

**NINETY-EIGHTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
Cincinnati, Ohio
August 30, 31, September 1, 2016**

**Resolution No. 108: Support for Legislation Prohibiting Hate Speech at Military Funerals
Origin: Maryland
Submitted by: Convention Committee on National Security
(As amended)**

WHEREAS, Since its creation, the United States has honored its war dead by a sacred tradition of military funerals, and continues to treat its war dead with sanctity, dignity and honor, and recognizes the ultimate sacrifice made to protect, defend, and preserve the freedoms and way of life in the United States; and

WHEREAS, Certain groups oppose various policies of the United States, particularly the armed conflicts in Iraq and Afghanistan, and protest those policies at the time and location of military funerals of servicemembers who were killed in combat or who died from battle wounds; and

WHEREAS, Such protests have included chants against the President, the United States and its armed forces; laced with profanity, insults to the deceased servicemember, and his or her family, desecration of the Flag of the United States, and other sacred symbols of our country; and

WHEREAS, Such protests at military funerals have led to confrontations between protestors and family or community members including members of veterans organizations who vociferously oppose the positions advanced by the said protestors, and who support and honor the soldiers, sailors, airmen, Marines and others serving in the armed forces; and

WHEREAS, These protests are targeted at the deceased servicemember and their families and can be considered hate speech; and

WHEREAS, These protests interfere with the bereaved family's grieving process during the mourning period in connection with funerals administered by the United States Armed Forces and Congressionally chartered veterans organizations thereby violating Title 18 USC 13§ 245 Federally Protected Activities 1(b), which states, "Whoever attempts to interfere with any person participating in any service or activity provided or administered by the United States... shall be fined under this title, or imprisoned not more than one year, or both"; and

WHEREAS, The American Legion is a congressionally chartered organization pursuant to USC Chapter 217; and

WHEREAS, Under the First Amendment to the Constitution of the United States, citizens have the right to free speech; and

WHEREAS, It is not an unreasonable or unconstitutional intrusion of the free speech rights of protestors to preclude them from intentionally targeting military funerals and dishonoring those servicemembers who have died in armed conflict and their families; and

WHEREAS, Justice Samuel Alito has stated, "... it is clear that the First Amendment does not entirely preclude liability for the intentional infliction of emotional distress by means of speech" and "in order to have a society in which public issues can be openly and vigorously debated, it is not necessary to allow the brutalization of innocent victims" in addition to "our

profound commitment to free and open debate is not a license for...vicious verbal assault”; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Cincinnati, Ohio, August 30, 31, September 1, 2016, That The American Legion finds the targeted protest of servicemember funerals to be a vile and despicable act and not worthy of American citizens who enjoy the freedoms purchased by the sacrifice and death of military heroes; and, be it further

RESOLVED, That The American Legion urge Congress to designate protests planned and conducted at targeted servicemember funerals as hate speech prohibited by law; and, be it further

RESOLVED, That Congress define the official mourning period for servicemembers killed in combat to be at least one week; and, be it finally

RESOLVED, That Congress prohibit the planning for, or conduct of, protests aimed at a specific member of the military or the related family within the one mile radius of activity pertaining to funeral services, procession, and internment for a period of one day before and one day after the official mourning period.