



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

Attorney-client privilege / confidential

March 15, 2018

The Hon. Brian Frosh
Maryland Attorney General
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, MD 21202

Re: American Humanist Association, et al v. Maryland-National Capital Park and Planning Commission, et al.

Dear Brian:

Article V, § 3(a)(2), of Maryland's Constitution provides that you shall undertake any civil action in any of the federal courts as I shall direct. On March 1 the U.S. Court of Appeals for the Fourth Circuit denied the *American Humanist Association v. Maryland-National Capital Park and Planning Commission* appellees a rehearing *en banc*. The appellees have publicly stated intentions to appeal the decision to the U.S. Supreme Court. I direct that, if they do so, you file an amicus curiae brief for the State in support of the petition for certiorari.

The State has a clear interest in the case. As observed by Judge Niemeyer — formerly of Maryland's federal district court — the decision has “far-reaching and unnecessary consequences,” and needlessly risks “hundreds of monuments with similar symbols standing on public grounds” including the Wayside Cross in Towson and Victory Cross in Baltimore.

As you are aware, Maryland has unique military contributions and prominence. Our capital hosts the U.S. Naval Academy, the graduates of which have fought on the seas for more than 170 years. From the American Revolutionary War to Afghanistan and elsewhere overseas, Maryland's citizens have valiantly laid down their lives for their country throughout its history.

The court's ruling threatens centuries of our state's endeavors to recognize, celebrate, and memorialize this history and our citizens' sacrifices. The U.S. Constitution does not require that these efforts be undone or monuments to our soldiers be desecrated. The State must, as amicus curiae, present its views to the U.S. Supreme Court, and it is my direction that you dedicate your experienced and skilled team to the task. Thank you for your attention to this matter.

Sincerely,

Larry Hogan
Governor