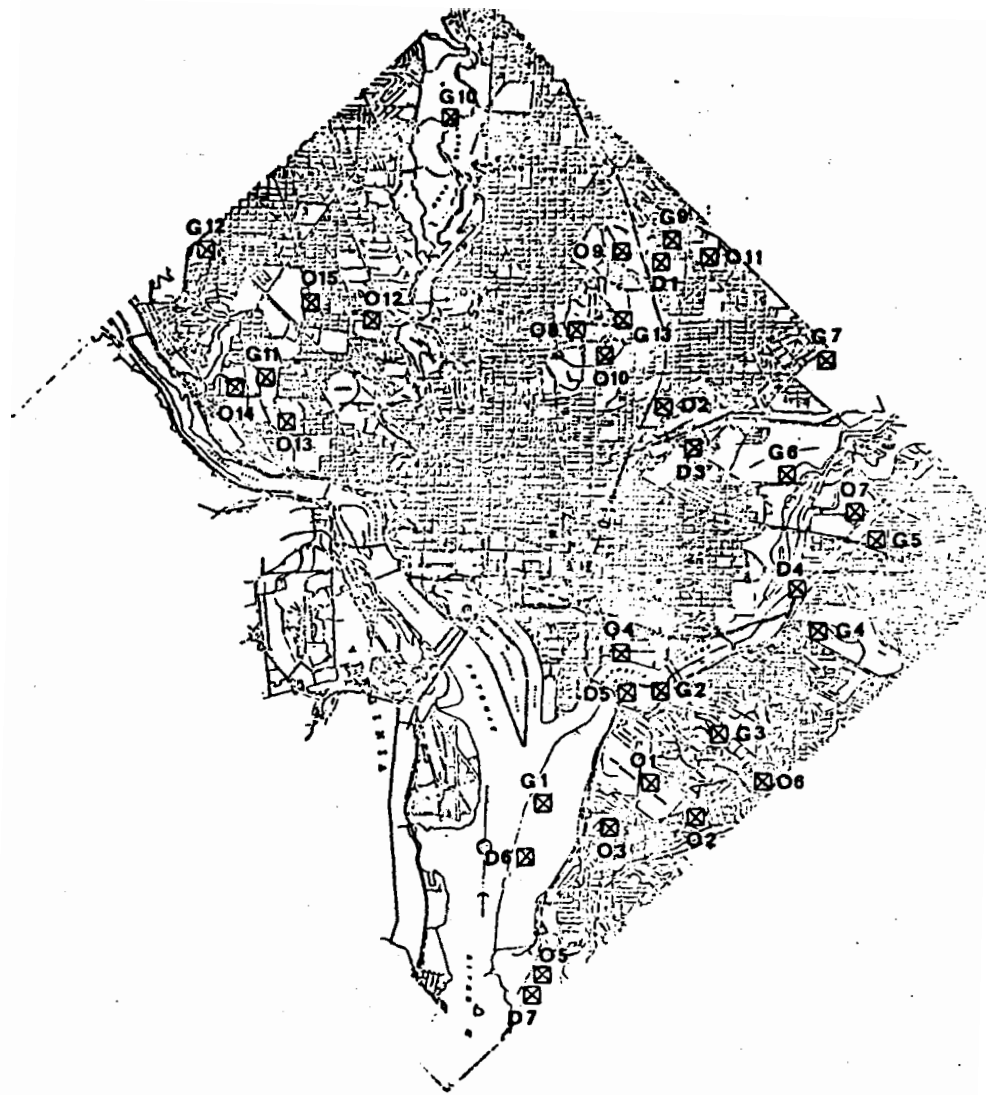
Site O-11: The St. Anselms Abbey site on the District line is a possibility. Land available would range from 10 to 45 acres, depending on how much the order wished to sell.

Site O-12: The Tregaron site (38 acres) is an estate on the south edge of Cleveland Park. 17.67 acres presently occupied by the Republic of China.

Site O-13: The estate north of Reservoir Road, bounded by Glover-Archbold Park and Whitehaven Parkway. We understand the French Government has purchased part of the site for a new embassy.

