

**COUNTY OF
EL DORADO**

Veterans Service Office

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<http://www.edcgov.us/veterans/index.html>

William E. Schultz
Veterans Affairs Interim Dept. Head
Ed Swanson
Veterans Service Officer

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NORMA GRAY
Assistant Registrar of Voters

February 19, 2010

COPY

To: Gayle Erbe-Hamlin
C.A.O.

Cc: BOS Dist. I, BOS Dist. II, BOS Dist. III, BOS Dist. IV, BOS Dist. V
County Counsel

Subj: Veterans Organizations Meeting of Thursday, February 18, 2010

28 FEB 22 AM 10:38
BOARD OF SUPERVISORS
EL DORADO COUNTY

Dear Gayle,

As the Interim Veterans Affairs Department Head, I was approached by both Supervisor Dist. II Ray Nutting and Richard Buchanan of the Friends of the Veterans Monument to hold a meeting in conjunction with the Board directive regarding settling issues regarding inclusion, inscription, or location of honoraria in the monument area. I notified the commander of each federally chartered veterans organization in El Dorado County to hear and settle the issue.

The meeting was called for 7pm on Thursday evening February 18, 2010 at the meeting room within the Veterans Memorial Building on Placerville Drive. Also invited were Supervisor Nutting, Richard Buchanan, County Counsel Louis Green and of course any member of the public. Since the meeting was on such short notice there were few members of the public that attended. However, the following members of organizations were in attendance:

- VFW Post 9241 Howell Jackson
- FRA Branch 257 William Davidson
- VFW Post 2680 Larry Zumwalt
- VFW Post 10165 Dennis Haas
- MCL Det. 697 Hollis Henderson

Meeting called to order at 7:10pm. Pledge of Allegiance led by Ed Swanson, County Veterans Service Officer.

First speaker was Supervisor Ray Nutting. He said he felt compelled to bring this issue forward and read the attached document, which he said would be presented at the B.O.S. meeting of February 23, 2010.

Second speaker was County Counsel Lou Green. He clarified the use of the word "GOD". Lou's office does not have a legal issue with the word God or Heaven. He spoke of the words "Ceremonial Deism" and its meaning.

Use of the word God or Heaven would not violate establishment clause. Non-public forum for the memorial was mentioned. The ordinance does not specifically mention inscriptions and a lack of clarity in the ordinance regarding inscriptions is possibly a non-public forum issue. Viewpoint neutrality must be followed. There are already many inscriptions on the benches. One question could be, is this the last bench? However we understand that bricks are still available.

Third speaker was Richard Buchanan, representing the Friends of the Veterans Monument and the Legion of Valor. He stated that Mr. Soike gave a check for \$3,500.00 to the Friends in 2005 for a bench he said was for his Father and Brother who are veterans. Shortly after that, he left the county and the Friends did not hear from him again until February 2009, when he presented what he wanted engraved on his bench. In the process of trying to get the content completed, Mr. Soike was unavailable for large blocks of time which made negotiations with him difficult. He stated that the Friends are concerned that if this inscription is approved it may "open the door" to possible unwanted inscriptions.

As you might guess, there was more rhetoric by all the speakers and the members of the panel. The panel members had quite a few questions of each speaker. However I was not able to take notes of all the discussion.

At approximately 8:30pm, I asked if there were any other speakers, seeing no one come forward, I asked Ed Swanson to ask that the panel of Veteran Commanders remain to take a vote on their decision and excused the public.

After a very short deliberation, Mr. Howell Jackson of VFW Post 9241 made the motion to accept the inscription presented by Mr. Soike for engraving on his bench.

The motion was seconded by Mr. Larry Zumwalt of VFW Post 2680.

The panel decision was to approve Mr. Soike's inscription on the bench. It was a unanimous vote in favor of the inscription.

The Meeting was adjourned at 8:50pm, approximately.



William E. Schultz
Veterans Affairs Interim Department Head

COUNTY OF EL DORADO

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SUZANNE ALLEN DE SANCHEZ
Clerk of the Board



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February 18, 2010

To: Fellow Board Members and Public

From: Supervisor Ray Nutting

Issue: Inscriptions at the Veteran's Memorial next to Building B

For many years I have attended the Veteran's Memorial Ceremonies at the Veteran's Memorial next to Building B at the government center. I have also attended many Memorial Ceremonies throughout the western United States and have come to find our Memorial is among the best. Over the last few years I wondered why only one bench was void of words. After elected in November of 2008, I attended the next Veteran's memorial service and it was there I became aware that there was an issue with the wording of the proposed inscription written by Tom Soike, the purchaser of the Bench.

Tom Soike is a constituent that lives in my district so I approached him at one of the ceremonies. He informed me that in 2005, he paid \$3,500 to the El Dorado Community Foundation to hold in trust his bench at the Veteran's Memorial. At the time of payment the inscription was not delivered. Sometime in 2007/2008, Tom Snoike gave the inscription to the veterans and this is when the discussions began in regards to the wording. Two issues were raised: first the use of the words God and Heaven; second, the inscription may open the door to other less favorable inscriptions.

