

Supreme Court Rules on Mojave Desert Crops

Apr 28, 2010

WASHINGTON — After seven months of deliberation, the U.S. Supreme Court reversed a lower court ruling to tear down a cross-shaped veterans memorial in the middle of the Mojave Desert Preserve, but the national commander of the Veterans of Foreign Wars of the U.S. said there is still work to be done before the 76-year-old memorial is seen again.

"Their ruling was a strong step forward, but the 5-4 split decision only protects the memorial today and doesn't yet allow the congressional approved land transfer to occur or remove the plywood box that currently encases it," said Thomas J. Tradewell Sr., of Sussex, Wis.

"A decision today could have protected this memorial outright, along with establishing precedent to protect thousands of other veterans' memorials that currently reside on federal, state or municipal property throughout the country," he said. "The high court chose instead to remand the case back to the district court, which means we may have to go through these proceedings all over again."

In *Salazar v. Buono*, the Supreme Court ruled on the constitutionality of a seven-foot-tall Mojave Desert Veterans Memorial that VFW members erected in the shape of the Latin cross in 1934 to honor 53,000 Americans who fell in battle during World War I. The opposition, represented by the American Civil Liberties Union, claimed that a cross on federal lands violated the Establishment Clause, which prohibits the federal government from creating a national religion or endorsing one religion over another.

Congress agreed in 2002 to give the one-acre memorial site to the VFW in exchange for five acres of privately owned land elsewhere within the 1.6 million-acre Mojave Desert Preserve. Lower courts, however, ruled that the government could not cure an Establishment Clause violation with a land swap. A plywood box has covered the cross ever since.

"Those World War I VFW members erected a memorial in the middle of the Mojave Desert 76 years ago to honor their dead," said Tradewell. "Their use of the cross was no more sectarian than our nation's use of the cross on our second highest military medal for bravery. We hope the district court agrees with us, because modern-day political correctness

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standards should not be applied to a 1934 gesture to honor the fallen."