

STATEMENT OF P. DANIEL SMITH, DEPUTY DIRECTOR, EXERCISING THE AUTHORITY OF THE DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 2672, TO AUTHORIZE THE SOCIETY OF THE FIRST INFANTRY DIVISION TO MAKE MODIFICATIONS TO THE FIRST DIVISION MONUMENT LOCATED ON FEDERAL LAND IN PRESIDENT’S PARK IN WASHINGTON, D.C., AND FOR OTHER PURPOSES.

August 15, 2018

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 2672, a bill to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on Federal land in President’s Park in Washington, D.C.

The Department appreciates the effort to recognize the servicemen and women who gave their lives while serving with the First Infantry Division during Operations Desert Storm, Iraqi Freedom and New Dawn, and Enduring Freedom. The Department does not object to S. 2672, but we note that the modifications authorized by the bill are inconsistent with the Commemorative Works Act (CWA). The CWA was enacted in 1986 as a way to provide a statutory process for creation, design, and construction of commemorative works in the District of Columbia.

S. 2672 would authorize the Society of the First Infantry Division to modify the existing First Division Monument, located in President’s Park, by placing plaques, and stone plinths on which to place the plaques, that list the names of the members of the First Infantry Division who died during Operation Desert Storm, Operation Iraqi Freedom and New Dawn, and Operation Enduring Freedom.

The First Division Monument was conceived by the Society of the First Division, the veteran’s organization of the U.S. Army’s First Division, to honor the soldiers who fought in World War I. The monument was dedicated on October 4, 1924, by President Calvin Coolidge. Since that time, it has been modified several times. In 1957, the monument was expanded in order to recognize the First Infantry Division soldiers who died in World War II. A Vietnam War addition was dedicated in 1977, and a Desert Storm plaque was included in 1995.

The First Division Monument is located in an area designated by Congress in the 2003 amendments to the CWA as the Reserve – an area in which no new commemorative works shall be located. As Congress noted in the law creating the Reserve, “...the great cross-axis of the Mall in the District of Columbia...is a substantially completed work of civic art; and ...to preserve the integrity of the Mall, a reserve area should be designated...where the siting of new commemorative works is prohibited.” The First Division Monument’s location within the Reserve means that it is part of this completed work of civic art. As such, an addition to the existing monument would be inconsistent with this prohibition.

Furthermore, section 2(d) of S. 2672 includes an explicit exemption from two sections of the CWA, section 8903(b) and section 8903(c). Section 8903(b) provides that memorials to an individual unit of an armed force may not be authorized, and that memorials are limited to those that commemorate a branch of the armed forces. The First Division is an individual unit of the Army. Section 8903(b) also provides that that commemorative works to a major military conflict may not be authorized until at least 10 years after the officially designated end of the conflict. This time period has not elapsed for Operation Iraqi Freedom and New Dawn, or for Operation Enduring Freedom. With respect to Section 8903(c), this exemption does not appear to be necessary, as this section applies to non-military groups and individuals.

Finally, the Department notes that at the May 15, 2018, meeting of the National Capital Memorial Advisory Commission, the Commission reviewed H.R. 5424, a bill substantively identical to S. 2672. It was the consensus of the Commission that while they ordinarily hold strictly to the CWA when evaluating proposed memorial legislation and would not support granting exemptions, particularly regarding commemorative works located within the Reserve, in this case they agreed that the legislation appears to be consistent with the original purpose of the First Division Monument and with subsequent Congressional authorizations for additional names. They also recognized that the Society of the First Division has made every effort to respect the integrity of the Monument. Their conclusion was that it would be arbitrary to no longer permit the addition of names at this point. The Commission submitted a letter to the Committee dated August 2, 2018, providing their assessment.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.