

Authorizing New Additions to Memorials in the District of Columbia: Issues for Consideration

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On February 24, 2016, the House of Representatives passed [H.R. 1475](#), the Korean War Veterans Memorial Wall of Remembrance Act of 2015, by voice vote. H.R. 1475 would amend [P.L. 99-572](#), the act that authorized the [Korean War Veterans Memorial](#), to add a "Wall of Remembrance." According to the legislation's provisions, the Wall of Remembrance would be built without federal funds by the [American Battle Monuments Commission](#) (ABMC), upon recommendations from the [Korean War Veterans Memorial Foundation](#). It would include the names of military servicemembers who died in theatre during the Korean War, as well as the number of U.S. servicemembers and others wounded, missing in action, or listed as prisoners of war.

There are several issues Congress might consider regarding legislation that proposes changing an existing memorial. These include issues related to the addition of a new element to an existing memorial; placing a new element within the "Reserve" area of the National Mall; and past practices for memorials where individual names could potentially be added to the memorial. For more detailed analysis, see CRS Report R43241, [Monuments and Memorials in the District of Columbia: Analysis and Options for Proposed Exemptions to the Commemorative Works Act](#), by Jacob R. Straus.

Adding New Elements to Existing Memorials

In 1986, the [Commemorative Works Act](#) (CWA) was enacted to provide standards for the consideration and placement of memorials in areas administered by the National Park Service (NPS) and the General Services Administration (GSA) in the District of Columbia. The CWA [provides](#) that no "commemorative work may be established in the District of Columbia unless specifically authorized by Congress." Further, once dedicated, a memorial is considered [a completed work of civic art](#) and additions are generally prohibited.

Generally, [encroachment on an existing memorial](#) occurs when a new memorial or new element is added to an existing, completed memorial. Pursuant to the [CWA](#), a new commemorative work "shall be located so that ... it does not interfere with, or encroach on, an existing commemorative work."

Even though the CWA established a general prohibition against adding new elements to existing memorials, in subsequent legislation Congress has authorized four new elements at existing commemorative works sites. These are

- a plaque at the [Vietnam Veterans Memorial \(P.L. 106-214\)](#) to veterans who died as a result of service during the Vietnam War;
- a plaque at the [Lincoln Memorial \(P.L. 106-365\)](#) commemorating Reverend Dr. Martin Luther King Jr.'s "[I Have a Dream](#)" speech;
- a plaque to honor Senator Robert J. Dole's leadership "in making the [World War II] Memorial a reality on the National Mall..." ([P.L. 111-88](#)); and
- a plaque at the [World War II Memorial \(P.L. 113-123\)](#) with the text of President Franklin D. Roosevelt's [D-Day prayer](#).

Reserve Area of the National Mall

The Korean War Veterans Memorial is located within [the Reserve](#) of the National Mall, which is an area where the placement of new memorials is prohibited. The Reserve is "the great [cross-axis of the Mall](#), which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial." The Reserve is considered "a substantially [completed work of civic art](#)," and within the [Reserve](#), "to preserve the integrity of the Mall ... the siting of new commemorative works is prohibited."

Authorizing a new element to an existing memorial within the Reserve could be seen by some as contrary to the spirit of the CWA. Others, however, have seen merit in adding new elements to existing works to honor individuals or events not initially commemorated. Since the Reserve was created in 2003, new elements to an existing memorial have twice been authorized: the plaque to [Senator Dole](#) and the [D-Day prayer plaque](#), both at the [World War II Memorial](#).

Past Practices for Memorials with Individual Names

Some memorials choose to honor individuals by placing names on the memorial. In the District of Columbia, at least two such memorials exist: the Vietnam Veterans Memorial and the Law Enforcement Officers Memorial.

Vietnam Veterans Memorial

The [Vietnam Veterans Memorial](#) honors individuals who died during the Vietnam War by displaying their names on a memorial wall. More than [58,000 names are inscribed](#). Names eligible for inscription are obtained by the [Vietnam Veterans Memorial Fund](#) from the Department of Defense (DOD). DOD determined the eligibility of the original 57,939 names inscribed on the wall pursuant to [Executive Order 11216](#), issued by President Lyndon Johnson on April 24, 1965, which defined the combat zone for the Vietnam War. [Eligibility for future inclusion](#) is also determined by the DOD. Since the memorial's dedication in 1982, 328 names have been added after DOD approval.

Law Enforcement Officers Memorial

In [1984](#), Congress authorized the [Law Enforcement Officers Memorial Fund](#) (the Fund) to establish a memorial "to honor law enforcement officers who die in the line of duty." Located at Judiciary Square in Washington, DC, the memorial is designed according to the Fund to "symbolize the protective role of our law enforcement officers and convey the strength, courage, and valor that are the hallmarks of those who serve." The memorial was dedicated on [October 15, 1991](#).

The National Law Enforcement Officers Memorial is dedicated to all law enforcement members who have died in the line of duty. As such, it was designed to have [names added each year](#). Since the memorial's creation, 18,983 names have been added to the wall.

Concluding Observations

Congress faces a number of choices on how to commemorative individuals, events, and groups. One choice involves determining whether a new memorial or an addition to an existing memorial is most appropriate. The CWA imposes restrictions on adding new elements to existing memorials and on the location of new memorials. Congress could choose to amend the CWA to address these restrictions, or as has tended to be recent practice, evaluate each proposal on a case-by-case basis. Further, when considering commemoratives that list individual names, there are a number of

considerations related to establishing criteria for inclusion of names.