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MEMO

DATE 11/16/87

FROM THE DESK OF:

Bernie Delman

max -

If you can resolve
this matter before the
24th of November - great!

If not, Al and I
would be willing to
meet with the President.

Please do not hesitate
to call me day or
night at 617-784-2657

or leave a message
at 617-828-7216 (8:30-4)

Sincerely,
Bernie

mat - Help

Box 221
Sharon, MA 02067
11/2/87

A final attempt!

I know that it was not done with any desire to cause problems. The basic intent was laudable.

The base commander and his legal advisor acted logically when the obvious was pointed out to them.

Why were they overruled? Why has the symbol which is obviously... Christian been allowed to remain? Who made the decision that a Cross, the religious symbol of Christianity, is a "legitimate non-sectarian symbol" and a Memorial. Time is not a valid consideration, i.e. slavery, separate but equal, compensation to United States citizens of Japanese extraction, etc.

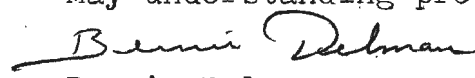
A review of the correspondence from both civilian and military sources shows that it is all emanating from one source - directly or indirectly. The question is - Are the people who represent the citizens of this country being kept in the dark by subordinates who do not fully understand the constitutional implications of this matter? How sad, especially during the year of our Constitutional celebration. If our top leaders do know about the situation and refuse to act, minorities in this country are in deep trouble. It is true that "Eternal Vigilance is the Price of Liberty." When both civilian and military leaders do not know that they are dividing people by their lack of action in this case, they obviously do not know history.

Based on the Creche case in Chicago and common sense, I have no doubt how the case will be decided when it goes to court this month. The sad part is that it has to go to court since it will be a pyrrhic victory for either side. The verdict will harden hearts. You have refused to meet and try to work out a solution before the court case. There is still time and I still hope to reach the President and Secretary of Defense. General Gray has lost his chance for greatness.

You can ignore me. You cannot ignore the facts. You can tell all Christians that the Cross is a generic symbol which represents people of all faiths and "no faith." I wonder what the chaplains in the service believe? Or aren't they allowed to voice an opinion?

Never question my belief in religious freedom, the separation of church and state or my patriotism. I do not question your basic beliefs in the same subjects. In this era of general peace and general prosperity (things could always be better), I question your judgment.

May understanding prevail,


Bernie Delman

Thinking Out Loud

By Albert Schlossberg



A Few Good Farces . . .

You are aboard an airliner making your final approach to Honolulu airport. It's nighttime, the Island of Oahu rushes up at you. Then, out of the window, you see a towering illuminated cross silhouetted against the dark landscape. Flickering lights complement the brilliant illumination, drawing your attention to that universal symbol of Christianity, the cross. What you can not see, from the air, is that the cross stands on a United States Marine base in Honolulu.

How and why is the cross there on that U.S. Marine base? Who put it there?

The Marine Corps News, in a press release dated 2 July 1986, tells us that "The cross was dedicated over 20 years ago as an *ecumenical* memorial to honor those Marines and sailors who made the supreme sacrifice in Vietnam." The release goes on, "In 1972, . . . the cross became a beacon of hope for the safe return of our prisoners of war and missing in action from all the Armed Forces and of *all faiths*." The Marine Corps commandant concluded by referring to the cross as "*a nonsectarian symbol* . . ."

Hold the phone! I didn't know that the U.S. Armed forces, including U.S. Marines, who fought in Vietnam were a Christian army! to check, I pulled out my copy of the directory of names on the Vietnam Veterans Memorial, used the "Cohen factor" and quickly rediscovered that amongst the 58,000 names of Americans who lost their lives in Vietnam were many Jews. There too were other names which made it clear that the list of Vietnam heroes included a broad spectrum of religious beliefs. Surely they

never considered the Christian cross to be their beacon of hope. By no stretch of even a wild imagination could a cross be "nonsectarian!"

