

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. 849, A BILL TO PROVIDE FOR THE INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE LOST CREW MEMBERS OF THE U.S.S. FRANK E. EVANS KILLED ON JUNE 3, 1969.

June 19, 2019

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. 849, a bill to provide for the inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.

The Department regards with the highest reverence the sacrifice of the men and women who serve our country to protect our freedoms. While we appreciate the effort to recognize the service men and women who gave their lives during the Vietnam War, we defer to the Department of Defense (DOD), who has determined that the names of the U.S.S. Frank E. Evans do not meet the criteria for inclusion on the Vietnam Veterans Memorial Wall. DOD has been responsible for determining the inclusion of names on the Vietnam Veterans Memorial Wall from the Memorial's inception, and the Department supports and abides by DOD's decision.

S. 849 would require the Secretary of Defense to authorize the inclusion of the names of the U.S.S. Frank E. Evans lost crew members on the Vietnam Veterans Memorial Wall. The Secretary of Defense would consult with the Secretary of the Interior, the American Battlefield Monuments Commission, and other appropriate authorities to address any space limitations that could affect the placement of additional names on the Memorial. The bill would also exempt the resulting actions from the Commemorative Works Act (CWA).

The Vietnam Veterans Memorial was dedicated on November 13, 1982, to honor the men and women who served in the Vietnam War. It chronologically lists the names of more than 58,000 Americans who gave their lives in service to their country. The Memorial includes the Vietnam Veterans Memorial "Wall", the "Three Servicemen Statue", and the "Vietnam Women's Memorial." There is also an "In Memory" plaque that recognizes the men and women who served in the Vietnam War and later died as a result of their service. The Memorial honors all who served in that conflict, but only the names of those confirmed by DOD as killed within the combat zone meet the criteria to be engraved on the Wall.

The story of the U.S.S. Frank E. Evans accident is a particularly tragic one in which 74 crew members lost their lives. On June 3, 1969, while in the South China Sea, engaged in Operation Sea Spirit with 40 ships of the Southeast Asia Treaty Organization, the American destroyer collided with, and was cut in two by, the H.M.A.S. Melbourne, an Australian aircraft carrier. The bow sank in less than three minutes, carrying the 74 crew members to their deaths. At the time this disaster occurred, the Evans was located outside of the DOD's designated Vietnam War

combat zone. Therefore, when the Vietnam Veterans Memorial was dedicated in 1982, in keeping with DOD policy, the names of the Evans' lost crew were not included.

A letter dated December 19, 2016, from former Deputy Secretary of Defense Robert O. Work to former Secretary of the Interior Sally Jewell, clarified DOD's position on the inclusion of the lost U.S.S. Evans crew members on the Wall. A key paragraph in this letter reads:

“Notwithstanding the place of the EVANS incident as one of the most tragic of the Vietnam War period, her Fallen sailors do not meet the criteria for inscription of their names on The Wall; the EVANS was not operating in the defined combat zone of Vietnam at the time of the mishap. In conformance with these longstanding criteria for inclusion on The Wall, the Department has declined to grant the exception.”

The NPS has periodically added names to the Memorial that DOD has determined to be eligible for inclusion on the Wall. These additions have been accommodated in the small areas of existing blank wall space. Currently, the amount of remaining blank space is extremely limited. A large-scale addition of names to the Memorial, such as those of the 74 crew members of the U.S.S. Evans, and the additional names that could come as a result of DOD expanding the area previously determined to be the combat zone, cannot be accommodated in the remaining space. If passed, S.849 would necessitate substantial modification, and possibly a wholesale replacement, of the Vietnam Veterans Memorial Wall as it exists today.

The risk to the character and the integrity of the Memorial is heightened by the fact that Section 2(c) of S. 849 would entirely exempt the proposed addition of the 74 names from the CWA. Since 1986, the CWA has provided clear and helpful direction for the process for the siting and design of commemorative works, in Washington, DC. The exemption means that a substantial alteration to the Memorial could be made without the benefit of this process, which would not only be a threat to this Memorial but also would set a bad precedent for proposed changes to other important memorials and monuments on the National Mall.

The Department is sympathetic to the desire to memorialize the sailors who died in service to our country in the U.S.S. Evans accident. We are open to working with our partners and the Committee to explore other ways to properly recognize and commemorate the 74 U.S.S. Evans crew members who made the ultimate sacrifice, and we look forward to identifying a mutually supported approach to accomplishing that.

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