

## **Testimony of Congressman Duncan Hunter**

--H.R. 290, the War Memorial Protection Act

Thank you Chairman Bishop for the opportunity to appear before the subcommittee today on the topic of my legislation, H.R. 290, the War Memorial Protection Act. Also, thank you Ranking Member Grijalva and the other members of the committee for your interest in what is an important issue to the San Diego community and our nation's military families and veterans.

Across the country, from Arlington National Cemetery to Fort Rosecrans in San Diego, America's veterans are honored by headstones, monuments and memorials which serve to remind us all about the tradition, service and sacrifice that is engrained in our history. Some of these markers and memorials display symbols of personal faith, including emblems that represent Christians, Buddhists, Mormons, Muslims and Atheists.

The military is comprised of a diverse population of individuals—something that is clear to anyone who walks through a national cemetery. Personal faith is an important part of military life. It guides individuals through some of the toughest and most dangerous situations they will ever face.

My time in the Marine Corps, serving in both in Iraq and Afghanistan, helped strengthen my own perspective. Marines—as do soldiers, sailors and airmen—often rely on their faith during long absences from home and when the world is exploding around them. There's not much else in war. And it's perhaps the biggest reason why crosses, for instance, are such common fixtures within the gates of national cemeteries and predominantly displayed on war memorials.

But, in San Diego, home to the Mount Soledad Veterans Memorial, this meaning and intent has been misidentified. The Ninth Circuit Court of Appeals recently ruled that the 43-foot cross that sits atop 2,700 black plaques is unconstitutional.

Each plaque on the Memorial—now under the ownership of the Department of Defense—tells a unique story of military service and shared sacrifice. Some show religious symbols of their own.

The Memorial was originally dedicated as a Korean War Veterans Memorial in 1952, but has since evolved into a standing testament to all American war heroes. The Memorial honors uniformed members from all service branches, including the Coast Guard and Merchant Marines who served during World War II.

Several years ago, a legal challenge was initiated against the Memorial, alleging the presence of the cross serves as an endorsement of religion. The challenge also alleged that the transference of the property to the federal government under P.L. 109-272, enacted in

2006, was in violation of the law. In 2008, U.S. District Court Judge Larry Burns ruled that the cross represented only one element of a much larger memorial dedicated to our military. Because of this ruling, the Memorial has remained intact despite ongoing litigation.

The Memorial now faces an uncertain future at the direction of the Ninth Circuit. Still, I'm confident that as legal action proceeds, including the option of consideration by the Supreme Court, any final decision will properly acknowledge the Memorial's purpose of honoring generations of military service.

Beyond the Mount Soledad Memorial, the Ninth Circuit ruling and possibly future instances of judicial activism along the same line underscores an existing threat to the preservation of war memorials. In cases where religious elements are present, the fact that these monuments stand as symbols of military service and sacrifice does not change—as much as a few individuals might try to misconstrue their meaning.

The War Memorial Protection Act ensures this is not the case, by creating a foundation in federal law for the inclusion of religious symbols on war memorials. It shouldn't matter if it's a cross, Star of David or Wiccan symbol, which are among the 46 authorized emblems of belief through the Department of Veterans Affairs. War memorials, including those with religious symbols, deserve to be protected for what they are: testaments to military service.

Mr. Chairman, thank you for the opportunity to be here today. This is an important bill that resonates with veterans and military families across America. I look forward to working with you and our colleagues in the interest of ensuring our veterans are rightly honored for their defense of freedom.