

Citizens Plan Rally Defending 'Unconstitutional' Memorial

Many are outraged by the 9th U.S. Circuit Court of Appeals' Jan. 4 ruling that the cross within the Mt. Soledad Veterans Memorial in San Diego is unconstitutional because it sends the message of "state-endorsed religion."

So outraged, in fact, that hundreds of citizens, alongside local and national leaders, are planning a rally to defend the memorial on Saturday, Jan. 15 atop Mt. Soledad.

"The Mt. Soledad Memorial, including its centerpiece cross, has honored our military for decades until an 'enlightened' judge had an epiphany which ignores such foundational truths as the fact that our nation's Capital Building was even used – at one time – as a church, attended by no less than President Thomas Jefferson himself, one who might know something about the alleged "separation of church and state," says Dr. Jim Garlow, senior pastor of Skyline Wesleyan Church in San Diego, and Chairman of Renewing American Leadership in Washington D.C.

"These revisionist judges consistently confuse the historic recognition of the role that the Christian faith – embraced by 90 percent of our citizens – and Christian symbols have played and continue to play in our national life with the 'establishment' of religion. Not one truly informed person driving by the Mt. Soledad Veterans Memorial has ever assumed that they are required to embrace Christianity as an 'established,' government sponsored religion."

The 43-foot cross, located in a San Diego public park was dedicated in 1954 to honor veterans of the Korean War. It has been the subject of repeated legal challenges for more than 20 years.

A three-judge panel of the 9th U.S. Circuit Court of Appeals' unanimous ruling said the decision was in no way "meant to undermine the importance of honoring our veterans." Indeed, there are countless ways that we can and should honor them, but without the imprimatur of state-endorsed religion.

The legal battle over the cross began in 1989 when Vietnam veteran Philip Paulson, an atheist, sued the city of San Diego. He argued that the cross excludes veterans who aren't Christian. A Jewish veterans' group has also been a plaintiff in the case, and is represented by the American Civil Liberties Union.

Federal courts have ordered the cross removed. In 2005, San Diego residents overwhelmingly approved a measure to preserve the cross by donating the land on which it sits to the federal government. While the land transfer eventually took place, the 9th Circuit ruled that this did not protect the cross from the constitutional dispute.

The court's ruling rejected the notion that the cross serves a legitimate secular purpose as a war memorial. It said that for most of its history the cross served as a site for annual Easter services. A plaque designating it as a war memorial was not added until the legal controversy began in the late 1980s.

"In reaching their radical decision, the activist judges on the Ninth Circuit Court of Appeals ignored the fact that the Mt. Soledad Cross is now part of a multi-faceted, fully-integrated, world class war memorial, a constitutional tribute to those who have served our nation in uniform, many of whom made the ultimate sacrifice for our precious freedoms," says Charles LiMandri, a San Diego attorney who has fought pro bono to defend the Memorial for the last six and a half years. "Therefore, despite its appropriate religious significance to many people, it is properly being used for a legitimate secular purpose, that is to honor all of our nation's veterans."