



(Left to Right: Medal of Honor recipient and Marine listed on the Bladensburg World War I Veterans Memorial, Captain Henry Lewis Hulbert; the Bladensburg World War I Veterans Memorial; African-American soldier, Private John Henry Seaburn, Jr., honored by the Bladensburg World War I Veterans Memorial. Photo may be used with credit to, “First Liberty Institute” or “FirstLiberty.org”)

The American Legion Files Brief at the U.S. Supreme Court in Defense of the Bladensburg WWI Veterans Memorial it Built

Attorneys with First Liberty Institute ask Justices to preserve the 93-year old memorial, and others like it across the country

WASHINGTON, D.C.— Today, attorneys with First Liberty Institute and Jones Day, jointly representing The American Legion in *The American Legion, et al. v. American Humanist Association, et al.*, urged the Supreme Court of the United States to protect the Bladensburg WWI Veterans Memorial in Prince George’s County, Maryland. Today’s brief argues that the nearly 100-year-old memorial is constitutional and discusses whether the so-called “*Lemon* test” should be abandoned.

A copy of the brief can be found [here](#):

“The Supreme Court should honor the way Gold-Star mothers chose to remember the service and sacrifice of their sons who died defending our freedom,” said Kelly Shackelford, President and CEO of First Liberty. “If this gravestone is bulldozed to the ground, it’s only a matter of time before the wrecking ball turns on Arlington National Cemetery and the hundreds of memorials like this one across the country.”

Michael Carvin, lead counsel for the case, partner at Jones Day, and First Liberty network attorney, said, “We should all seek to preserve and honor the way these Gold-Star mothers and The American Legion chose to remember the service and sacrifice of the 49 fallen servicemen of Prince George’s County.”

As today's brief explains, the Bladensburg World War I Veterans Memorial is a cross-shaped memorial erected in 1925 by The American Legion to honor 49 Prince George's County men who gave their lives while serving in WWI. Mothers who lost their sons in World War I designed the memorial to recall the cross-shaped grave markers standing over the countless American graves on the Western Front of that war. For more than 90 years it memorialized the service and sacrifice of those 49 men without complaint. But in 2017, the U.S. Court of Appeals for the Fourth Circuit declared that the memorial violates the Establishment Clause of the First Amendment to the U.S. Constitution.

Moreover, the brief suggests that the so-called "*Lemon*" or "endorsement" test ought to be abandoned and replaced with a more historically-grounded test that protects religious liberty by preventing the suppression and compulsion of religious exercise.

"When our brothers at The American Legion erected this memorial in 1925, it was to prevent all of us from forgetting something we cannot see: the service and sacrifice of those who died defending freedom," Brett Reistad, the National Commander of The American Legion said. "This memorial is a fixed reminder of 49 men who gave everything to preserve our freedom."

Oral arguments in the case are expected in the early spring of 2019. To learn more, visit FirstLiberty.org/Bladensburg.

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About First Liberty Institute

[First Liberty Institute](http://FirstLiberty.org) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

To arrange an interview, contact Lacey McNiel at media@firstliberty.org or by calling 972-941-4453.