

U.S. Supreme Court to Hear Case of World War I Memorial in Mojave Desert

WASHINGTON, Oct. 6 /Christian Newswire/ -- Tomorrow the U.S. Supreme Court will hear oral arguments in a case involving a 75-year-old National World War I Memorial with an 8-foot cross, located in the Mojave Desert of California. In *Salazar v. Buono*, the ACLU filed suit to remove the cross. Following the lower court ruling, the cross was covered with a cloth and now is boxed in with plywood so it looks like a blank sign. It remains that way pending the final decision. Liberty Counsel [filed an amicus brief in support of the memorial](#).

The memorial was originally erected in 1934 by the Veterans of Foreign Wars (VFW) as a wooden cross with a plaque stating, "The Cross, Erected in Memory of the Dead of All Wars" and "Erected 1934 by Members of Veterans of Foreign Wars, Death Valley Post 2884." Beginning in 1935, people gathered intermittently at the site for Easter services, and those services became a regular occurrence in 1984.

According to the National Parks Service, those gatherings by private parties somehow transformed the war memorial into a religious shrine of sorts and disqualified it from being included in the National Register of Historic Places. Congress then enacted a series of laws aimed at preserving the monument, including, most recently, a land exchange that would transfer ownership of the land upon which the monument rests to the Veterans of Foreign Wars, in exchange for its donation of an equivalent piece of property to the Parks Service. But the ACLU insisted that the cross be torn down.

Liberty Counsel's brief advocates that the Supreme Court adopt a new test that better comports with the intent of the First Amendment. Under this proposed test, a display that (1) comports with history and (2) does not objectively coerce participation in a religious exercise or activity would be a permissible.

Mathew D. Staver, Founder of Liberty Counsel and Dean of Liberty University School of Law, commented: "Passive displays like the World War I Memorial, the Ten Commandments, Nativity scenes, or statements like the National Motto do not force anyone to participate in a religious exercise and, thus, do not establish religion. This case reveals the extremism of the ACLU. For 75 years this cross in the Mojave Desert did not disturb anyone. It stood as a memorial to the heroes of World War I. Removing this memorial would be an insult to our war veterans. Doing so under the guise of the First Amendment is an insult to the Framers of the Constitution."

[Christian Newswire](#)