

Senator Olympia J. Snowe

IN SUPPORT OF THE “SERVE” ACT OF 2011
THE SENATE COMMITTEE ON VETERANS AFFAIRS
U.S. Senator Olympia J. Snowe
JUNE 8, 2011

Thank you, and I ask unanimous consent to include a longer statement for the record.... Madam Chair, Ranking Member Burr, members of the Committee, let me begin by thanking you for reviewing my bill, the Sanctity of Eternal Rest for Veterans, or “SERVE” Act of 2011 -- to protect the rights of families to mourn the loss of a loved one at a military funeral with the dignity and solemnity appropriate to the occasion. And Chair Murray, I just want to say at the outset what a milestone you have established as the first woman chair of this Committee, not to mention the first woman to serve on the committee, and I congratulate you.

I also have joining with me today one of my constituents, Zach Parker, a senior at Searsport District High School in Maine, who truly became a catalyst for the introduction of this bipartisan bill -- which I’m pleased to report now has 25 cosponsors, nearly equally divided between Democrats and Republicans. As was reported in one Maine newspaper, Zach and his classmates were each assigned “to research a political or social issue and then act upon it”...and act upon it he did!

On January 5th of this year, to raise awareness about the imperative of proper decorum and respect at military funerals, Zach arranged a public seminar that drew 400 individuals on a cold Maine night, and garnered broad attention not just in Maine but nationwide. So I want to personally thank you, Zach, for your patriotic initiative, and for being here with us today. Your inspirational love of country and vigilant advocacy for our bravest and finest in uniform speak well – not just of you and your generation – but the future of America.

As all of us here have attended services for those who have perished in Iraq and Afghanistan, without question we would all agree that those who fight and die serving our country in defense of our Constitution and the principles we cherish...heroic men and women embodying the noblest courage and a boundless love of country...deserve our utmost deference, reverence, and gratitude. And for the families they leave behind – who are the lynchpins in allowing our brave men and women to perform the duties they’ve sworn to our nation -- it is painful enough to lose a son or daughter, without then having to confront detestable and distasteful protests that exponentially compound their agony and anguish. Indisputably, these families have more than earned the right to bury their loved ones in peace, with the veneration the ceremony commands.

So it was beyond horrific what the family of Lance Corporal Matthew Snyder was forced to endure in 2006, when they were subjected to inhumane protestations just outside the church where their one and only opportunity to say goodbye to their beloved Matthew was taking place. That family had no choice – no chance to fight back – no option to move to another location...no recourse at a moment in time they could never recapture. But that family was determined not to let this injustice stand. So they sued the protesters, and eventually their case was heard by the Supreme Court.

Regrettably, the Court ruled in favor of the protesters, citing free speech protection under the First Amendment. But there should be no mistake -- that decision does not mean that preserving both freedom of speech and the sanctity of a military funeral are mutually exclusive. To the contrary, the ability to vigorously express opinions – an ideal for which our soldiers have fought and died through centuries – need not and should not come at the expense of the families of those very soldiers. In fact, the Supreme Court only addressed the right to protest – leaving open the question of where and when protests may take place, and providing the genesis of our legislation.

What the SERVE act does is to build off federal law enacted in 2006 that established buffer zones of 150 feet from the service and 300 feet from the roads to and from a military funeral. However, that law only covered funerals at federally-administered cemeteries, which would have excluded the Snyder family – and that is why we provide a uniform zone of protection around civilian as well as federal locations where funerals are taking place.

Specifically, based on a wide variety of statutory provisions that are already in law in 43 states, our bill increases quiet time before and after military funerals from 60 minutes to 120 minutes... increases the buffer around a military funeral from 150 feet -- which is approximately from here to the end of the building on C Street, which is virtually no buffer at all – to 300 feet ... and increases from 300 feet to 500 feet the buffer around access routes to a funeral service area, as at least 20 states currently have in place. Moreover, for the first time we provide for civil penalties, as a deterrent and to allow immediate family members as well as the U.S. Attorney General to sue violators for monetary damages up to \$50,000. What we do not do in our bill is dictate the content of any speech.

Madam Chair, a military funeral is a one-time event for the survivors – there are no “do-overs” for something so solemn and heartbreaking for grieving families. That is why this bill has been endorsed by 35 veterans service organizations including the Military Coalition, the VFW, the American Legion, and the Gold Star Wives.

As Zach has said, “this is about the people who sacrifice their lives to serve this country...I’m going to fight the fight and see what we can get accomplished.” Madam Chair...Ranking Member Burr...this is a battle we should all feel obliged to wage and I hope this Committee will provide its full support to this bill that honors America’s true heroes and their families to whom we owe a debt of gratitude we can never fully repay, but must never, ever forget. Thank you.