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U.S. Supreme Court rules WWI cross memorial does not violate the First Amendment

(Alexandria, VA) – The Supreme Court announced Thursday that the WWI memorial known as the Bladensburg Cross, or Peace Cross, does not constitute establishment of religion and therefore does not violate the First Amendment.

The American Legion, represented by First Liberty Institute, asked the Supreme Court to overturn the U.S. Court of Appeals for the Fourth Circuit which had declared the cross unconstitutional. The American Civil Rights Union filed an amicus brief in this case asking the Court to protect the memorial.

The 7-2 decision allows the memorial to stand unaltered on public property. Justices Ruth Bader Ginsburg and Sonia Sotomayor dissented, and Justice Samuel Alito offered the majority opinion.

“This is an important day for religious liberty in our country. The Court has dealt a blow to those who wish to remove all references of religion in the public square. Our founders never intended for us to erase our heritage or faith,” stated Susan Carleson, President of the American Civil Rights Union.

The Bladensburg Cross is a war memorial erected in 1925 to honor men from Prince George’s County, Maryland, who died serving in World War I and are buried overseas. Their bereaved mothers and the American Legion erected the monument. Those Gold Star mothers chose the shape of the memorial to match the crosses that marked countless American graves on the Western Front of that war.

While the memorial is in the shape of a cross, it also bears a list of the 49 sons of Prince George’s County. An inscription reads “The Memorial Cross Dedicated to the Heroes of Prince George’s County Who Gave Their Lives in the Great War for the Liberty of the World.”

“The cross is undoubtedly a Christian symbol, but that fact should not blind us to everything else that the Bladensburg Cross has come to represent,” Justice Samuel Alito wrote in the opinion.

The Memorial stood peacefully until February 2014, when the atheist American Humanist Association and others filed a lawsuit in federal court challenging its constitutionality. The district court rejected the challenge, but the Fourth U.S. Circuit Court of Appeals reversed the decision and held that the sectarian elements, specifically “the immense size and prominence of the Cross,” overwhelmed the secular elements and represented an unconstitutional government endorsement of religion.

If the Fourth Circuit’s decision had been permitted to stand, the Memorial would have been removed or defaced. The Supreme Court’s strong decision has implications for many such cases and will likely lead to the preservation of other historic monuments nationwide.