

September 29, 2010

Mr. John Wessels
Regional Director
National Park Service
12795 Alameda Parkway
Denver, CO 80225

Dear Mr. Wessels:

Public Employees For Environmental Responsibility (PEER) writes to inform you about two significant issues in parks under your supervision that demand scrutiny at the highest level. Both issues raise troubling questions about the National Park Service (NPS) conformity to the First Amendment of the United States Constitution. Both issues involve religious displays on federal park property and demand a thorough and thoughtful review.

PEER has no hostility toward any religion or religion generally. Nor, we presume, does the NPS. PEER does, however, concern itself with the appropriate use of federal lands acquired, or otherwise set aside, in the national park system. NPS actions, or failure to act, can lead to unintended and prolonged litigation, such as that which involved the now-nonexistent cross in the Mojave National Preserve.

Petroglyph National Monument, New Mexico

Congress authorized the Petroglyph National Monument in Bernalillo County, New Mexico on June 27, 1990. The purpose of the monument is to preserve thousands of prehistoric and historic petroglyphs and approximately 65 other archeological sites. (P.L. 101-313; 104 STAT. 272). The NPS began acquiring nonfederal lands within the boundaries of the monument, among them a tract of land owned by a Mr. Harold Cohen. When the NPS acquired the Cohen property in full fee title, with no reservations to the former owners, the NPS came into possession of a ten-foot high Buddhist stupa.

The NPS responded passively to the stupa. Perhaps hoping that no one would notice, the NPS acquiesced in its continued existence. **The NPS now owns the stupa.** The NPS never undertook a legal review of its default decision to allow the continued existence of a permanent religious display on Federal lands; lands that the NPS acquired to serve the purposes of Petroglyph National Monument. That purpose DID NOT include perpetuation of Tibetan Buddhist holy sites. Nor is the stupa historic in any sense.

The stupa issue caused controversy earlier in 2010. The NPS assured a columnist for the *Albuquerque Journal* that the NPS would not remove the stupa. PEER believes that such

an NPS decision, if accurately reported, is both irresponsible and likely unconstitutional. Both the Ninth Circuit, and on August 18, 2010 the Tenth Circuit Court, have ruled Christian crosses on government property to be unconstitutional, even if intended to serve as memorials to war dead or, in the latter case, to fallen Utah Highway Patrolmen. Even the avowedly secular purpose of such displays did not serve to save the religious displays from violating the First Amendment.

There is no doubt that the stupa, just as the Christian cross, is a religious display. However, unlike the crosses, the stupa does not serve any secular purpose that the NPS has articulated. Even were the NPS now to concoct a secular purpose for the stupa, that purpose could not rise in authenticity to the secular purpose that failed to protect the now-unconstitutional crosses.

As an official whose oath compels you to uphold the Constitution, we call upon you to act on the stupa.

Grand Canyon National Park, Arizona

The issue of religious plaques affixed to government property at three locations of Grand Canyon National Park differs from the stupa.

In July 2003 former Deputy NPS Director Donald Murphy ordered NPS employees to install religious plaques on Federal property in Grand Canyon National Park. NPS employees implemented the task on official work time. Three plaques contain quotes from the Book of Psalms in the Old Testament. The plaques are at:

- Lookout Studio, in the Grand Canyon Village of the South Rim;
- Hermits Rest, South Rim and
- Watchtower at Desert View.

All of the locations are prominent points from which to view the most magnificent canyon in America, and perhaps the world; places visited by hundreds of thousands annually. The plaques were located to be conspicuous.

The plaques are the private property of a religious group, the Evangelical Sisterhood of Mary, based in Phoenix, Arizona. On July 14, 2003, NPS officials of Grand Canyon removed the plaques and returned them to their owner – the Evangelical Sisterhood of Mary. On July 18, 2003, Deputy Director of the NPS, Donald Murphy wrote to a Sister Daniella of the Evangelical Sisterhood. He asked that the Sisterhood return the plaques to the NPS at the Grand Canyon. He wrote: “With your permission (i.e. Sister Daniella’s) I would like you to return the plaques to our park officials so that they may be returned to their original location and condition.” He then promised to undertake “the more in depth legal and policy review that should have taken place prior to these actions (removal of the plaques) being taken.”

Seven years later, the NPS has not carried out an “in depth legal and policy review.” Please inform us within sixty days if you intend to conduct such a review and when.

Few responsibilities are more important than your obligation to protect the parks. One responsibility that is paramount is to conform to the United States Constitution. In the case of religious displays on park property, you will best protect our parks by applying the rules laid out by the Courts that defend the First Amendment.

Cordially,

Jeff Ruch
Executive Director

cc: Mr. Steve Martin, Superintendent, Grand Canyon National Park
Mr. Joseph Sanchez, Superintendent, Petroglyh National Monument