



FACT SHEET ***Trunk v. City of San Diego***

ABOUT Trunk v. City of San Diego

For nearly 20 years, the American Civil Liberties Union and other groups have sought the removal of San Diego's 55-year-old [Mount Soledad cross](#). The 29-foot cross, located on federal land at the Mount Soledad Veterans' Memorial, was erected in 1952 to honor American military veterans. In 2005, 76 percent of San Diegans voted to transfer ownership of the memorial from city property to the U.S. Department of the Interior in an attempt to preserve the cross. The following year, Congress passed a law allowing the transfer. Two lawsuits, including one by the ACLU, unsuccessfully challenged the constitutionality of the land transfer. The ACLU and atheist Steve Trunk are now targeting the cross itself as "unconstitutional."

CURRENT STATUS OF Trunk v. City of San Diego AS OF 12/08/09

On March 24, ADF attorneys, on behalf of The American Legion Department of California, filed a friend-of-the-court brief in the U.S. Court of Appeals for the 9th Circuit in defense of the memorial. The ACLU and Trunk appealed a decision by a federal district court that rejected their claim that the cross is unconstitutional.

FOCUS OF HEARING – WHAT IS AT STAKE?

No one should be permitted to tear down a veterans' memorial simply because a cross that is part of it makes them feel "offended" or "uncomfortable." Just as the [Canadian Cross of Sacrifice](#) at Arlington National Cemetery in Virginia is not unconstitutional, neither is the Mount Soledad cross. The constitutional right to honor veterans in the way they wish to be honored is at stake if the ACLU is allowed to succeed with its lawsuit.

CONTACT

ADF Media Relations

Phone: (480) 444-0020, x. 17102 / E-mail: adfmedia@telladf.org / Web: www.adfmedia.org/home/contact

ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Joseph Infranco

Joseph P. Infranco serves as senior counsel with the Alliance Defense Fund at its headquarters in Scottsdale, Arizona, where he is also Senior Vice President of Allied Attorney Support and Coordination, working with approximately 1,300 attorneys across the nation. Infranco has tried more than 100 cases to successful conclusions and has participated as counsel or local counsel on many First Amendment cases. He joined ADF in 2003 and is admitted to the bars of the U.S. Supreme Court and New York state, in addition to three federal district courts and the U.S. Tax Court. Infranco has practiced law since 1978 and earned his J.D. from the Franklin Pierce Law Center while clerking for former New Hampshire Supreme Court Justice Maurice Bois.

ABOUT Timothy Chandler

Tim Chandler serves as legal counsel for the Alliance Defense Fund at its Sacramento Regional Service Center in California, where he is the supervising attorney and focuses his litigation efforts on religious liberty suits in the public square. Chandler is admitted to the bar in California, as well as to the U.S. Court of Appeals for the 9th Circuit and each federal district court in California. He joined ADF in 2004 and is a Blackstone Fellow, having earned his J.D. from the UCLA School of Law.

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