My interest aroused, I had heard that the director of the Jewish Federation in Honolulu was a former Bostonian, I made a phone call and spoke with Barry Shain, originally from Dorchester, by way of Chicago. Barry filled me in. A lot of Americans in Honolulu, and from other Hawaiian islands, were turned off by the 65-foot-high cross on the Marine base at Camp H.M. Smith. It was a fascinating conversation. Rightly, the Honolulu Jewish Federation chose to not be listed as a plaintiff in the court action to require the Marine Corps to remove the Cross. Instead, the list of plaintiffs is representative of the Hawaiian population in microcosm, Christians, Buddhists, followers of Confucius, Jews, Muslims and others. Americans, all determined that that cross, on that Marine base, has to come down.

My search for facts turned up interesting information. A cross had first been erected in 1966. Then, in 1972, according to Marine Capt. Craig Fisher at Marine H.Q. in Washington, D.C., another version of the cross was ordered erected by Lt. Gen. Wm. K. Jones, Comm. Gen. FMF, PAC. Thus permanency was given to what Gen. Jones' predecessor, Lt. Gen. Victor H. Krulak had first ordered up. Marine records indicated that the 1966 cross cost about \$1300 to build and that, since '66, costs for daily maintenance have risen from 12¢ to \$5.20 a day. Translation. The U.S. Government is spending about \$2,000 a year to maintain a universal

symbol of Christianity, a 65 foot high cross!

Over the years since the cross was first put up, a rumble of unease over the symbolism surfaced from time to time. So much so that the Commander of the Camp H.M. Smith Marine base asked Marine and Navy Legal Officers for advice. Should the cross be taken down? According to informants, the Navy and Marine legal beagles suggested that on Constitutional grounds it would be best to haul down the cross. The Base Commander ordered it down.

That's where the Commandant of the U.S. Marines, Gen. Paul X. Kelley, stepped in. Calling the cross, according to published reports, "an *ecumenical memorial*," Kelley told the Base Commander to belay the order. The cross, with illumination, Gen. Kelley made clear, would stay up!

In the United States there is, fortunately, civilian control over the military. I decided to find out where the Secretary of the Navy and the Secretary of Defense stood on this cross. I spoke with an officer authorized to speak for the Department of Defense.

Question: "Is the Secretary of Defense aware that Gen. Kelley called the cross an *ecumenical monument*?" Answer: "Oh I'm sure that he's aware of the situation, yes."

Question: "And he does not intend to take any action?"

Answer: "Not at this time. I believe that he intends to leave it a Marine Corps matter at this time."

Question: "Don't Defense Department regulations prohibit promotion of one religious symbol over any other?" Answer: "I believe that's probably true. Especially with regard to the fact that we have religious personnel of all persuasions in the military. We allow everybody to practice their faith freely, as long as it does not interfere with the discipline and good order of the military services."

Question: "If I were to sum up the position of the Secretary of Defense. . . ." Answer: "There is no position. The Secretary has not addressed it so you can not as-

sign any position to the Secretary on it!"

On November 24th, in Federal Court in Honolulu, a hearing on a civil suit, to have the cross removed from Camp H.M. Smith, will be held. Ken T. Kuniyuki and Kirk H. Cashmere, representing the ACLU of Hawaii, will join with other Americans, Aitken, Bridges, Engelcke, Fischlowitz, Yoshiaki, Fujitani, Glover, Inglis, Jacobs, McAnany, Popper, Rau, Rose, Seifert, and Watland as plaintiffs against the United States of America and Paul X. Kelley (Comm. Gen. USMC), asking that the cross be removed.

Symbolism? Ecumenical memorial? First Amendment, prohibiting establishment of a religion? "*We allow everybody to practice their faith freely, as long as it does not interfere with the discipline and good order of the military service*."?

The D.O.D. Officer said! I remembered a recent decision by U.S. military judicial officers. In that case a Jewish commissioned officer had to resign from the military because he was ordered not to wear a small skullcap, when in uniform! Strange, a four-inch-wide skullcap, on an Orthodox Jewish officer's head was determined to be a threat to military order and discipline. But in this case the Secretary of Defense of the United States has no position on the matter of a seven story high, illuminated cross, erected and maintained with taxpayer's money, on a United States Marine Corps base. And Marine Commanding General, Paul X. Kelley, firmly believes that a Christian cross is an *ecumenical memorial*!

