United States Department of the Interior

NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION
1100 Ohio Drive, S.W., Room 220
Washington, D.C. 20242

IN REPLY REFER TO:

A20 (NCR-LPD)

DEC 20 2012

Honorable Doc Hastings, Chairman,
House of Representatives
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am pleased to report to you the findings of the National Capital Memorial Advisory Commission (Commission) which met on November 7, 2012, to review H.R. 5914, a bill to authorize the Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial. The Commission was established under the Commemorative Works Act of 1986 (40 U.S.C. 89, et. seq.)(CWA). This letter is intended to fulfill the requirements of Section 8903(d) of that Act, which states that the Congress shall solicit the views of the Commission in considering legislation authorizing commemorative works within the District of Columbia and its environs.

The Commission received testimony in support of the proposal from Representatives Phil Roe and Joe Donnelly, and from Barret Capperman, Scott Ferencz and Randy Shumacher. Steward Hickey, Executive Director of AMVETS, and Kyle Leggs appeared to speak on behalf of the Desert Storm Memorial Association (Association).

The Commission notes that specific directives in CWA Section 8903 (b) would allow military memorials on parkland if the subject to be commemorated would be considered a major military conflict and if ten years had elapsed from the official ending date of that conflict. The Department of Defense representative to the Commission advised that he had directed a study by his Department's historian and legal counsel on whether "Desert Shield" and "Desert Storm" were together considered to be a major military conflict, and if the Department recognized an official end-date to that conflict.

The Commission found it should defer to the Department of Defense findings, and if the proposal were found to meet the requirements of CWA Section 8903 (b), the proposal would have the Commission's unanimous support. The Commission also advised that if the proposal met these requirements, the Commission would recommend that it be revised to allow the memorial to be located in the District of Columbia as well as its environs, so that the Association could consider sites both inside and outside the District of Columbia. On November 8, 2012, the

Department of Defense reported to the Commission its finding that "in the context of the legislation governing Congressional authorization of commemorative works ... the two named operations constitute a war or major military conflict worthy of a commemorative work within the meaning of the statute." A copy of that communication is enclosed for your information.

I would be pleased to answer any questions or to provide further information if you so desire. I and my staff are available to assist you and can be reached at (202) 619-7027.

Sincerely,

Peter May, Chairman
National Capital Memorial Advisory Commission

Enclosure

cc:
Honorable Rob Bishop, Chairman
House of Representatives Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands
1324 Longworth House Office Building
Washington, D.C. 20515

Honorable Raul M. Grijalva, Ranking Minority Member
House of Representatives Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands
1324 Longworth House Office Building
Washington, D.C. 20515

Honorable Phil Roe
House of Representatives
419 Cannon House Office Building
Washington, D.C. 20515

OFFICE OF THE SECRETARY OF DEFENSE
1777 NORTH KENT STREET
ARLINGTON, VA 22209-2165

HISTORICAL OFFICE

November 7, 2012

INFO MEMORANDUM

1. Are Desert Storm or Desert Shield considered separate limited military engagements?

From a purely military perspective, there are two separate named military campaigns or operations within the Persian Gulf War (other names include: Gulf War, First Gulf War, Gulf War I, and the First Iraq War). Operations are the "level at which campaigns and major operations are planned, conducted, and sustained to accomplish strategic objectives within theaters or other operational areas. Activities at this level link tactics and strategy by establishing operational objectives needed to accomplish the strategic objectives."[1]

Operation Desert Shield lasted from August 7, 1990 to 3 a.m. January 17, 1991 (16 January 7 p.m. Eastern Standard Time). Operation Desert Storm lasted from 3 a.m. January 17, 1991 (16 January 7 p.m. Eastern Standard Time) to 4 a.m. February 24, 1991 (23 February 8 p.m. Eastern Standard Time).[2]

The two named operations are also considered separate military campaigns under official regulations governing military awards. Executive Order 12754, March 12, 1991, established the Southwest Asia Service Medal, with eligibility eventually defined by the period 2 August 1990 through 30 November 1995. Title 32, Subtitle A, Chapter V, Subchapter F, Part 578, Section 578.27 of 1 July 2008 established final criteria for receipt of the award. Three campaigns were designated, each rating a separate star on the medal. The "DEFENSE OF SAUDI ARABIA" covers the period 2 August 1990 through 16 January 1991 (the equivalent of Operation Desert Shield). The "LIBERATION AND DEFENSE OF KUWAIT" covers the period 17 January 1991 through 11 April 1991 (the equivalent of Operation Desert Storm). The "SOUTHWEST ASIA CEASE- FIRE" covers the period 12 April 1991 through 30 November 1995, when forces ensured that the cease fire was enforced.[3]

Finally, for Veterans preference for federal employment, 5 U.S. Code Section 2108 defines a single period covering the Gulf War (though that title does not appear in the legislation, which does not name the conflict) as 2 August 1990 through 2 January 1992.[4]

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[1] *Joint Publication 1-02: Department of Defense Dictionary of Military and Associated Terms*, (Washington, D.C.: Joint Chiefs of Staff, 2001 [As amended through 20 Mar 2006]).
[2] http://www.defense.gov/news/newsarticle.aspx?id=45404
[3] http://www.gpo.gov/fdsys/pkg/CFR-2008-title32-vol3/pdf/CFR-2008-title32-vol3-part578.pdf
[4] http://www.law.cornell.edu/uscode/search/display.html?terms=2108&url=/uscode/html/uscode05/usc_sec_05_00002108----000-.html

The term "military engagements" implies actual hostile action, which was confined solely to the Desert Shield/Liberation and Defense of Kuwait period. If actual hostile action is the standard, then only Desert Shield/Liberation and Defense of Kuwait is a "military engagement."

The term "limited" is open to wide interpretation, but in the context of the legislation governing Congressional authorization of commemorative works, it seems to encompass any military action that is not "a war or similar major military conflict." As noted in 3 below, together the two named operations constitute a war or major military conflict worthy of a commemorative work within the meaning of the statute.

2. Are Desert Storm and Desert Shield considered to be phases/stages/etc. of a larger and continued military undertaking?

   The two operations are universally viewed as phases or stages of the larger Persian Gulf War, but are the primary phases of the war and thus equate to the war as a whole, not to a small part of it.

3. Are Desert Storm and Desert Shield - together or separately - considered a war or major military conflict?

   Together Operation Desert Shield and Operation Desert Storm are widely considered a major military conflict. The number of U.S. troops deployed at one time (more than 500,000) exceeded any operation or conflict since the Vietnam War and continue to be larger than any single snapshot of any U.S. conflict since that time (although the total numbers deployed over the course of the recent/ongoing conflicts in Afghanistan and Iraq each would cumulatively exceed 500,000). While Congress authorized the use of force for Operations Desert Shield and Desert Storm, the United States never officially declared war. However, the United States also never officially declared a state of war for the Korean War or the Vietnam War, both of which are universally acknowledged as major wars.

4. Are Desert Storm and Desert Shield - together or separately - considered a war or major military conflict which has reached a designated end determined to have occurred prior to 2002?

   The war itself is defined by Operations Desert Shield and Desert Storm. President Bush ordered a cease fire to go into effect on 28 February 1991. Iraq and the coalition forces signed a cease fire agreement in the field on 3 March 1991. The mandated timeframes for the end of veterans federal employment benefits (1992) and the Southwest Asian Service Medal (1995) also establish that the war ended well before 2002.

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