

The *Bladensburg Cross* Case

Case Name: *The American Legion v. American Humanist Association*

U.S. Supreme Court Oral Arguments Date: Feb. 27, 2019

Significance: Whether a 94-year-old memorial to the fallen of World War I is unconstitutional merely because it is shaped like a cross.



Background: Alliance Defending Freedom filed a friend-of-the-court brief with the U.S. Supreme Court on behalf of retired Major General Patrick Brady, a Medal of Honor recipient and one of the most decorated soldiers in American history, plus seven veterans groups representing thousands of living veterans. The brief supports the American Legion’s efforts to protect a World War I memorial in Bladensburg, Maryland, which the American Humanist Association wishes to either uproot or destroy merely because the memorial is in the shape of a cross. Originally funded by private dollars and placed on private land, the memorial became a historical site in a busy, public intersection. Because it’s shaped like a cross, the American Humanist Association sued to remove it, and the Fourth Circuit found the memorial to be unconstitutional, suggesting the cross should be removed or that its arms should be chopped off. But the American Legion asked the Supreme Court to take the case and overturn that lower court decision. The Supreme Court agreed.

A friend-of-the-court brief authored by ADF and K&L Gates asks the Court to ensure that “existing memorials are undisturbed and protected as public monuments to venerate the honor, valor, and sacrifice of those who have died in service to this country.” The brief further argues that “[r]emoving the Bladensburg Memorial would not further Respondents’ religious liberty. It would only show disrespect for the brave servicemembers the cross was meant to honor.”

Key Points

- Someone’s offense at a veterans’ memorial does not amount to a constitutional crisis.
- The First Amendment protects religious expression and promotes government’s acknowledgement of the role faith plays in the American lives. It does not banish religious symbolism from the public square.
- Removing the Bladensburg memorial would not advance anyone’s religious liberty, and would only show disrespect for the brave servicemembers the cross was meant to honor.

Key Facts

- The Bladensburg memorial honors, name-by-name, the 49 soldiers from Prince George’s County, Maryland, who died in World War I.
- Removing the Bladensburg memorial on establishment of religion grounds would have implications for historic landmarks and memorials across the nation—including at Arlington National Cemetery and several monuments honoring fallen soldiers maintained by veteran’s groups who joined the friend-of-the-court brief.

The Bottom Line: Bladensburg’s Peace Cross honors veterans who gave everything to serve their country, but one group’s displeasure over the monument’s shape can’t diminish their sacrifice or dismantle their memory.