To follow is the inscription request for Tom Soike's bench:

"GOD I'VE TASTED YOUR HEAVEN THROUGH FREEDOM AND FOUGHT THROUGH THE PAIN OF THESE WARS AND WONDERED IF SOMEHOW THE SOMETHING I'VE GIVEN COULD SOMEHOW HAVE BEEN SOMETHING MORE"

I called Rich Buchanan with Friends of the Veteran's Memorial, and was told that deputy county council Ed Knapp is working on the issue. Ed stated, "The issue is that there are no existing guidelines on the type of messages that can be expressed on benches at the County Veteran's Memorial. The veteran's groups involved on the management of the memorial did not have specific enough guidelines that could be applied when determining whether to approve proposed inscriptions. Various individuals and veteran's groups expressed differing views concerning the advisability of allowing inscriptions of any kind, or inscriptions including

religious content. It became clear that the issue would have to be resolved by the Board of Supervisors, which has the ability to determine the nature of the public forum that will be allowed at the Veteran's Memorial. County Counsel's advice has been that once a forum is opened up to allow messages to be expressed by the public, then the law makes it difficult to make future content-based distinctions between the individual messages that would be allowed".

After careful consideration and study, I decided to place this issue on the agenda time certain for February 23rd, 2010, 9:30 am. It is now with the governing board over the Veteran's Memorial for resolution. To follow are issues I have been pondering and have come to these conclusions for your consideration.

Our founding fathers built the foundation going back to the Declaration of Independence that freedom of religion is the issue and not freedom from religion. The Declaration of Independence says, "...We hold these truths to be self evident, that all Men are created equal, that they are endowed by their creator with certain unalienable Rights, among these are Life, Liberty, and the pursuit of Happiness..." The dictionary defines "Creator" as God.

The First Amendment to our constitution prohibits Congress from establishing a religion or abridging the freedom of speech or the press. Our government has to be sensitive to both aspects of the first amendment. Also, the separation of church and state, a concept which dates from Thomas Jefferson and decrees the government must be secular or set apart from religious affiliation. Over the centuries many of these building blocks gave our country the right for the following to occur: The tomb of the Unknown Soldier in Arlington National Cemetery states "Here Rests In Honored Glory An American Soldier Known But To God"; On all American currency the words read, "In God We Trust"; In the American court system when asked to tell the truth when giving testimony before a judge you say, "so help me God"; When we give our pledge of allegiance to the flag we say, "one nation under God".

These issues have been debated and made its way to the United States Supreme Court. In 1984, the Supreme Court ruled that Ceremonial Deism is defined as nominally religious statements and practices deemed to be merely ritual and thus non-religious. It becomes religious when a specific religion is called out. In the case of the Soike inscription to be placed on government property, and in part with tax payers' money, it is clearly a Ceremonial Deism. Moreover, in the outer area of the Veterans Memorial the word God already exists. On a brick it says, "Thank You All Vets God Bless". I have concluded that there is nothing wrong with the use of the words God and Heaven! The second issue that people will be given the freedom to say what they want; I believe that threshold or issue already exists. The following inscriptions already exist in the Veteran's Memorial:

"We Die That Others May Live" Grenada

Seabees- "With compassion for others we build-we fight for peace with freedom Can Do!"

President John F. Kennedy, "I can imagine no more rewarding a career. And any man who may be asked in this century what he did to his life worthwhile, I think can respond with a good deal of pride and satisfaction: 'I served in the United States Navy.'"

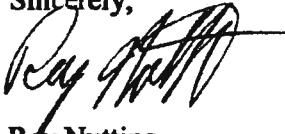
Outside the inner area of the Memorial, where different rules apply exists a quote by Albert Pike that reads, "What we have done for ourselves alone dies with us What we have done for other and the world remains immortal".

Based on the inscriptions that are already written in the Memorial how can we deny Mr. Soike his poem? Also, as I've said before, The Declaration of Independence says, "...We hold these truths to be self evident, that all Men are created equal, that they are endowed by their CREATOR with certain unalienable Rights, among these are Life, Liberty, and the pursuit of Happiness..." Tom Soike has the same unalienable Rights, as those quoted above. This means, those quotes have established a clear avenue for Soike's poem to be placed on his Bench.

Now food for thought! It has been said that no more benches will be allowed in the Veteran's Memorial. Therefore, the issue of opening the forum to further speech may be moot with regards to benches.

I understand the importance of this issue and do not take it lightly. People and their belief cannot be underestimated and underappreciated. During this process my hope is to conclude this matter respecting all opinions in trying to resolve a very difficult issue. Thank you fellow board members and the public for enduring this public process that addresses a long ongoing problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Nutting", with a stylized flourish at the end.

Ray Nutting
El Dorado County Supervisor, District II
Email: bostwo@edcgov.us