Appeals court bans creche from City Hall in Chicago

CHICAGO (UPI) — A federal appeals court reversed an earlier decision and ruled yesterday that the city of Chicago cannot display a Nativity scene at City Hall.

The 7th U.S. Circuit Court of Appeals ruled 2-1 that the city's creche violates the constitutional ban on establishment of an official religion.

The suit was brought to the Court of Appeals by the American Jewish Congress.

On November 5, 1986, U.S. District Judge Frank McGarr ruled against Jewish groups that sued for removal of the creche, which traditionally is displayed during the Christmas holidays at City Hall.

"The purpose of the City Hall Nativity scene was to promote Christianity," U.S. Appeals Judge Joel M. Flaum said in writing the court's opinion yesterday.

Flaum wrote that the display "is an unequivocal Christian symbol" and "creates a clear and strong impression that the local government tacitly endorses Christianity."

Judge Frank H. Easterbrook dissented. "What the city has endorsed is Christmas and its collection of symbols — Santa Claus, reindeer, sleighs, generosity, carols, trees, lights, wreaths and the birth of a figure from whom the holiday takes its name as well as its original significance," Easterbrook wrote.

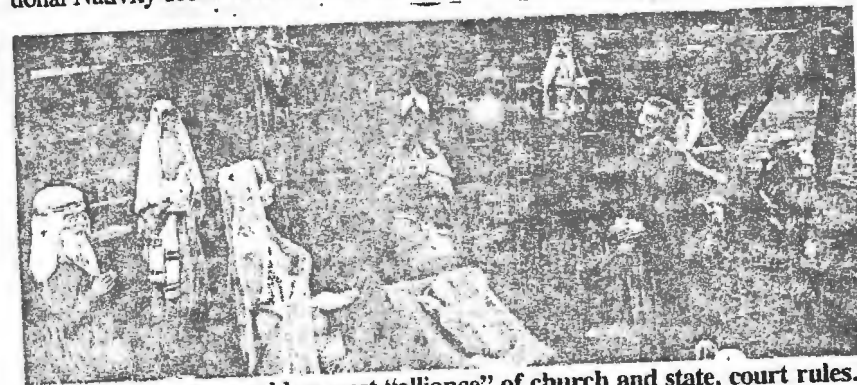
"Officials of Chicago will read with amusement the court's assertion that the city endorses whatever appears in City Hall," Easterbrook wrote. "Do they all believe in Santa Claus too?"

In the past, the city has argued in favor of keeping the creche, but counsel Judson Miner said yesterday that the city may not appeal. "I'm not so sure the court is wrong," Miner said.

40 The Patriot Ledger, Wed., August 19, 1987

Creche Not Allowed In Chicago City Hall

Chicago's City Hall cannot display a creche during the Christmas season, a federal appellate court has decided. In a 2-1 ruling, the 7th U.S. Circuit Court of Appeals said that displaying the traditional Nativity scene would violate the



Showing a creche would suggest "alliance" of church and state, court rules.

First Amendment's prohibition against government endorsement of religion.

That ruling overturned one by U.S. District Judge Frank J. McGarr dismissing a suit by the American Jewish Congress to prohibit the creche. McGarr cited the Christian heritage of the United States as a major reason for dismissing the suit. But the three-judge appellate panel said the display of a creche in City Hall "brings together church and state in a manner that unmistakably suggests their alliance."

BRUCE FLYNN / PICTURE GROUP



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

IN REPLY REFER TO
JAR2
Ser 6315
9 Dec 1986

Mr. Bernerd J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

Dear Mr. Delman:

Thank you for your recent inquiry concerning the decision of the Commandant of the Marine Corps to preserve the memorial cross on Bordelon Field at Camp Smith, Hawaii. The Commandant has asked that I respond to your letter on his behalf.

The cross was dedicated in 1966 as a memorial to Marines and sailors of the Fleet Marine Force, Pacific. Though dedicated to those who made the supreme sacrifice in Vietnam, since 1972 it has been lighted nightly as a beacon of hope for the safe return of our prisoners of war and missing in action.

