

VFW Files Motion to Intervene in Mojave Desert Memorial Case: Our Land, Our Memorial. We Want it Back!

Sep 21, 2010

PLANO, Texas, PRNewswire-USNewswire/ — Liberty Institute is filing a motion today in district court to intervene in the Mojave Desert War Memorial lawsuit on behalf of the VFW Department of California and VFW Post 385. The veterans have a vested interest in the case since the 76-year-old Memorial and the land where it once stood is theirs. This action comes more than 90 days after the veterans asked President Obama to help restore the stolen Mojave Desert War Memorial.

"The veterans and the fallen heroes this memorial represents paid for this small parcel of land with their own blood, sweat, and tears," said Kelly Shackelford, president/CEO of Liberty Institute. "Our nations' veterans deserve a voice and must not be ignored, especially since this is their monument and their land."

In 2002, Congress passed a land transfer statute, which gave the one acre surrounding the Mojave Desert War Memorial to the VFW in exchange for the federal government's annexation of five acres elsewhere in the Mojave National Preserve.

The district court halted the transfer statute, as did the Ninth Circuit of Appeals. On April 28, the U.S. Supreme Court reversed the lower courts decisions and sent the case back down for further review.

"The court should grant our motion to intervene," said Ted Cruz, a Partner at Morgan, Lewis & Bockius LLP and co-counsel with Liberty Institute. "By Act of Congress, this land belongs to the VFW, and the veterans have an acute interest in restoring and preserving this 76-year-old memorial to those brave American soldiers who gave their lives in World War I."

The memorial has remained in a vandalized state since it was torn down on May 9, just weeks after the U.S. Supreme Court's ruling that it should stand.

On June 14, a coalition of veterans, including VFW, The American Legion, and Military Order of the Purple Heart, sent a letter to the President asking him to help put the vandalized memorial back in its rightful place.

NATIONAL HEADQUARTERS

WASHINGTON OFFICE

406 W. 34th Street
Kansas City, MO 64111
Office 816.756.3390
Fax 816.968.1157

200 Maryland Ave., N.E.
Washington, D.C. 20002
Office 202.543.2239
Fax 202.543.6719

info@vfw.org
www.vfw.org

"This is our land, our memorial and we want it back," said James Rowoldt, State Adjutant/Quartermaster of the VFW Department of California. "To deny the veterans a chance to defend our own is to continue to dishonor those for whom the Memorial stands."

Liberty Institute works to uphold Constitutional and First Amendment religious and speech freedoms in the courts. Liberty Institute represented all major veterans groups as amici in the Supreme Court case of Salazar v. Buono involving this 76-year-old war memorial, and continues to represent them as the case returns to the district court.