



Written by [Dave Bohon](#) on April 27, 2012

Land Swap Gives Mojave Desert Cross Permanent Home

In the settlement approved April 23, the National Park Service will turn over the hilltop area known as Sunrise Rock, upon which the simple cross sat before being removed by the park service, in return for the private donation of five acres elsewhere in the 1.6 million acre preserve in Southern California. The care of the cross site will fall to a Veterans of Foreign Wars post in Barstow, California, along with the Veterans Home of California-Barstow, reported the [Associated Press](#).



“Once the swap is complete, the park service will fence the site, leaving entrances for visitors, and post signs noting that it is private land,” reported AP. Said Mojave National Preserve spokeswoman Linda Slater of the lengthy legal wrangling: “We want to wrap this, we want to get it done. No cross can go up until the exchange is complete.”

The land is being donated by Henry and Wanda Sandoz, who lived in the area before moving to Yucca Valley. Henry had promised World War I veteran [Riley Bembry](#), who first erected the cross in 1934, that he would continue caring for the site after Bembry died, and Wanda said that over the years her husband cared for or replaced several crosses that had been stolen or defaced. “We love the cross,” she told AP. “It’s in a beautiful spot.... My husband is not a veteran, but he feels like this is something he can do for our country.”

Sandoz eventually replaced Bembry’s original wooden cross with one made of steel pipes, but the site became part of the national preserve in 1994, and seven years later the ACLU sued for removal of the cross after a retired park service employee supposedly complained that its presence on public land was unconstitutional.

A federal judge ordered the removal of the cross, and while Congress arranged for a land trade in 2003 to keep the cross in place, a federal judge blocked implementation of the plan. In 2010 the U.S. Supreme Court ruled in favor of the cross and ordered the lower court to re-visit the congressional transfer plan. In writing for the 5-4 majority, Justice Anthony Kennedy explained that the cross represents “thousands of small crosses in foreign fields marking the graves of Americans who fell in battles, battles whose tragedies are compounded if the fallen are forgotten.”

Shortly after the High Court’s decision, the metal cross — which had been indecorously encased in plywood to hide it, in compliance with the lower court order — was stolen from its place. But when it was replaced, the Park Service ordered that the new cross to be removed.

The Texas-based [Liberty Institute](#), a conservative legal advocacy group, filed suit last year on behalf of the veterans groups who want the cross displayed. That suit pressed for the land swap to go forward, which U.S. District Judge Robert Timlin ordered April 20. Once the cross site is legally in the hands of its custodians, the suit will be dropped, said Kelly Shackelford, president of the Liberty Institute.

“We’ve now gotten a step closer to what will be a great victory for our veterans,” said Shackelford. “We



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now have a final order from the court, and it's just a matter of getting the land transferred — and as soon as that happens, the veterans are going to put that memorial back up as it has been since 1934.”

Hiram Sasser, litigation director for Liberty Institute, called the resolution of the suit “a great victory that brings the veterans one step closer to restoring this World War I memorial to its rightful place in the desert and in history. We are pleased the government and the ACLU could resolve their remaining differences and begin the healing process for the millions of veterans who have endured this case for over a decade.”

Mojave National Preserve Superintendent Stephanie Dubois said she and other park officials looked forward “to working with the Veterans of Foreign Wars in completing the land exchange. We are requesting that everyone be patient as we complete the land exchange, and we would like to remind folks that no cross can legally be displayed until the land exchange is complete.”

The Sandozes have said that upon receiving the deed to the Sunset Rock site, they will donate the property to the California office of the Veterans of Foreign Wars in Sacramento. “We’re very excited,” Wanda Sandoz told the [Los Angeles Times](#). “But until we see that cross back in place, we’re not going to rest.”

Her husband Henry has already built the cross that will grace the site. “We’ve been in Washington, D.C., and seen all those war memorials,” Wanda said. “They’re beautiful and wonderful, but they don’t hold a candle to this one.”

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