The cross was neither erected nor is it maintained to advance religion. The Commandant has determined that it shall continue to stand as a vivid symbol of our national resolve to obtain a full accounting of American service members still listed as missing in action in Southeast Asia.

A suit filed by the American Civil Liberties Union in the Federal District Court in Honolulu has challenged the presence of the cross at Camp Smith on grounds that it violates the Establishment Clause of the First Amendment. The Department of Justice is defending this suit on behalf of the United States. A judicial determination as to the legality of maintaining the memorial on Federal property will thus be forthcoming. In view of the pending litigation, further comment on the case by the Marine Corps would be inappropriate at this time.

We appreciate your interest in this matter and trust the foregoing information responds adequately to your inquiry.

Sincerely,

D. M. BRAHMS
Brigadier General, U.S. Marine Corps
Director, Judge Advocate Division

Bernerd J. Delman
26 Arboro Dr.
Sharon, Massachusetts

12/26/86

D.M. Brahms
Brigadier General, U.S. Marine Corps
Director, Judge Advocate Division
Headquarters United State Marine Corps
Washington, D.C. 20380-0001

Re: JAR2 Ser 6315 9 Dec 1986

Dear General Brahms:

Thank you for your letter. It is unfortunate that it did not answer my question as to whether or not the facts in the enclosed article are accurate. You raise more questions which should be answered.

I do not understand your explanation in your third paragraph. Is not the cross a religious symbol? I would oppose any religious symbol used in such a manner.

Didn't people of all religions and no religion fight, serve and die in all our wars? My father, brother and I served over ten years in three wars. I can't even estimate how many years cousins and other relatives served. Some were wounded.

As a student of and participant in the governmental and political process, I am deeply concerned by the Commandant's decision. His roots are in New England and his family is known and respected in this area of Massachusetts. Has he lost sight of our local, regional and national history?

It will take a display of great courage on the part of General Kelley to admit that he has made an error. But he has not reached his present position without displays of courage.

I did not send my previous letter to the President, my Senators and Congressman, the Department of Justice and other interested people. Your lack of response forces me to do so now.

It's sad that this matter had to go to court. Only the Commandant can make this matter whole again. If the court must make a decision, everyone has lost. LET THE MATTER BE DECIDED BY MEN AND WOMEN OF GOOD WILL, NOT A JUDGE WHO WILL HAVE TO LEAVE ONE SIDE VERY UNHAPPY.

Sincerely,
Bernerd J. Delman
Bernerd J. Delman



U.S. Department of Justice

Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 31 1987

Mr. Bernerd J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

Dear Mr. Delman:

I am in receipt of a copy of your December 26, 1986 letter to Brigadier General D. M. Brahms, USMC, stating your views on a memorial which stands at Camp H. M. Smith, Hawaii.

By letter dated December 9, 1986, Brigadier General Brahms explained to you that the memorial, erected in 1966, stands as a tribute to American prisoners of war and to soldiers missing in action. Brigadier General Brahms also informed you that a civil suit challenging the presence of the memorial at Camp H. M. Smith is pending in federal district court and that any comment by the Marine Corps on the issues raised in the suit would be inappropriate.

I fully concur with Brigadier General Brahms that any comment by the Marine Corps on the issues raised in the lawsuit would be inappropriate at this time. It also would be inappropriate for the Department of Justice, which is representing the Marine Corps in the suit, to comment on ongoing litigation.

Sincerely yours,

RICHARD K. WILLARD
Assistant Attorney General

4/2/87

sent to Barney Frank
Al Schlessberg
ack u
Willard

4/2/87

Dear Mr. Willard,

Could you indulge a citizen and taxpayer
by telling me what section of the law you are depending upon
to show that the cross is not a religious symbol,
I don't understand how my government can defend the
ack on 4/2/87

Bernerd J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

April 19, 1987

Chief of Chaplains
United States Navy
Navy Department
Washington, D.C.

Dear Sir:

I wonder if anyone has informed you about the Cross on the grounds of Camp Smith? Is it possible for the Cross to have a non-religious purpose in the context it is being used?

