



NEW YORK STATE SENATOR

Lee M. Zeldin

Senator Lee M. Zeldin and Assemblyman Dean Murray Introduce Legislation to Ban Protests at Military Funerals

LEE M. ZELDIN March 12, 2011

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“The Specialist Thomas Wilwerth Military Dignity Act”

Mastic Beach, NY- Hometown State Senator Lee M. Zeldin (R, C, I- Shirley) and Assemblyman Dean Murray (R, C- East Patchogue) announced today before a crowd of more than 100 Veterans, supporters and media that they are introducing legislation to ban protests at Military Funerals. It will be named **“The Specialist Thomas Wilwerth Military Dignity Act” (S.3901).**

Senator Zeldin pledged during his campaign to introduce legislation to address this issue if elected.

This act will prohibit protests within 2,500 feet of military services, funerals, and processions of deceased service members unless the protest organizers post a bond to the local municipality to defray the increased security costs associated with demonstrations that occur closer to these funeral activities. In no case would protesters be permitted within 500 feet. The protestors will also have to apply for a permit with the New York State Division of Veterans' Affairs.

The Act will be named for Specialist Thomas Wilwerth, an Iraq War Veteran who lost his life in combat in 2006. Specialist Wilwerth and Senator Zeldin both graduated from William Floyd High School in Mastic Beach, New York. Specialist Wilwerth's family was in attendance for today's event at William Floyd High School.

Senator Zeldin is currently a Captain in the U.S. Army Reserves. He was a paratrooper, prosecutor and magistrate with the 82nd Airborne Division and XVIII Airborne Corps. He was also deployed to Iraq in the summer of 2006 with an infantry battalion of fellow paratroopers from the 82nd Airborne Division.

"I am proud to live in a county that has banned protests of military funerals and our state government must now take the lead in making this legislation statewide," said Senator Zeldin. "It is an honor to be able to name this act after one of our fallen heroes, and I am proud to be able to announce its introduction today."

Assemblyman Dean Murray will be the sponsoring this measure in the State Assembly.

"Our young men and women in the military put their lives on the line for our nation. Those who make the ultimate sacrifice should be guaranteed the right to be buried with honor and

dignity,” said Assemblyman Murray. “This legislation accomplishes that, while protecting the first amendment rights that they laid down their lives protecting. There are some that may disagree with overseas military intervention, but that is no reason to stage a protest to disrupt a military service honoring our fallen warriors.”

“Free speech comes from the protection of our liberty by the men and women who protect our Country on a daily basis, and those who have sacrificed their lives for the protection of our rights,” commented Brookhaven Town Councilman Dan Panico. “I believe that this law provides the right balance between an individual's right to protest and the respect and protection that is absolutely deserving of the fallen soldier and his/her family.”

“Our veterans and service men and women have sacrificed so much for our freedom. They deserve to be honored with the dignity and respect they have earned. Those who choose to try and interrupt such a solemn event honoring one of our nation's heroes should have to pay for the increased security. I fully support the Specialist Thomas Wilwerth Military Dignity Act. I thank Senator Zeldin for bringing it forward and I thank all of our veterans and military personnel for their service,” said Senator Jack Martins (R, C, I-Mineola).

“I applaud Senator Zeldin for introducing this important legislation in the New York State Senate. When Suffolk County passed similar legislation last year, I was proud to sponsor the bill to ensure our military heroes and their families are protected from these reprehensible protests that had arisen across the United States. Regardless of the recent Supreme Court Decision in *Snyder v. Phelps*, these hateful protests at military funerals are absolutely appalling and would be unacceptable to us all. I am proud to stand with our military families to ensure our veterans receive the respect they deserve and to ensure dignity for all military families in Suffolk County,” said Suffolk County Legislator Steve Stern (D-Huntington), 16th L.D.

“Military families deserve the solace and respect to grieve without the interference of protesters during an unimaginable time of grief. Our country was built on its freedoms however, we also must respect, show compassion and express sensitivity to our fallen soldiers and their families,” said Brookhaven Deputy Supervisor/Councilwoman Kathleen Walsh.

Nassau County Executive Edward P. Mangano stated: “I support Senator Zeldin and Assemblyman Murray's state legislation to limit demonstrations at funerals. Currently, Nassau County laws require demonstrators to maintain a distance of 300 feet. I will soon advance legislation to increase the buffer zone to 1,000 feet and require protesters to obtain a permit to regulate the time, place and manner of demonstrations. State legislation would help to create a respectful barrier in all counties so that military families maintain their rights to bury loved ones in peace.”

“I would like to issue a real challenge to the people who want to protest the funerals of our fallen heroes. Our soldiers fight at home and abroad for our freedoms. If the protestors can give me one reason why they should be protesting instead of kissing and thanking our heroes, then I'll listen,” said Terry Wilwerth, Father of Specialist Thomas Wilwerth.

This legislation is part of a package of Veterans bills that will be considered by the Senate on Monday.