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Temporary Commemorations on Federal Land in the District of Columbia

The District of Columbia, especially the area around the National Mall, is widely known for its monuments and memorials. These permanent commemorative works, which are located on federal land, honor the military; arts, science, and culture; American history, symbols, and government; international figures and events; former Presidents; and local history.

Permanent commemorative works (governed by the Commemorative Works Act [CWA; 40 U.S.C. §§8901-8909]) are not the only way that individuals, groups, and events can be celebrated or commemorated in Washington, DC. In the years since Congress created the CWA, there have been several nonpermanent (temporary) displays, some with commemorative themes, in Washington, DC, some of them on the National Mall. Temporary displays potentially provide an opportunity to honor individuals, groups, and events that might not otherwise be approved for a permanent commemorative work.

Authorizing Temporary Displays

Temporary displays can potentially be allowed on federal land in the District of Columbia through a CWA provision that authorizes the Secretary of the Interior (through the National Park Service [NPS]) to create a site to display a commemorative work on a temporary basis under certain circumstances. The NPS event permit process may also authorize a temporary display.

CWA Temporary Site Designation

The CWA (40 U.S.C. §8907) allows for the designation of “a site where commemorative works may be displayed on a temporary basis,” outside the Reserve, following a determination by the Secretary of the Interior, in consultation with the National Capital Memorial Advisory Commission (NCMAC), that such a site “is necessary to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation’s Capital.” The Secretary must submit a plan for the site to Congress at least 120 days before the designation. The Department of the Interior (S.Rept. 99-421, p. 10) stated that allowing a temporary site designation “provides a non-structural alternative means of recognizing persons and subjects important to the Nation but which may be more appropriately located permanently at an area outside of the District of Columbia closely associated with the person or event.”

NPS Permit Process

Temporary displays on federal land in the District of Columbia are commonly located on NPS property and do not constitute a commemorative work under the CWA. As such, the work’s organizer may obtain a permit to authorize

the display under NPS regulations (36 C.F.R. §7.96). Within the National Mall and Memorials Parks Division, NPS reports that it issues permits for more than 4,000 total activities a year. While many of these activities are not commemorative in nature (e.g., first amendment activities, commercial film and photography, concerts, sports events, festivals), others seek to temporarily place artwork or other objects with commemorative themes on NPS land. Interested applicants can submit permits up to one year in advance. For more information on the NPS permitting process, see <https://www.nps.gov/nama/planyourvisit/permitsandreservations.htm>.

Selected Examples of Past Temporary Artwork or Objects with Commemorative Themes

Since the enactment of the CWA in 1986, several temporary displays of artwork or objects with commemorative themes have been located in the District of Columbia, many on the National Mall. CRS research indicates that each was likely approved through the NPS permitting process. Some selected examples, on a range of subjects, include the AIDS Memorial Quilt (1987), the Desert Shield/Desert Storm Victory Celebration (1991), Victims of COVID-19 (2021), and presidential dogs (2022), as well as the Beyond Granite artwork installation (2023).

AIDS Memorial Quilt

On October 11, 1987, the AIDS Memorial Quilt made its first appearance on the National Mall. Envisioned as a memorial to individuals who died in the AIDS epidemic, the quilt contained nearly 2,000 panels when it was unveiled in Washington, DC, and covered more ground than a football field. **Figure 1** shows the AIDS Memorial Quilt on the Ellipse in 1989, during a subsequent visit to Washington, DC.

Figure 1. AIDS Memorial Quilt



Source: Smithsonian Institution Archives, “The AIDS Memorial Quilt on the National Mall,” December 17, 2020, at <https://siarchives.si.edu/blog/aids-memorial-quilt-national-mall>.

Operation Desert Shield/Desert Storm Victory Celebration

In June 1991, a National Victory Celebration was held in Washington, DC, to honor the Armed Forces that participated in Operation Desert Shield and Operation Desert Storm. The National Victory Celebration included a parade on Pennsylvania Avenue and a display of military vehicles, helicopters, and fighter jets on the National Mall. **Figure 2** shows an AV-88 Harrier II aircraft on the National Mall during the National Victory Celebration.

Figure 2. AV-88 Harrier II During the National Victory Celebration on the National Mall



Source: National Archives and Records Administration, *National Archives Catalog*, at <https://catalog.archives.gov/id/6462939>.

“In America: Remember” (Victims of COVID-19)

In September 2021, nearly 700,000 white flags, many with handwritten dedications, were placed on the National Mall, one for each American estimated to have lost their life to COVID-19. Artist and creator Suzanne Brennan Firstenberg noted that the temporary memorial was designed to capture “the human dignity of each one of these people who have been compressed and ... reduced to numbers.” **Figure 3** shows the “In America: Remember” temporary memorial to the victims of COVID-19.

Figure 3. “In America Remember” (Victims of COVID-19)



Source: Lila Thulin, “In D.C., 695,000 Flags—and Counting—Memorialize the Americans Who Have Died of Covid-19,” *Smithsonian Magazine*, September 30, 2021, at <https://www.smithsonianmag.com/smart-news/almost-700000-flags-and-counting-on-dcs-national-mall-memorialize-the-americans-who-have-died-from-covid-19-180978790>.

Presidential Dogs

Over President’s Day 2022, a dog food company placed statues of presidential dogs in front of the Lincoln Memorial. The display featured statues of President Abraham Lincoln’s dog, Fido; President John F. Kennedy’s dog, Pushinka; and President Barack Obama’s dog, Bo. **Figure 4** shows the three statues in front of the Lincoln Memorial, with the Reflecting Pool and the Washington Monument in the background.

Figure 4. Presidential Dogs



Source: Photo taken by the author.

Notes: L to R: Fido (Lincoln), Bo (Obama), and Pushinka (Kennedy).

Beyond Granite

The Trust for the National Mall, in partnership with the National Capital Planning Commission (NCPCC), NPS, and the Mellon Trust, created *Beyond Granite*, to “present a dynamic new series of installations designed to create a more inclusive, equitable, and representative commemorative landscape on the National Mall.” In August and September 2023, *Beyond Granite: Pulling Together* facilitated the installation of six contemporary works of art focused on the theme “What stories remain untold on the National Mall?” For more information, see <https://www.beyondgranite.org>.

Congressional Interest and Consideration

Historically, Congress has not been directly involved in the temporary display of artwork or other objects with a commemorative purpose in the District of Columbia. Temporary displays of artwork or other objects with a commemorative purpose have been placed under NPS permitting authority. In the future, Congress could authorize temporary displays in a way similar to its authorization of permanent memorials under the CWA. Congress could also amend the CWA to further define the role of the Department of the Interior and the NPS, or it could choose to continue the status quo process for approving temporary displays.

For more information on the CWA, see CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*.

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