With all the problems the Marines have had, I find it incredible that they plan to ^{go to} court to defend something which is constitutionally incorrect. The publicity will not help the Marines and it will be a pyrrhic victory, no matter who wins.

I believe that General Kelley has the courage to change a decision made prior to his tour as commandant, if the appropriate person points out the implications. Is it possible his staff has not given him all the facts in detail? After all, he is a busy man. But to have a civilian-military fight?

I look forward to hearing from you.

Sincerely,


Bernerd J. Delman

26 Arboro Dr.
Sharon, MA 02067
4/20/87

P.X. Kelley
General, U.S. Marine Corps
Commandant of the Marine Corps
Washington, D.C.

Dear General Kelley,

Thank you for your letter responding to my note in support of the Marine Corps. You have shown the courage expected from an individual with your background and in your position. No excuses. Just the facts. Corrections implemented. The enclosed letters may be of interest.

You have had some sad and unfortunate incidents during your tour as Commandant-Beruit, Lt. Col. North and the current situation. I do not believe that these situations tarnished the reputation of the Marines. No person or group can be perfect.

And then, as I was reflecting on the matter, it hit me. You regularly have major problems presented to you and you may not be fully acquainted with the situation at Camp Smith. After all, the Cross was erected before you were appointed Commandant.

Are you acquainted with the fact that there will be a civilian-Marine Corps fight in the courts? It appears that you are the key according to some of the correspondence I've received. You can save the Marines further embarrassment by quietly removing the Cross. As your investigation will show, not every Marine of high rank is in favor of keeping the Cross up. You will gain the respect of a large segment of the civilian population. A court battle and the eventual win by either side will be a pyrrhic victory.

The bottom line is whether or not the Cross is a religious symbol. I can't imagine what General Brahms will say to prove that it is not. But let me make a few suggestions which I hope will be helpful.

Since lawyers, judges and juries are not the ultimate repository of truth, why not check with the Navy's Chief of Chaplains? I have written to him.

Has anyone suggested a compromise? I'm not sure that one is possible. But this matter does not belong in court. If it would help, I would be glad to meet with you and others who could help resolve this matter.

Sincerely,

Bernerd J. Delman
formerly HM 3/c



U.S. Department of Justice

Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 24 1987

Mr. Bernerd J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

Dear Mr. Delman:

I am in receipt of your letter of April 2, 1987 regarding Robert Aitken, et al. v. Lehman, Civil No. 86-0533 (D. Hawaii), an action challenging a war memorial at Camp H. M. Smith as violative of the First Amendment of the United States Constitution. In your letter, you ask me to identify for you "what section of the law you are depending upon to show that the Cross is not a religious symbol."

As I informed you by letter of March 31, 1987, it would be inappropriate for the Department of Justice, which is representing the Marine Corps in the case, to comment on ongoing litigation. It also would be inappropriate for the Justice Department to set forth, outside of the court proceedings, its legal position on the merits of the litigation. Accordingly, I regret that I cannot discuss the merits of the constitutionality of the Camp H. M. Smith memorial with you.

Sincerely yours,

RICHARD K. WILLARD
Assistant Attorney General



THE SECRETARY OF DEFENSE

WASHINGTON, THE DISTRICT OF COLUMBIA

27 MAY 1987

Honorable Barney Frank
House of Representatives
Washington, DC 20515

Dear Congressman:

Thank you for your recent letter expressing the concerns of the Jewish War Veterans of the United States regarding the POW/MIA Memorial at Camp Smith, Hawaii.

This memorial, which is the subject of pending litigation, was erected in the mid-1960's to honor Marines of the Fleet Marine Force, Pacific, who were killed in action in Vietnam. Later, it was rededicated as an expression of hope for the safe return of all American prisoners of war and service members missing in Southeast Asia. Prior to making his decision to retain the existing memorial, the Commandant of the Marine Corps carefully considered its history and the purpose for which it was erected. A declaration from retired Lieutenant General Victor H. Krulak, former Commanding General, Fleet Marine Force, Pacific, who was responsible for ordering the erection of the memorial, convinced the Commandant that it was intended neither to advance a particular religion nor to honor our nation's non-Christian service members any less than their Christian comrades.

