

American legion v. American Humanist Association

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Introduction

The case is about the First World War Peace Cross meant to commemorate the fallen soldiers. The cross is located in Memorial Park in the county of Prince George. The large cross, which was constructed by the American Legion, is made up of white stone with the logo of the Legion on both of its sides. The base has a tablet with 49 names of county residents who perished during the First World War and inscriptions of martial virtues (i.e., Courage, Endurance, Valor and Devotion). Even though there are several monuments in the park, the cross stands separately at a busy junction, 200 feet away from the closest memorial. For several years, the cross has been a place for numerous Veteran and Memorial Day Commemorations with traditional summons and benedictions. In 1961, the Commission of Maryland changed cross' title because they were worried about the traffic safety of its residents. Since 1961, the state commission has spent about 117,000 dollars for the maintenance of the cross, and in 2008, they spent \$100,000 for the repair of the monument. The American Humanist Association and some dwellers of the Prince George's county sued the commission claiming that the commission's maintenance and display of the cross depict its endorsement to a particular religion, which is against the Establishment clause of the American Constitution. The appellant believed that a more fitting symbol of the sacrifices of veterans would be a more appropriate symbol of the country, rather than a religion-affiliated icon (Cockle Legal Briefs, n.d.).

Does the monument (i.e., the cross) contravene with the establishment clause since it is perceived as a government endorsement of a specific religion?

The First Amendment related to religion obliges the government to be neutral to religions. The Amendment has two provisions linked to religion, and they include; the Free

Exercise Clause and the Establishment Clause. In regards to the Establishment Clause, the American government is not allowed to endorse itself with a particular religion. Currently, a three-part assessment put forth by the American Supreme Court case; “Lemon v Kurtzman, 403 U.S. 602 (1971)” determines the establishment of religion. The Lemon test ascertains that the government is authorized to assist a religion on the condition that the key objective of helping out is secular if the assistance doesn't inhibit or promote a particular religion, and if there is an absence of extreme entanglement between the state and church. In response to the Free Exercise Clause, citizens are allowed to practice any religion as long as their deeds do not defy the public morals or are against the enforcement of governmental interests (United State Courts, n.d.).

The government did not defy the establishment clause since the monument's history, physical setting, and usage are undeniable. In this case, the monument was built to commemorate the soldiers who perished during the First World War, as it is clearly written on the tablet placed on its base. Besides, President Woodrow Wilson's quotation is also included on the tablet. Woodrow stated that the right of an individual is more valuable than peace, and the Americans shall always fight for their most precious things. Besides, the front and back side of the monument's plaque is inscribed with four non- religious words, and they include; Courage, endurance, valor, and devotion. Thus, the monument acts as a reminder of the war, which is critical in American history. Besides, as it is located in the Veterans Memorial Park along with other secular monuments, it corresponds to the Lemon test's second objective. Also, the Commission used the monument for secular purposes (Shackelford, et- al, 2018).

The respondents, i.e., the American legion ascertained that the private sponsors' motive in the construction of the monument could not be linked to the government purpose of its acquisition. In other words, the government's acceptance of the monument does not necessarily

mean it is endorsing a specific objective of the donor. Therefore, even if the constructor's intention was to build a religious monument, the motives would not be part of the constitutional decision of the commission to maintain the cross after its acquisition. Respondents ascertained that crosses were utilized worldwide to symbolize the losses brought about by the First World War, and turned out to be a cultural image of a battleground (Shackelford, et- al, 2018).

The respondents further argued that the cross is situated 40 miles away from four other cross-shaped monuments that were built during World War I. Two of the four monuments are located in Arlington. In addition, the respondents affirmed that plaintiff's argument on the invitation of a priest by the commission to conduct prayers during memorial and veteran day is irrelevant and unremarkable. The Plaintiff's argument is unremarkable because military events just like other secular events in the country always incorporate prayers. In fact, the army of the United States has publicized official guidelines for employing prayers in military events. The plaintiff's argument is irrelevant because, as identified in the "Town of Greece v. Galloway, 134 S. CT. 1811 (2014)," the inclusion of prayers in secular events does not make it a religious ceremony. Thus, the Memorial and Veteran days are not much religious compared to legislative gatherings of the American Congress or the Town of Greece's town council meeting (Shackelford, et- al, 2018).

On the contrary, the plaintiffs argued that the government's possession of the monument is an infringement of the Establishment Clause because the cross (with the Latin inscription), which is a symbol of Christianity means that the government values Christianity more than other religions. The constitution recognizes the power of symbol as an effective way of conveying certain ideas. Besides, the cross is not a general symbol of death, and, therefore, it is not perceived as a war memorial but rather a monument that commemorates Christians who perished

during the First World War. The government's utilization of a Christian symbol as a way of honoring the veterans conveys a strong message of exclusion and endorsement. Besides, the non-Christians would perceive it as disrespectful. Furthermore, this shows that the government is attached to a specific religion to the extent that it treats the cross (a religious symbol) as a universal symbol. For instance, a humanist veteran, Torpy Jason ascertained that his military service and the services of non-Christians are disrespected and disregarded when a cross affiliated to Christianity is placed on a public memorial (Cockle Legal Briefs, n.d.).

The Appellants argued that the cross is not located in a place where an individual could easily park, walk to it and read the inscriptions on the plaque. Instead, it is located in a highway where passers-by are unlikely to read the writings on the plaque. Also, the American Legion is worn out and small compared to the size of the cross. Besides, the bushes have covered the plaque, which has much of the secular “history” The petitioners argued that Christians expressed the need for the Cross to stay intact because of its religious significance. They further argued that even the Legion wrote that the purpose of the religious imagery on the veterans’ monuments is to acknowledge that most individuals who value the monument put their hopes in God or religious sentiment (Cockle Legal Briefs, n.d.).

References

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