

Preserving a national monument

San Diego member helps preserve Mt. Soledad

by Patrick Novecosky



Americans of all faiths scored a resounding victory on Aug. 14 when President George Bush signed H.R. 5683 into law. With a stroke of the pen, the Mt. Soledad National War Memorial came under federal jurisdiction, thanks in great part to Charles S. LiMandri, president of the San Diego Chapter of Legatus.

The 43-foot Mt. Soledad cross, a towering monument overlooking San Diego for half a century, has been at the center of a legal battle since 1989 when atheist Philip Paulson, backed by the UCLU, filed suit in U.S. District Court seeking to bring the cross down.

LiMandri, who heads the Thomas More Law Center's west coast regional office, has led efforts to bring the cross under federal jurisdiction for two years. More than 76% of San Diego voters supported the effort in a July 2005 special ballot.

Despite the president's signature on a bill unanimously approved in Congress, the battle over Mt. Soledad is not over. Paulson's attorney has filed a new federal lawsuit against the United States and the City of San Diego claiming the transfer of the veterans' memorial to the federal government violates his client's constitutional rights.

This new legislation, however, is an important legal factor in the days ahead, LiMandri said.

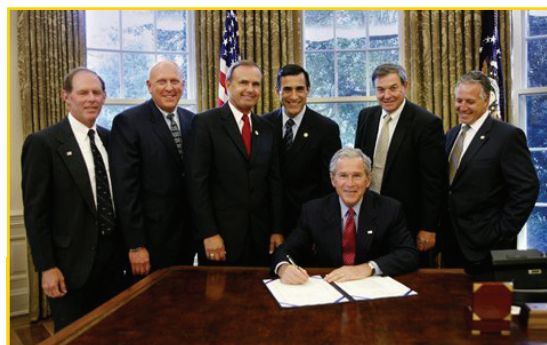
"Now that the monument is under federal government control, the federal constitution applies," he explained. "The Justice Department is committed to defending it. We're in a much stronger position than we've ever been in before. We've got the full weight of Congress and the president behind us."

The battles LiMandri faces, however, are not all in the courts. On the morning after June 6, 2006—infamously known as 6-6-6—a severed goat's head and desecrated Bible were found at the foot of the Mt. Soledad cross.



Charles S. LiMandri

"The anti-God, anti-Catholic side of this thing has become so emboldened that it's taking people aback," LiMandri said. "The ACLU attorney was quoted several times, including on the record in court, as saying that the city hiring a Catholic attorney to represent them in a religious freedom case is analogous of them hiring a Ku Klux Klan member to represent them in a segregation case."



President Bush prepares to sign a bill to preserve the Mt. Soledad Veterans Memorial on Aug. 14 in the Oval Office. Joining Bush are, from left, Bill Kellogg, president of the Mount Soledad Association; Philip Thalheimer, chairman, San Diegans for Mt. Soledad National War Memorial; Rep. Brian Bilbray, R-Calif.; Rep. Darrell Issa, R-Calif.; Rep. Duncan Hunter, R-Calif.; and Chuck LiMandri, chief counsel, San Diegans for Mt. Soledad National War Memorial. (Paul Morse photo)

LiMandri is convinced that the battle over Mt. Soledad will go all the way to the U.S. Supreme Court.

"The battle's not going to end with Christian symbols," he said. "People of faith are going to have their freedom of religion at risk. That's why this is important. It stands to make law that can impact how our country views [the use of religious symbols on government property] for generations."

Historic sites like Gettysburg and national war memorials like Arlington National Cemetery would be at risk if the courts rule against the bill to save Mt. Soledad.

"For hundreds of years, crosses have been seen as appropriate symbols of sacrifice someone gave for their country regardless of their religious beliefs," LiMandri said. "If the ACLU wins this one, they're going to go after all these monuments. A lot of them have either religious symbols, text or some type of religious reference on them in every state in the union and they're all going to be at risk." ■

Patrick Novecosky is the editor of Legatus Magazine.