

# Law puts cross under federal ownership: Core legal issues remain unresolved

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President Bush in mid-August signed into law a measure that aims to preserve a controversial cross on public land in San Diego. The law permits the Mount Soledad Veterans Memorial to be owned by the federal government, marking the latest juncture in a legal battle over its constitutionality.

In July, Supreme Court Justice Anthony M. Kennedy issued a stay that suspended a lower court decision that would have forced the city to remove the 29-foot cross from public property.

Even as further court action is expected, groups on both sides of the issue reacted August 14 as Bush signed it into law.

“This legislative victory is an important step in safeguarding the Mount Soledad cross,” said Jay Sekulow, chief counsel of the Washington-based American Center for Law and Justice, which has represented members of Congress who wanted to preserve the cross. “While we applaud the legislative victory, our focus remains on ensuring that we secure a decisive and lasting legal victory to keep the Mount Soledad cross in place.”

Republican members of Congress from California who supported the bill joined Bush at the signing ceremony.

While supporters argued that the religious symbolism of the memorial did not merit its removal, opponents said its use of the symbol of the Christian faith was inappropriate because veterans have a range of religious backgrounds.

“Americans of many different faiths and none fought in our wars,” said Barry Lynn, executive director of the Washington-based Americans United for Separation of Church and State. “It is wrong to use the symbol of only one faith to memorialize all

those who died in service to their country.”

The American Humanist Association expressed disappointment that a federal judge in San Diego denied a request for a temporary restraining order to prevent the transfer of ownership. But further legal action is expected as soon as this month.

“Transferring control of the cross to the federal government does nothing to resolve the basic issues of the case,” said Roy Speckhardt, executive director of the Washington-based association. *-Religion News Service*