Site O-14: Several estates along Foxhall Road. Land costs would be high.

Site O-15: All or part of the McLean Gardens site. High land costs and extensive displacement would rule out this site.



G - Sites outlined by Department of Corrections

D - Sites considered for Detention Center

O - Other possible sites

APPENDIX II

Commonwealth of Virginia



ANDREW P. MILLER
ATTORNEY GENERAL
M. HARRIS PARKER
CHIEF DEPUTY ATTORNEY GENERAL
RENO S. HARP, III
GERALD L. BALILES
ANTHONY F. TROY
WALTER A. MCFARLANE
DEPUTY ATTORNEYS GENERAL

OFFICE OF THE ATTORNEY GENERAL
SUPREME COURT BUILDING
1101 EAST BROAD STREET
RICHMOND, VIRGINIA 23219
804 XXXX-2071
786

September 25, 1975

WILLIAM P. BAGWELL, JR.
A. B. WOODROOF
WALTER H. STLAND
JAMES E. KULP
HENRY M. MASSIE, JR.
FREDERICK S. FISHER
RICHARD K. QUINN
JOHN W. CREW
D. PATRICK LACY, JR.
ROBERT E. SHEPHERD, JR.
GILBERT W. MALIN
BURNETT MILLER, III
DAVID T. WALKER
WALTER A. MARSHON, JR.
LINWOOD T. WELLS, JR.
KATHERINE L. DOOLBY
WILBURN C. DIBLING, JR.
KAREN D. KINCANNON
CHARLES K. TRIBLE
GILMAN P. ROBERTS, JR.
J. THOMAS STIGER
JOHN J. BEALL, JR.
THOMAS F. HANCOCK, JR.
STACY F. GARRETT, III
JOSEPH D. FETSON, III
JAMES E. MOORE
JAMES E. RYAN, JR.
JOHN B. PURCELL, JR.
FRANCIS A. CHERRY, JR.
W. THOMAS HUDSON
JAMES W. HOPPER
PAUL L. GERROUDIS
WALTER L. PENN, III
WILLIAM S. LISNER
MICHAEL W. WEISE
H. STUART BATEMAN
ALAN RAITE
VALENTINE W. SOUTHWALL, JR.
JIM LAI CHIN
MARY YANCEY SPENCER
ASSISTANT ATTORNEYS GENERAL

The Honorable Omer L. Hirst
Member, Senate of Virginia
P. O. Box 331
Annandale, Virginia 22003

Dear Senator Hirst:

This is in response to your recent letter to the Attorney General concerning certain questions about the Lorton Reformatory property in Fairfax County, which he has forwarded to me for reply. In answer to your first question, it is very clear that the Commonwealth does not have the right to acquire federal property by condemnation or otherwise, without the consent of Congress. See Utah Power and Light Company v. United States, 243 U.S. 389 (1917); cf. Minnesota v. United States, 305 U.S. 382 (1939).

In response to your second question, the Lorton Reformatory property was acquired by the United States of America through condemnation proceedings and through outright purchases from private owners. In all such instances the deeds to the property state that the property is being acquired by "the United States of America." Therefore, the record owner of such land is the United States of America. However, all federal land is owned in the name of the United States of America, but is administered by and technically owned by one agency of the federal government or another. In this case, the Lorton Reformatory property is administered by the District of Columbia. By the same token, if the property were to be voluntarily conveyed back to private owners or to the Commonwealth of Virginia, the necessary party to the deed would have to be the United States of America and the deed would have to be executed by the proper official of the federal government who has the authority to execute such

The Honorable Omer L. Hirst
September 25, 1975
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deeds on behalf of the United States of America. Federal law would control as to who that authorized individual might be.

I hope that this will be of some assistance to you and has answered your questions. If you have any further questions about the situation regarding the title to the property at Lorton, please give me a call inasmuch as I have been working in this area for some time and am somewhat familiar with the matter of federal/state jurisdiction on federal property.

Sincerely yours,

Gilbert W. Haith
Assistant Attorney General

GWH:jh