For more than 20 years, the memorial has engendered special meaning for the families of Vietnam-era service members and residents of the base and local community. Given the secular purpose for which the cross was erected and its long-standing presence at Camp Smith, General Kelley thus determined to preserve the status quo until the propriety of maintaining this memorial on Federal property is judicially resolved. The Marine Corps, of course, will comply fully with the dictates of the courts.

We greatly value your views on the Camp Smith Memorial and do appreciate the concerns of the Jewish War Veterans of the United States. Regrettably, there appears to be no easy answer to this sensitive issue.

Sincerely,

Sent to B. Delman
by Barney Frank

A handwritten signature in cursive script, appearing to read "Jim Paulsen", is written over the typed name "Jim Paulsen".

United States Senate

WASHINGTON, D.C. 20510

Massachusetts Transportation Building
Ten Park Plaza - Room 3220
Boston, Massachusetts 02116-3969
(617) 565-8519
May 29, 1987

Mr. Bernerd Delman
26 Arboro Drive
Sharon, Massachusetts 02067

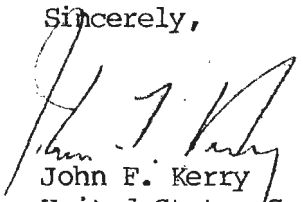
Dear Mr. Delman:

Thank you for contacting my office regarding the POW/MIA Memorial at Camp Smith, Hawaii.

We made a number of inquiries on behalf of the Jewish War Veterans of Massachusetts. I am enclosing a copy of the United States Marine Corps response.

While I regret that I cannot be of more direct assistance to you in this situation, I hope you will not hesitate to contact my office again at any time you feel I or my staff might be of service.

Sincerely,



John F. Kerry
United States Senator

Enclosure
JFK/gmb

Thinking Out Loud

By Albert Schlossberg

Onward Christian Marines . . .

"That cross makes me shudder. It is like an evil presence."

"How did the cross, the supreme symbol of universal love, become a sign of fear, of evil for this young Jewess? It soon became clear . . . it was the fruit of a knowledge which she, but not I, had, a knowledge of the immense suffering undergone by her people at the hands of Christians." (From the introduction to Father Edward Flannery's "Anguish of the Jews.")

"Retired Lt. General Victor H. Krulak, responsible for ordering the erection of

the memorial, ' . . it was intended neither to advance a particular religion nor to honor our nation's non-Christian service members any less than their Christian comrades.' " (From U.S. Secretary of Defense Caspar Weinberger's reply to Congressman Barney Frank's inquiry.)

"The Corps' justification for doing so is that they thought the Cross would be viewed as a non-sectarian symbol . . . I think that for now the best thing to do is to let the process work itself out." (From Congressman Edward J. Markey's reply to J.W.V. Past National Commander Samuel Samuels' expression of concern over the presence of a Christian religious symbol — a 65-foot high Christian cross — at a U.S. Marine Corps base.)

"We have made a number of inquiries on your behalf. I am enclosing the letter that I have received from the Headquarters of the United States Marine Corps in response to my inquiries." (Excerpted from Senator John F. Kerry's communication to Melvin Goldstein, Past Commander, Dept. of Massachusetts, J.W.V.)

"It was my first introduction to the problem of anti-Semitism. Later discussion of the incident with both Christian and Jewish friends led me to a further discovery. Jews generally are acutely aware of the history of anti-Semitism, simply because it comprises so large a portion of Jewish history. Christians, on the contrary, even highly educated ones, are all but totally ignorant of it. The pages Jews have memorized have been torn from our (Christian) histories of the Christian era." (Father Edward Flannery, author, "Anguish of the Jews.")

It's been half a year since I first wrote about the 65-foot high Christian cross erected at the U.S. Marines' camp P.M. Smith's Borden Field, Honolulu, Hawaii. At that time, I made no mention of the fact that I had had with several members of the Senate and Congress. I had concluded that the Constitutional illegitimacy of the erection and maintenance of a so-flagrantly sectarian religious icon on a United States marine base would be recognized, and the cross would be removed. How wrong I was!

