

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

Freedom From Religion Foundation, Inc.,

Plaintiff,

v.

Chip Weber, Flathead National Forest
Supervisor; and

United States Forest Service, an
Agency of the United States
Department of Agriculture

Defendants.

Case No. 9:12-cv-19-DLC

DECLARATION OF GENE THOMAS

I, Gene Thomas, declare under penalty of perjury that the following is true and correct:

(1) I am over 18 years of age and have personal knowledge of each of the statements in this declaration.

(2) I have lived in Kalispell, Montana, since 1967.

(3) I joined Council 1328 of the Knights of Columbus shortly after moving to Kalispell.

(4) I first came to know about the statue of Jesus at issue in this litigation the first—and probably only—time I have gone downhill skiing, which was on Big Mountain at what is now the Whitefish Mountain Ski Resort.

(5) Around that time, there was also a member of Council 1328 who lived in Whitefish. He had participated in installing the statue. When he attended Council

meetings, he would often report on the condition of the statue, which at that time was only around ten years old.

(6) I first went up the mountain to help with the maintenance of the statue in around 1974.

(7) About once a year after that the Knights would go up the mountain after the ski season had ended and check the statue.

(8) As I recall, approximately in the mid-1980s, the left hand was knocked off. We put a new hand on with rebar extending from the hand and drilled down into the arm. Unfortunately, this has not kept skiers or others from continuing to damage the hand.

(9) In recent years the ski resort put up a barricade behind the statue so skiers couldn't come up behind it and hit it with their ski poles as easily.

(10) But a year ago the snow was so deep that skiers would try to jump the barricade and hit the hand, until part of it was knocked off again.

(11) Bill Glidden and I went back up there this last summer and put the hand back on, but someone has broken it off again.

(12) It seems like the area around the statue—sheltered as it is with trees behind it—is a place to stop and rest for skiers.

(13) We often go up in the summer and pick up debris within fifty yards of the statue. Usually there is a collection of wine bottles, broken glass, and cans.

(14) We also scatter any rocks that folks have piled around the base to discourage them from climbing up on the statue.

(15) It generally takes seven to eight hours to make these trips. Some years it has been less, others more.

(16) There is an amazing view of the valley from the statue—you can see probably twenty-five miles out, including Whitefish Lake and Flathead Lake and a number of small towns.

(17) To me the monument is an important reminder of sacrifices soldiers have made for our country.

(18) I remember clearly hearing from the member from Whitefish who would report on the condition of the statue when I first joined Council 1328 about why the statue was installed.

(19) He said that soldiers fighting in the hills—I mostly heard that this was in Italy—frequently would find memorial statues in the mountains they captured. Some of the soldiers who returned to the Whitefish area wanted to put up a similar statue to honor their comrades who died to stop Hitler and Mussolini.

(20) I have helped maintain the statue for nearly forty years out of respect for those soldiers and as a service to our community.

(21) The statue is an important part of our local history and culture. I have a strong personal interest in seeing the statue stay where it is.

Executed on May 24, 2012.



Gene Thomas