

111TH CONGRESS
2^D SESSION

H. CON. RES. 261

Expressing the sense of Congress that the Supreme Court should uphold laws that allow the families and friends of fallen members of the Armed Forces to mourn their loved ones in peace and privacy.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2010

Mr. BOCCIERI submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Supreme Court should uphold laws that allow the families and friends of fallen members of the Armed Forces to mourn their loved ones in peace and privacy.

Whereas members of the Armed Forces who are killed in combat, die from wounds incurred in combat, or otherwise die in the line of duty lay down the ultimate sacrifice for the safety of the United States;

Whereas the families and friends of these brave men and women have the right to mourn their loved ones in peace and privacy;

Whereas families at military funerals have been subject to offensive and disruptive shouting and picketing that deprives them of that right;

Whereas the protestors of Westboro Baptist Church engage in offensive and disruptive demonstrations at military funerals, holding signs that read, “Thank God for Dead Soldiers” and “Soldiers Die God Laughs”;

Whereas 41 States have enacted laws that protect the peace and privacy of grieving military families by shielding them from protestors at the funerals and memorial services of their loved ones;

Whereas the 109th Congress passed, with overwhelming bipartisan support, the Respect for America’s Fallen Heroes Act (Public Law 109–228), which requires protestors to remain a respectful distance from a funeral or memorial service at a cemetery under the control of the Federal Government;

Whereas the Respect for America’s Fallen Heroes Act reaffirmed the commitment of the United States to honor those who have sacrificed their lives for the safety of the people of the United States;

Whereas the Supreme Court announced on March 8, 2010, that they will review the case *Snyder v. Phelps*, No. 09–751, in which the Court will decide whether laws that limit the speech of protestors in order to protect the peace and privacy of grieving military families may be upheld under the First Amendment to the Constitution;

Whereas the Supreme Court, in *National Archives and Records Administration v. Favish*, 541 U.S. 157 (2004), declared that “family members have a personal stake in honoring and mourning their dead and objecting to unwarranted public exploitation that by intruding upon their own grief, tends to degrade the rites and respect

they seek to accord to the deceased person who was once their own”;

Whereas the Supreme Court, in *Hill v. Colorado*, 530 U.S. 703 (2000), ruled that limitations on speech may restrict the time, place, and manner of speech to protect the public from confrontational and harassing conduct; and

Whereas a military funeral or memorial service is never the appropriate time or place for protest, and protest at a military funeral or memorial service is never an appropriate manner of exercising free speech: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That it is the sense of Congress that the Su-
 3 preme Court should uphold laws that allow the families
 4 and friends of fallen members of the Armed Forces to
 5 mourn their loved ones in peace and privacy.

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