Almost without exception (Congressmen Frank and

Mavroulis are two), government officials have demonstrated that they lack the fortitude to touch the problem of the Christian cross at the Honolulu Marine base, even with the proverbial ten-foot pole! When President Ronald Reagan didn't answer my communications to him on this matter I then posted a letter to the President advising him that since he had ignored my letter I was no longer interested in responding to the several requests sent to me, in his name, for financial support of various and sundry organizations.

Why, I now wonder, have members of the Senate and House who usually rush to the ramparts, cloaked in the United States Constitution, on issues as disparate as abortion and freedom of the press, prayer in the schools and testing for AIDS, proved to be so reluctant to stand up to the Department of Defense on this blatant transgression from the Constitutional prohibition against "establishment of religion."

The cross was not erected after an order from the DOD or the White House! The decision to build a seven-story high Christian cross on a United States Marine base was made by a Marine Lt. General, on his own! But, sadly, none of those members of the Congress who have rushed to criticism of a Marine Lt. Colonel and a Navy Admiral for taking it upon themselves to make unilateral decisions, seems at all vexed that a giant, illuminated Christian cross dominates the vista on a United States military base.

The United States Marine Corps is not a Christian branch of the U.S. defense forces. Since its inception Jews have served in the Marine Corps in excess of our percentage of the U.S. population. In every war zone in which Marines have fought and died Jewish Marines have been there. Their dog tags identified them as being Jewish.

Without denigrating the spiritual value of a cross to Christians, it can not be considered, by even the wildest flights of imagination, to be a "secular" symbol. The motto of the U.S. Marines is Semper Fidelis, not Onward Christian Marines! It's long past time to take down the giant Christian cross at the Honolulu Marine base.

COMMITTEES
GOVERNMENT OPERATIONS
BANKING, FINANCE, AND
URBAN AFFAIRS
JUDICIARY
CHAIRMAN
ADMINISTRATIVE LAW AND
GOVERNMENTAL RELATIONS
AGING

Congress of the United States
House of Representatives
Washington, D.C.

August 3, 1987

1000 EIGHTH NORTH BEND
WASHINGTON, D.C. 20515
(202) 224-5931
DISTRICT OFFICES
437 CHERRY STREET
WEST NEWTON, MASSACHUSETTS 02165
(617) 332-3920
10 PURCHASE STREET
FALL RIVER, MASSACHUSETTS 02722
(617) 674-3551
8 NORTH MAIN STREET
ATTLEBORO, MASSACHUSETTS 02703
(617) 226-4223

The Honorable Caspar Weinberger
Secretary
Department Of Defense
The Pentagon
Washington, DC 20301

Dear Mr. Secretary:

I was very disappointed by your letter in which you justified the continued placement of a specific Christian religious symbol at a marine base. While I have disagreed with your views on defense matters in some cases, I had not previously thought you insensitive to the principles of fair treatment of religious minorities. But your statement in your letter to me that the selection of a specific Christian religious symbol as a memorial "was intended neither to advance a particular religion nor to honor the nation's non-Christian service members any less than their Christian comrades" doesn't make any sense.

In one further effort to persuade you of a mistake you are making, I am enclosing a copy of a passionate, pained column by a politically conservative veteran who has generally been supportive of your defense policies and who is proud of his service in his country's armed forces. I hope Al Schlossberg's words will have some impact where mine were unable to do so and that you will reconsider your refusal to enforce legitimate constitutional principles in this case.

And I should make one thing explicit: it is not out of any wish to denigrate the great importance of the cross as a symbol of Christianity that people ask that it not be erected by the United States government as if it were a non-sectarian memorial. In fact, I think precisely the opposite is the case. It seems to me that you denigrate the important symbols of a particular religion when you treat them as if they were simply universal symbols of some sort without regard to the specific content of that religion.

BARNEY FRANK

BF/pam
Encl.

SENT TO B DeLuzen

CHIEF OF CHAPLAINS
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350-2000

AUG 28 1987

Dear Mr. Delman,

Thank you for your correspondence in which you present your concerns related to the POW/MIA Memorial located at Camp Smith, Hawaii.

