

DRAFT EXECUTIVE ORDER

of January 7, 2025

Restoring the Arlington National Cemetery Reconciliation Memorial (“Memorial”)

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Authority.* The United States Constitution Article. I, § 2, cl. 1 provides “The President shall be Commander in Chief of the Army and Navy of the United States. Arlington National Cemetery is owned and operated by the US Army by U.S. Secretary of War Edwin Stanton on June 15, 1864.

Section 2. *Correction of Ultra Vires Action.* The decision by the Secretary of Defense to adopt Congressional Naming Commission Recommendation pertaining to the removal of the Memorial is fell outside of the remit of H.R.6395 - William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, in that the Memorial marked the grave of sculptor and veteran Moses Ezekiel, and also marked all the graves in Section 16, and therefore was excluded under §370(j) of that act.

Section 3. *Order to Department of Defense.* The Secretary of Defense and the Undersecretary of Defense for the Army are hereby ordered to re-install and restore the Reconciliation Memorial, which was erroneously removed from Section 16 at Arlington National Cemetery between Hanukkah and Christmas, 2023 in its historic location at that site by the Department of Defense. Any necessary repairs to ensure the Memorial’s perpetual display will be conducted prior to the re-installation.

Sec. 4. *Resources.* The Department of Defense is ordered to utilize existing resources to repair and re-install the Memorial. The re-installation shall be only be conducted by a conservation firm with more than 10 years experience in Monument construction and restoration.

Sec. 5. *Re-Installation Deadline.* The Installation will be completed by June 1, 2025 for a Presidential Re-dedication ceremony.

Sec 6. *Agreements.* Any and all agreements entered into by the Department of Defense pertaining to the disposition of the Reconciliation Memorial, are hereby deemed nonvalid based on the erroneous decision by the Secretary of Defense to remove the Memorial and the ultra vires process used.

Sec 7. *Immediate Effective Date.* Order shall take effect immediately.

Signature \_\_\_\_\_

Date \_\_\_\_\_