

April 6, 2006

Jeff Miller  
U.S. House of Representatives  
Committee on Veterans' Affairs  
335 Cannon House Office Bldg.  
Washington, D.C. 20515

Testimony in support of H.R. 5037

Testimony in favor of a proposed measure necessarily ordinarily consists of an explanation of the benefit to be obtained and a response to possible objections. Testimony in favor of H.R. 5037 must therefore be brief and limited. The benefit to be obtained, a peaceful and dignified graveside funeral service, is self-explanatory and evident, and it is difficult to conceive of a reasonable objection. Little can be less controversial or subject to objection than that the family and friends of a person who died in the military service of his or her country should be entitled to honor their lost relative or friend in a respectful service uninterrupted by any sort of interfering demonstration. Surely the least we owe our fallen soldiers and their family and friends is effective action by Congress to prevent such interference.

I have no doubt that Congress can and should provide the protection H.R. 5037 intends. I recommend, however, that the provision authorizing the cemetery superintendent to approve demonstrations be deleted or that content-neutral grounds for approval or disapproval be stated in order to remove the otherwise likely vulnerability of the law to challenge on First Amendment grounds.

Respectfully submitted,

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