I regret that you appear to be offended by the Camp Smith Memorial. I am sensitive to the concerns you raise. I assure you that the Commandant of the Marine Corps is well aware of the facts of the case.

Substantial evidence that the Memorial has served a legitimate non-sectarian purpose for many years is before the United States District Court for the District of Hawaii. The constitutionality of this Memorial is now before the courts, and all interested parties have a structured opportunity to present their concerns regarding this question. As earlier explained to you in the letters of Assistant Attorney General Willard and Brigadier General Brahms, comment on the issues raised in the lawsuit would be inappropriate at this time.

My hope is that the matter might be resolved, and some definitive information provided as a result of these legal proceedings. As Chaplain Dressler explained in his telephone conversations with you concerning this matter, such resolution does not appear immediately forthcoming.

I remain confident that the ultimate judicial resolution will be fair, and any final decision will be promptly implemented. Again, I am grateful for the views you have provided, and your continuing interest in this matter is appreciated.

Sincerely,



JOHN R. MCNAMARA
Rear Admiral, CHC, USN

Mr. Bernard J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

Wise beyond words is the person
who has the courage to correct
the unintentional and intentional
errors of his predecessors and
subordinates.

Box 221
Sharon, MA 02067
9/17/87

Subject: Cross on Marine Base in Hawaii

Dear Commandant Gray:

I wish you a successful and peaceful tour of duty.

I would appreciate it if you would review the file
on the subject mentioned because you are the key to the
solution. Your sensitivity and courage will be tested.
The matter must never go to court. It will be a pyrrhic
victory for either side.

Please let me know the person in your office who will
arrange a time I can see you when I come to Washington
the week of October 12, 1987 to also meet with the
President, Vice-President, Casper Weinberger, Admiral McNamara,
Senators Kennedy and Kerry, Congressman Frank and several
others.

Sincerely,

Bernerd J. Delman

Note: General Gray refused to meet. Only Congressman Frank
agreed to a meeting and I did receive a "negative note"
from the office of the Secretary of Defense.



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

30 SEP 1987

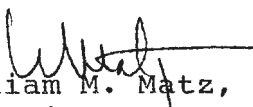
Ann over

Mr. Bernerd J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

Dear Mr. Delman:

Thank you for your letter of September 17 to Secretary Weinberger requesting a meeting in mid-October. Because he has just returned from overseas travel the Secretary cannot accommodate your visit. However, if you would care to write a letter describing your concerns, I will see that it reaches the appropriate members of Secretary Weinberger's staff.

Sincerely,


William M. Matz, Jr.
Executive Secretary

11/2/87

sent
Have not heard



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

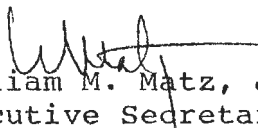
30 SEP 1987

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26 Arboro Drive
Sharon, Massachusetts 02067

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11/2/87

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Have not heard



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380-0001

IN REPLY REFER TO

5730

JAM1

7 OCT 1987

Mr. Bernard J. Delman
26 Arboro Drive
Sharon, Massachusetts 02067

Dear Mr. Delman:

The Commandant of the Marine Corps has asked that I respond to your letter of September 17, 1987. Although he would like to do so, he cannot personally respond to all inquiries received by him.

The Commandant is personally aware of the ongoing litigation concerning the POW/MIA Memorial at Camp Smith, Hawaii. The memorial is the subject of civil actions in the United States District Courts for the District of Columbia and Hawaii. As has been explained in earlier correspondence by Assistant Attorney General Willard, Brigadier General Brahms, and Rear Admiral McNamara, the matter is before the courts for resolution. Accordingly, in view of the pending litigation, further comment on the matters included in these suits is inappropriate.

The Commandant of the Marine Corps greatly appreciates your best wishes for a successful and peaceful tour of duty, and regrets his inability to personally meet with you during your upcoming visit to Washington, DC during the week of October 13 to 16, 1987.

Sincerely,

M. E. RICH
Colonel, U.S. Marine Corps
Director, Judge Advocate Division
Acting

ADL
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