

Mt. Soledad (1st or 10th amendment)



The Mount Soledad Cross is a prominent landmark located on top of Mount Soledad in the La Jolla neighborhood of the city of San Diego, California. The present structure was erected in 1954; it is the third Christian cross in that location, the first having been put up in 1913. It is 29 feet (8.8 m) tall (43 feet tall including the base) with a 12-foot (3.7 m) arm spread.

Beginning in 1989, almost ten years before the immediate area around the cross was turned into a war memorial, and ongoing to the present, the Mt. Soledad Cross had been involved in a continuous litigation regarding its legal status. The cross's opponents claim it is illegal to display a religious symbol, such as a Christian cross, on public land, as it demonstrates preference to a specific religion and thus violates the separation of church and state as they interpret it in the First Amendment of the U.S. Constitution and the No Preference Clause of the California Constitution. Judges have sided with plaintiffs on multiple occasions and ruled that the cross is illegal and had to be removed or sold to the highest bidder. Defenders of the cross explored several options for preserving the cross.

In 1998 the City of San Diego sold the cross and the land it stands on to the nonprofit Mount Soledad Memorial Association, and the cross was transformed into being the centerpiece of a newly erected Korean War Memorial. The land under the cross was eventually transferred to the federal government. So far, the courts have decided, even if the transfer itself is legal, it does not solve the fundamental problem of the argument that the cross is not legal on any government-owned property. In 2011 a federal court found the cross unconstitutional, and in 2012 the Supreme Court declined to hear an appeal, returning the issue to federal court. In December 2013 a federal judge ordered the cross to be removed, but stayed the order pending appeal. In June 2014 the Supreme Court declined to review a case concerning the cross as the previous appeal had not been heard.

Review Questions:

1. What is being argued over regarding the Mt. Soledad Korean war memorial?
2. Based on your knowledge of the Bill of Rights do you think the cross should stay or be removed?