



NEW YORK STATE SENATOR

Martin J. Golden

Senate Gives Final Legislative Approval to Bills Limiting Military Funeral Protests

MARTIN J. GOLDEN June 17, 2011

Albany- State Senator Martin J. Golden (R-C-I, Brooklyn) joined his colleagues in the New York State Senate yesterday in giving final legislative approval to two measures that offer additional buffers and restrictions for protests or demonstrations seeking to disrupt military funerals, burials or memorial services. The bills balance the constitutional right of free speech with the ability of families to respectfully mourn the individuals who gave their lives in service to our country.

“Exercising free speech is an American right, but it is a tremendous misuse of that freedom to use the funerals of our veterans as a vehicle for protests that do nothing but add to the grief and sorrow of military families,” said Senator Marty Golden. “Grieving military families shouldn’t be the target of a political demonstration.”

“The grieving families of the men and women who have died in the line of duty have already made a tremendous sacrifice,” Senate Majority Leader Dean G. Skelos said. “Those who seek to cause additional distress through disruptive protests is dismaying, but legal. These bills provide sensible restrictions and protections to help families and friends honor our state’s fallen heroes.”

A recent U.S. Supreme Court decision recognized that persons who protest at funerals of military personnel have constitutional rights, but also that states have a compelling interest in protecting the family and friends of deceased military personnel while they are mourning at such events. This prompted Senator Lee Zeldin to propose the Specialist Thomas J. Wilwerth Military Dignity Act this past March. Specialist Wilwerth was an Iraq War Veteran who lost his life in combat in 2006.

Senator Griffo introduced a companion bill designed to ensure that military families already reeling from grief are not faced with insults and protests, and both bills were passed by the Senate on March 14, 2011. The bills were amended and passed the Assembly on June 6, 2011.

The bill sponsored by Senator Zeldin and co sponsored by Senator Golden (S.3901A) requires the development and implementation of a permit process for demonstrations at veteran and veteran family member funerals, and authorizes the imposition of fines for failure to comply with the permit provisions.

The bill sponsored by Senator Griffo (S.5605) triples the buffer zone distance for protests around a religious service, funeral, burial or memorial service from 100 feet to 300 feet. Senator Golden also supported this legislation. The bills will be sent to the Governor.