National Commanders of VFW, Legion, MOPH Urge President to Replace Mojave Memorial

Jun 10, 2010

June 10, 2010
The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

We are writing you on behalf of the approximately twenty-three million veterans of the armed forces of the United States of America currently living, whose ranks grow daily during this time of war.

The Mojave Desert Veterans Memorial, like many other veterans memorials throughout the nation, has served as a reminder of the ultimate sacrifice and service of countless veterans. It was erected in 1934 by World War I veterans who best understood and appreciated the service of their comrades who had fallen in support of our great Nation during that pivotal and epochal event.

By law, the Mojave Desert Veterans Memorial is the only World War I memorial that has been designated as a National Memorial. Congress did so in 2002 with overwhelming and bipartisan support.

As you are aware, the memorial has been the subject of an ACLU lawsuit. Last month, the Supreme Court ruled in our favor and overruled lower federal courts' decisions to tear down the memorial because of a misplaced belief that it was a religious icon on federal land. Despite, or maybe because of this victory, the memorial was soon after ripped down and carried away by vandals. This act was abhorrent and constitutes a federal crime under the Veterans' Memorial Preservation and Recognition Act of 2003. And it defies the rule of law, flouting a binding decision of the U.S. Supreme Court.

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

WASHINGTON OFFICE
200 Maryland Ave., N.E.
Washington, D.C. 20002
Office 202.543.2239
Fax 202.543.6719
info@vfw.org
www.vfw.org

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If Arlington National Cemetery were similarly desecrated, that desecration would be rectified immediately, and rightly so. Unfortunately, however, the National Park Service and the Department of Justice are refusing our request to replace the stolen memorial.

The reason provided by the National Park Service for not allowing us to restore the memorial is that it is complying with a lower court order, which in their interpretation, the Supreme Court decision did not fully address. That reason does not withstand scrutiny. The memorial has been in place continuously through the past eight years of litigation, and there was never a prior suggestion that it was not in compliance with the previous court orders. It cannot be that criminals can destroy a National Memorial and the Attorney General's hands are tied to remedy that act of lawlessness, especially with the availability of an easy remedy at no cost to the government.

This impasse is at a point where we now need your intervention as our nation's leader, Mr. President, on decisive action to direct restoration of the memorial to its original form.

It is in your power to direct the National Park Service and the Department of Justice to immediately restore the Memorial. And, on behalf of our nation's veterans, we humbly ask you to do so, as Commander in Chief and as the sole officer constitutionally charged to take care that the laws are faithfully executed.

As Justice Kennedy powerfully observed in the Supreme Court's lead opinion, the Mojave Desert Veterans Memorial "evokes thousands of small crosses in foreign fields marking the graves of Americans who fell in battles, battles whose tragedies are compounded if the fallen are forgotten."

Thank you very much for your time in considering our request.

Respectfully,

Thomas Tradewell
Commander-in-Chief
Veterans of Foreign Wars of the United States

Clarence Hill
National Commander
The American Legion

James M. Sims
National Commander
Military Order of the Purple Heart

Kelly Shackelford
Liberty Institute
Legal Counsel for the Veterans

Ted Cruz
Morgan, Lewis & Bockius LLP
Legal Counsel for the Veterans

cc:Eric H. Holder
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001