

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

Freedom From Religion Foundation,  
Inc.,

*Plaintiff,*

v.

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

Chip Weber, Flathead National Forest  
Supervisor; and

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

*Defendants.*

**DECLARATION OF RAYMOND LEOPOLD**

I, Raymond Leopold, 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 am a member of Council 1328 of the Knights of Columbus in Kalispell, Montana.

(3) I have owned a home in Flathead County, between Kalispell and Whitefish, since February 2001, and have lived there full time for the last nine years. My address is a Kalispell address as it is serviced by the Kalispell Post Office.

(4) I have been a member of Council 1328 for the last five or six years.

(5) By profession, I am an engineer. I have three university degrees in engineering—a bachelors degree from the United States Air Force Academy, a master's degree from North Carolina State University, and a Ph.D. from the University of New Mexico.

(6) In 1987, I retired from the United States Air Force as a Lieutenant Colonel after twenty-four years of service to our country.

(7) Including my time in the military, I have worked as an engineer for more than forty years, including as a professor at the Massachusetts Institute of Technology, at the United States Air Force Academy, and at George Washington University.

(8) I first learned of the war memorial statue of Jesus that sits atop Big Mountain when I went skiing at the Whitefish Mountain Ski Resort for the first time in 2001.

(9) I became involved with maintenance of the statue after I joined Council 1328 and one of my sons needed a service project as a requirement for earning his Eagle Scout award.

(10) For his service project, my son coordinated efforts with the Council, his scout troop, and the scout district to perform a restoration of the statue.

(11) All of the paint was stripped from the statue. The pedestal had a stucco covering that was falling apart. Because of the way the stucco had been applied, water was gathering on the pedestal beneath the statue and causing damage from

the repeated freezes and thaws. All of the stucco was removed to expose the underlying reinforced concrete, which had been poured to better deflect water.

(12) The Knights of Columbus recruited a local artist, Norm DeForrest, who is also a member of Council 1328, to give the statue a fresh coat of paint, similar to what we had stripped from the statue. I purchased the paint with money provided by the Knights of Columbus and chose the colors of the paints with Norm DeForrest. We used a light blue paint for the robe, a peach color for the skin, black for the hair, red for the heart and hand wounds, purple with gold trim for the tunic, and gray for the pedestal. Norm painted facial features on the statue, while the rest of us concentrated on the rest of the statue. Except for the gold colored paint, the paint we had purchased was a rather expensive epoxy paint which would wear better. I have used the left over paint, which is stored in the Council 1328 storeroom, to touch up the paint over the past several years.

(13) A recurring problem with maintenance of the statue is that the left hand or fingers on the left hand have frequently been broken off by skiers and snowboarders. Most recently Bill Glidden, another Knight, has fabricated a new hand and attached it to the statue.

(14) The statue is approximately six feet tall and stands on a pedestal that is also approximately six feet tall.

(15) Usually in the winter there is enough snow to completely bury the pedestal so that it appears that the statue is a six-foot figure standing on the snow.

(16) Although the statue sits just off the main ski trails, skiers and snowboarders who know about the statue will sometimes ski past the statue and give it a "high five" or whack the statue with their poles.

(17) When the snow is lower, skiers and snowboarders have occasionally been observed building snow ramps to jump and clip the hand.

(18) When I first got involved with the statue, a finger or two was missing. Later the entire left hand was knocked off.

(19) Because of the frequency with which the statue's left hand has been damaged, the Council had a mold built for pouring a replacement hand.

(20) The hand has been replaced several times, with additional efforts made each time to secure the hand more permanently. Unfortunately, this winter the hand was broken again.

(21) I have made plans with other members of the Council to make a trip up to the statue as soon as the mountain is dry enough to repair the hand and perform other maintenance.

(22) I estimate that I have visited the statue fifteen to twenty times to perform maintenance on the statue. On average, each trip has probably taken around six hours, including travel time to the statue. This does not include other time spent planning maintenance or purchasing materials and so forth. The travel distance from my home to the statue and back is approximately 35 miles, with the last couple miles to the statue being on a dirt and gravel road with switchbacks up the mountain.



(23) I particularly remember one visit on September 4, 2010. I had planned on making a last visit to the statue to perform maintenance on that day before winter weather set in. I learned that morning that my mother had just passed away. I knew that would be my last opportunity to visit the statue and weatherize it before winter so I proceeded to the statue that morning with my friend and fellow Knight, Gene Thomas, to complete the maintenance before catching a flight to make arrangements for my mother's funeral.

(24) My wife, five sons, and daughter have all been involved in maintaining the statue, along with scout leaders, other Knights of Columbus, and members of the community generally.

(25) The statue's pedestal is solid concrete reinforced with steel rebar. It is not at all clear how the statue is affixed to the pedestal, but I can assert that it is very solidly affixed, as I have held on to it as I have worked on the statue and it doesn't budge even with my 200 pounds yanking and weighing on it from every angle.

(26) It is also not clear whether the pedestal sits upon a footing, but given that the statue does not appear to have moved or settled unevenly in over fifty-six years, I would be surprised if there is not a significant footing beneath the pedestal. I also don't know how the pedestal is attached to the footing(s), but however it is attached it has been done quite solidly, as the statue and pedestal are solidly affixed and nothing shows any sign of movement.

(27) The statue itself appears to be made of heavy stone-like material which has weathered nearly six decades of extreme weather on the mountain. The statue

is unquestionably very heavy, and there is no portion of the statue which lends itself to being attached to a lifting device that could sustain its weight.

(28) I have serious doubt that there would be any way to remove the statue without severely damaging it.

(29) It would be an enormous loss to me and my family—and I believe also to our community—if the statue were taken down.

(30) The statue not only has significant meaning for me and my family as a historic landmark that we have worked hard to preserve. The statue also bears special significance for us as a memorial to soldiers who have given their lives for our country in World War II and at other times.

(31) By helping maintain the statue, I have tried to teach my children sincere love and respect for this country and those who defend it.

(32) I know that members of our community have similar feelings about the statue and are proud to have it as one aspect of our community's history and culture.


(33) I recently attended a political event in support of keeping the statue in its present location. It was the first time I have participated in any political gathering like that. I was very pleasantly surprised to find people there from all walks of life and from across the economic spectrum—all talking about the statue's importance to them as a piece of our community history and culture.

(34) My main concern in attending the event was that public controversy about the issue might increase the risk of vandalism to the statue. The only comment I

made at the event was to encourage people to keep an eye out for potential vandalism.

(35) I believe that my interest in keeping the statue in place is unique from any interest the Forest Service may have in allowing the statue to remain.

Executed on May 25, 2012.



Raymond J. Leopold