United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510–6175

August 3, 2026

Matt Floca
Executive Director and COO
The John F. Kennedy Center for the Performing Arts
2700 F Street NW
Washington, DC 20566

Dear Mr. Floca:

As you know, the Board of Trustees of the John F. Kennedy Center for the Performing Arts is under court order to remedy a failure of due diligence regarding the purported March 16, 2026, decision to "close for repairs."[1] We are also, as trustees, under a general legal obligation to make timely and prudent decisions. The recent barebones agenda that you provided for the upcoming August 13, 2026, Board meeting, after initially delaying that meeting, gives little assurance that management is serious about those obligations.

Your failure to respond to my attached letter, your suspension of guided tours that put the consequences of recent mismanagement on full display,[2] and your failure so far—with less than two weeks before the meeting—to provide any studies or plan or Board package of any kind all add to my unease.

The conduct of our last Board meeting adds even greater unease. We took none of the above issues seriously, instead wasting the Board's time and effort on vain and doomed efforts at legal appeal of the court order stripping the illegally added name off the Center, and on a discussion of a supposed "endowment fund" that (a) had no donations and (b) was not actually established by the measure that was put to a vote (as counsel verbally confirmed). So far, we don't even have minutes of that meeting to review before the next one, despite approval of those minutes being on the agenda.

Nothing in this sorry pattern signals interest in meeting either our statutory duty to "maintain and administer" the Center[3] or our fiduciary due diligence obligations regarding the welfare of the Center.

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[1] *See* Memorandum Opinion, *Beatty v. Trump*, 1:25-cv-04480-CRC (D.D.C. May 29, 2026) (finding that "this particular board vote [to close] . . . consummated a process that seems to have fallen grossly short of prudent decision-making" and that, "in ratifying the already-announced decision to close the Center, the Board appears to have been derelict in its duty to 'administer the trust as a prudent person would, in light of the purposes, terms, and other circumstances of the trust' and exercise adequate 'care, skill, and caution' in decision-making" (quoting Restatement (Third) of Trusts § 77(1)-(2))).

[2] Elizabeth Williamson, "Kennedy Center Halts Free Public Tours After Five Decades of Service," *New York Times* (July 31, 2026), https://www.nytimes.com/2026/07/30/us/politics/kennedy-center-tours.html?eafs_enabled=false.

[3] 20 U.S.C. § 76h(a)(1).

As you also know, there is widespread suspicion that the decision to "close for repairs" was a pretext to cover up the gross mismanagement that has crashed bookings, attendance, and revenues. There was also an obvious fiduciary question about what the renaming effort would mean for the Center's business. It was never even considered in the rush to rename.

At a minimum, I expect there to be a comprehensive Board package, including relevant financial information I have previously requested, sent in advance of the meeting, and a serious presentation to the Board at the meeting that meets our fiduciary obligations and presents realistic scenarios for the revival of the Center. Regrettably, neither the barebones agenda, nor the as yet non-existent Board package for the meeting, nor the recent conduct of management and the Board gives reason for confidence.

If the intention is to drive the Center into financial failure by prevarication and delay in responding to the Court's order, that would be the very definition of fiduciary failure, and such conduct should be reviewed by counsel, both as to the individual liability Board members may face for negligence and as to the state of the Board's errors and omissions coverage. We should also hear from counsel about the possible avenues for Court supervision or receivership if no credible revival plan is presented and adopted.

I must tell you that I have served on multiple boards, public and private, over the years, and I have never before seen such cavalier and irresponsible conduct.

Sincerely,

Sheldon Whitehouse
United States Senator
Ranking Member
Committee on Environment
and Public Works

cc: Donna Arduin
Chief Financial Officer

Elliot Berke
General Counsel