

112TH CONGRESS
1ST SESSION

H. R. 3755

To amend title 38, United States Code, to prohibit demonstrations at places of mourning during a funeral, memorial service, or other bereavement ceremony honoring a deceased veteran.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2011

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to prohibit demonstrations at places of mourning during a funeral, memorial service, or other bereavement ceremony honoring a deceased veteran.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom to Mourn
5 in Peace Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The greatness of America is measured in
2 many ways but nowhere is it better reflected than in
3 the costs paid by the men and women who volun-
4 tarily assumed the risk of defending the freedoms
5 guaranteed by the Constitution and who, without re-
6 luctance or mental reservation, made the supreme
7 sacrifice for their country.

8 (2) It is altogether fitting and proper for the
9 friends and families of those fallen in battle to be
10 able to mourn their loss in peace and take comfort
11 and pride in the consolation that comes from the
12 certain knowledge that they laid so costly a sacrifice
13 on the altar of freedom.

14 (3) That to secure this temporary but hallowed
15 moment of peace, reflection, and healing, it is appro-
16 priate to place reasonable restrictions on those indi-
17 viduals and groups who seek to use the occasion of
18 a funeral, burial, or memorial service of a veteran to
19 stage a public demonstration intended to turn a pri-
20 vate gathering of private persons into a public spec-
21 tacle for the unconscionable purpose of attracting
22 public attention and gratuitously inflicting unneces-
23 sary emotional pain on the deceased veteran's fami-
24 lies and friends.

1 (4) Funerals, memorial services, and bereave-
2 ment ceremonies are special events warranting spe-
3 cial respect for the deceased and due regard for the
4 emotional well-being of the bereaved whose memories
5 of the final moments before their loved one is laid
6 to rest may be permanently stained were the occa-
7 sion allowed to be exploited by others for the pur-
8 pose of attracting public attention by the intentional
9 infliction of emotional distress on the loved ones of
10 the deceased.

11 (5) The First Amendment that veterans risked
12 their lives to defend and preserve is broad and
13 strong enough to protect vigorous and robust public
14 debate on public issues and generous enough to ac-
15 commodate the natural desire and need of relatives
16 and loved ones to be free to mourn their loss in
17 peace.

18 **SEC. 3. PROHIBITION ON DEMONSTRATIONS WHERE FU-**
19 **NERALS, MEMORIAL SERVICES, AND CERE-**
20 **MONIES FOR VETERANS ARE HELD.**

21 (a) IN GENERAL.—Section 2413 of title 38, United
22 States Code, is amended to read as follows:

1 **“§ 2413. Prohibition on demonstrations where a fu-**
2 **neral, memorial service, or other bereave-**
3 **ment ceremony for a veteran is held**

4 “(a) PROHIBITION.—No person may carry out—

5 “(1) a demonstration on the property where a
6 funeral for a veteran is held unless the demonstra-
7 tion has been approved by the cemetery super-
8 intendent or the owner of the property on which the
9 funeral is held; or

10 “(2) with respect to such a cemetery or other
11 property on which a funeral is held, a demonstration
12 during the period beginning 60 minutes before and
13 ending 60 minutes after such funeral, any part of
14 which demonstration—

15 “(A)(i) takes place within 150 feet of a
16 road, pathway, or other route of ingress to or
17 egress from such cemetery or other property;
18 and

19 “(ii) includes, as part of such demonstra-
20 tion, any individual willfully making or assisting
21 in the making of any noise or diversion that
22 disturbs or tends to disturb the peace or good
23 order of the funeral; or

24 “(B) is within 1,000 feet of such cemetery
25 or other property and impedes the access to or
26 egress from such cemetery or other property,

1 if there is visible, at each place that is at the applicable
2 distance specified in this sentence from such cemetery or
3 other property, a sign which clearly and conspicuously
4 states that a funeral will be held on such cemetery or other
5 property and so states the time interval during which the
6 funeral will be held.

7 “(b) DEFINITIONS.—For purposes of this section:

8 “(1) The term ‘demonstration’ includes the fol-
9 lowing:

10 “(A) Any picketing or similar conduct.

11 “(B) Any oration, speech, use of sound
12 amplification equipment or device, or similar
13 conduct that is not part of a funeral.

14 “(C) The display of any placard, banner,
15 flag, or similar device, unless such a display is
16 part of a funeral.

17 “(D) The distribution of any handbill,
18 pamphlet, leaflet, or other written or printed
19 matter other than a program distributed as
20 part of a funeral.

21 “(2) The term ‘funeral’ includes a memorial
22 service or any other bereavement ceremony honoring
23 a veteran.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by striking

- 1 the item relating to section 2413 and inserting the fol-
- 2 lowing new item:

“2413. Prohibition on demonstrations where a funeral, memorial service, or other bereavement ceremony for a veteran is held.”.

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