

# The Assault on Our Veterans Memorials

Across America, our precious war memorials are under attack by liberal groups such as the ACLU. These left-wing extremists want to REMOVE ALL public tributes to the brave men and women who gave their lives for freedom simply because these memorials use Scripture, crosses and other religious symbols to remember America's fallen heroes.

We're going to stop them, and hope you will help join the fight to Save Our Memorials.

## **Attacks on Significant Memorials:**

### **1. Mojave Desert Cross** (Salazar v. Buono, et al.)

(1999 to present; will be heard by U.S. Supreme Court on October 7, 2009)

A Catholic former park employee sued for the removal of an eight-foot-tall cross in the Mojave Desert erected as a war memorial to honor fallen soldiers. The cross is currently covered by a plywood box.

### **2. Mount Soledad Memorial** (Paulson v. Abdelnour, et al.)

(1989 to present; currently in litigation at the Ninth Circuit Court of Appeals)

An atheist veteran sued for the removal of the cross at Mount Soledad, claiming that it is not a war memorial. After numerous attempts to transfer the land to a private group, the federal government exercised eminent domain and is now defending the cross.

### **3. Ten Commandments Monument** (Pleasant Grove City, Utah v. Summum)

(U.S. Supreme Court ruling issued February 25, 2009 in favor of Pleasant Grove)

Summum, a religious group claiming to have additional commandments given to Moses (called the Seven Aphorisms), attempted to have a monument erected in a city park.

Summum sued the city to force them to either take down the existing Ten Commandments memorial in the park or to accept their monument.

### **4. *Van Orden v. Perry***

An attorney sued the state government of Texas in an attempt to remove the Ten Commandments monument in front of the Texas Capitol, which was donated in order to influence juvenile delinquency. The U.S. Supreme Court ruled that the display is constitutional by a 5-4 vote in 2005.

### **5. *ACLU v. McCreary County, Kentucky***

The ACLU sued a Kentucky county, claiming that their Ten Commandments display violated the Establishment clause of the U.S. Constitution. The U.S. Supreme Court agreed, striking down the monument by a 5-4 vote in 2005.

## Timelines

### **Mojave Desert Cross:**

- 1934 The VFW erects the cross and plaque to remember fallen service members at Sunrise Rock in Mojave Desert.
- 1999 National Park Service (NPS) denies a request to erect a Buddhist statue near the cross and indicates intention to remove the cross.
- 2001 Congress prohibits NPS from spending federal funds to remove the cross. Frank Buono, former NPS employee, files suit claiming an Establishment Clause violation.
- 2002 Congress designates the cross and surrounding property as a “national memorial commemorating United States participation in World War I and honoring American veterans of that war.” Congress also agrees to give the VFW one acre of property on which the cross sits in exchange for five acres of privately-owned land elsewhere in the Mojave Desert Preserve.
- July The District Court rules cross is unconstitutional and must be removed.  
Sept. Congress again passes a bill ordering the NPS to transfer the land surrounding the cross to the VFW.
- 2004 The Ninth Circuit Court of Appeals agrees with district court that the cross must be removed.
- 2005 The District Court enforces a permanent injunction against the cross.
- 2007 The Ninth Circuit rules that Congress cannot cure an Establishment Clause violation by transferring land.
- 2008 The Ninth Circuit refuses to hear the case again.
- [LLI files amicus brief on behalf of the VFW, The American Legion, and others, asking the U.S. Supreme Court to hear the case](#)
- 2009 The Supreme Court agrees to hear the case. The Supreme Court will hear the case on October 7, 2009; cross is covered with a plywood box.

### **Mount Soledad:**

- 1913 First memorial cross erected at Mount Soledad
- 1952-54 Private citizens form Mount Soledad Memorial Association (MSMA) and dedicate the third cross as a memorial to World War I, World War II, and Korean War vets
- 1989 Atheist veteran Philip Paulson sues City of San Diego to remove cross

- 1991 District Court rules cross violates No Preference clause of California's Constitution (says government cannot show preference to religion)
- 1993 Ninth Circuit Court of Appeals agrees with District Court
- 1994 San Diego voters approve a proposition to sell land beneath the cross to MSMA
- 1997 District Court voids sale of land and gives City 30 days to remove cross
- 1998 City sells land to highest bidder (MSMA) to correct unconstitutionality
- 2000 District Court upholds second sale of land
- 2002 Ninth Circuit reverses District Court decision, saying sale violates No Aid to Religion clause of California's Constitution, allows District Court to fix unconstitutionality
- 2004 District Court voids second sale; San Diego voters then vote against moving the cross to a different location; Congress adopts legislation to create a national veterans' memorial on the property
- 2005 City Council votes to hold special election for voters to decide whether or not to transfer land to federal government  
June, Paulson (Plaintiff) challenges the proposition before it comes to a vote  
July, Proposition to transfer land to federal government passes with 76% of vote  
October, Superior Court declares vote unconstitutional
- 2006 Federal judge rules cross must be removed within 90 days
- 2006 City appeals
- 2006 Supreme Court Justice Anthony Kennedy issues a temporary stay (allowing cross to remain while the city appeals), LLI files brief on behalf of The American Legion  
  
August, President Bush signs a bill into law that transfers the land to the federal government by eminent domain; ACLU files suit against federal government on behalf of Jewish War Veterans, which is consolidated with the Paulson case  
November, Fourth District Court of Appeals says July 2005 vote for land transfer is constitutional
- 2007 California Supreme Court affirms Fourth District ruling; ACLU files motion for summary judgment
- 2008 Federal judge rules cross can stay  
Current: Case proceeding against the federal government; in litigation at the Ninth Circuit Court of Appeals

## **Ten Commandments Monuments:**

### *Pleasant Grove City, Utah v. Summum*

- 2003 Religious group Summum asks to erect monument of the group's Seven Aphorisms beside the Ten Commandments monument (donated by the Fraternal Order of the Eagles) in city park, which City denies
- 2005 Summum files lawsuit against the City under free speech clause
- 2007 Tenth Circuit Court of Appeals rules that the presence of any donated monument means that all proposed donated monuments must be accepted
- 2008 LLI files brief in U.S. Supreme Court on behalf of historic coalition of veterans including the groups The American Legion, Veterans of the Foreign Wars of the United States, the Military Order of the Purple Heart, Non Commissioned Officers Association, Veterans of the Vietnam War and the Veterans Coalition, and American Ex-Prisoners of War. The brief asks that the Court consider the innumerable war memorials across the U.S. that would be affected by the Tenth Circuit's ruling.  
  
November 2008, Supreme Court hears oral arguments in the case
- 2009 Supreme Court rules unanimously that city and local governments have the right to deny monuments characterized as "government speech"