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ESTABLISHMENT CLAUSE - UNITED STATES

American Legion v. American Humanist Association

Supreme Court of the United States - June 20, 2019 - S.Ct. - 2019 WL 2527471

Organization and individual residents brought § 1983 action against Maryland-National Capital Park and Planning Commission, alleging that the prominent display of a 32-foot tall Latin cross on public land, which was erected as a memorial to area soldiers who died serving in World War I, as well as the Commission's ownership and maintenance of the memorial, violated the First Amendment's Establishment Clause. Veterans organizations intervened as defendants.

The United States District Court for the District of Maryland granted summary judgment to defendants, and plaintiffs appealed. The United States Court of Appeals for the Fourth Circuit reversed and remanded. Following the denial of rehearing en banc, certiorari was granted.

The Supreme Court held that the cross did not violate the Establishment Clause.

Where categories of monuments, symbols, and practices with a longstanding history follow in the tradition of the First Congress, in demonstrating respect and tolerance for differing views, engaging in an honest endeavor to achieve inclusivity and nondiscrimination, and recognizing the important role that religion plays in the lives of many Americans, they are likewise constitutional under the Establishment Clause.

A 32-foot tall Latin cross sitting on a tall pedestal on public land, which was erected as a memorial to area soldiers who died serving in World War I, did not violate the Establishment Clause; although the cross was undoubtedly a Christian symbol, it had taken on an added secular meaning as a symbol of the sacrifice of American soldiers killed in the war, it also had acquired additional layers of historical meaning in subsequent years, as it now stood among memorials to veterans of later wars, there was no evidence of discriminatory intent in the selection of the design of the memorial or the decision of state agency to maintain it, and its removal or radical alteration would be seen by many not as a neutral act but as the manifestation of a hostility toward religion.