

Court takes church-state case brought by Catholic challenging a cross

WASHINGTON - The U.S. Supreme Court has agreed to hear a church-state case involving a cross erected by the Veterans of Foreign Wars in a national park in California.

The case, Salazar v. Buono, has been in litigation since 1999 after Frank Buono, a retired National Park Service employee described in court papers as “a practicing Roman Catholic,” objected to the continued presence of the cross when a request by a third party to build a Buddhist shrine on the land was turned down.

Arguments in the case will be heard sometime after the court begins its next term Oct. 5.

Mr. Buono, who was assistant superintendent of the Mojave National Preserve in California’s San Bernardino County, 1994-95, said the 8-foot-tall cross on the preserve’s Sunrise Rock violated the Establishment Clause of the First Amendment as a “governmental endorsement of Christianity.”

Built in 1934 by the VFW, the cross has been used intermittently since 1935 and regularly since 1984 for Easter sunrise services.

The government argued that Mr. Buono, who now lives in Oregon, did not have legal standing in the case because he was not personally injured by the cross.

“He has asserted only an ideological objection concerning other people’s rights to erect other symbols in the event that they wish to do so,” said a brief filed by attorneys for the federal government.

Mr. Buono said he did not object to the cross in general or to the presence of religious symbols on public land. But he “is offended by the display of a cross on government property that is not open to groups and individuals to erect other free-

standing, permanent displays,” according to a brief filed by the American Civil Liberties Union on Mr. Buono’s behalf.

The government argued that there was no harm to Mr. Buono “other than the psychological consequence presumably produced by observation of conduct with which one disagrees.”

Congress has twice intervened in the case, first declaring the cross part of a national memorial to veterans of World War I and later authorizing a land transfer that would have made the site of the cross privately owned in exchange for other privately owned land within the preserve.

But the ACLU brief called the proposed land transfer “a sham transaction with the purpose of permitting the continued display of the cross.”

The VFW and other veterans’ groups filed a friend-of-the-court brief in the case, saying that the cross was not a violation of the Establishment Clause because “religious imagery such as a cross is deeply entrenched in American military culture.”

In addition, the brief said, “Without action by this court, countless veterans memorials will perish, dishonoring the memory of those who gave their lives for a cause greater than themselves and disheartening the millions of veterans who find solace and understanding in such memorials.”