

DEPARTMENT OF THE ARMY

COMPLETE STATEMENT

OF

MR. JOHN CHARLES METZLER, JR.

SUPERINTENDENT OF ARLINGTON NATIONAL CEMETERY

BEFORE

THE SUBCOMMITTEE ON DISABILITY AND MEMORIAL AFFAIRS

COMMITTEE ON VETERANS' AFFAIRS

UNITED STATES HOUSE OF REPRESENTATIVES

ON

LEGISLATIVE PROPOSALS

April 6, 2006

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Mr. Chairman and distinguished members of the Subcommittee:

INTRODUCTION

Thank you for the opportunity to testify before this subcommittee to present the Department of the Army's views on H.R. 5037 that would impact Arlington National Cemetery, if enacted into law. I am testifying on behalf of the Secretary of the Army, who is responsible for operating and maintaining Arlington and Soldiers' and Airmen's Home National Cemeteries, as well as making necessary capital improvements to ensure their long-term viability.

Arlington National Cemetery is the Nation's premier military cemetery. It is an honor to represent this cemetery and the Soldiers' and Airmen's Home National Cemetery. On behalf of these two cemeteries and the Department of the Army, I appreciate the support Congress has provided over the years.

In FY 2005, there were 4,005 interments and 2,563 inurnments at Arlington National Cemetery.

H.R. 5037

H.R. 5037 would prohibit certain demonstrations at national cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, to include picketing, oration before an assembled crowd, displaying placards and distributing certain forms of written material, on cemetery property. The bill would also prohibit, within 500 feet of a cemetery one hour before through one hour after a funeral or memorial service or ceremony, demonstrations that include any individual willfully making or assisting in the

making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral or memorial service or ceremony. Additionally, H.R. 5037 would allow whoever violates this prohibition to be fined, imprisoned for not more than one year, or both. The Army supports the concept of this legislative proposal, as it pertains to Arlington National Cemetery, because it will help to protect the sanctity of the cemetery and the ceremonies held upon its hallowed grounds.

Demonstrations at Arlington National Cemetery have been a part of the history of the Cemetery since at least the Vietnam War. Because of our urban location in the heart of our Nation's Capital, Arlington National Cemetery frequently becomes a rallying point for groups wishing to express their opposing views and opinions particularly regarding our Nation's military policies. For this reason, certain conduct within the Cemetery grounds is prohibited under Title 32 of the Code of Federal Regulations, section 553.22(f). The purpose of this regulation is to ensure that proper standards of decorum and decency are maintained at all times within the Cemetery grounds. Arlington National Cemetery imposes this prohibition, together with other visitors' rules, to prevent disruptive behavior that could violate the sanctity and dignity of our daily mission -- to bury our military dead. This prohibition also covers memorial services and other ceremonies when our Nation comes together at Arlington National Cemetery to remember the deeds and sacrifices of the brave men and women who served honorably in our Armed Forces.

The regulatory prohibition mentioned earlier and visitors' rules for Arlington National Cemetery have, in my opinion, adequately addressed potential demonstrations and disruptive behavior in the past. Nonetheless, the Army endorses any proposed change, within constitutional limits, that would further enhance the Cemetery's ability to ensure that all funerals, memorial services and other ceremonies performed at Arlington are dignified and not violated by protests, demonstrations, or acts of civil disobedience.

Mr. Chairman, this concludes my testimony. I will be pleased to respond to questions from the Subcommittee.