

# House GOP moves to act on religion in vets' funerals

by [Chris Lisee](#)

June 7, 2012

c. 2012 Religion News Service WASHINGTON (RNS) Families of deceased veterans were shocked and angry last year when religious references were banned from funeral rituals and a Memorial Day service at Houston National Cemetery.

A lawsuit eventually resolved the matter, but a House bill would enshrine in law the lessons learned from that isolated incident.

Such protections already exist as a result of the lawsuit and Bush-era policies that protect families' free exercise of religion at military funerals. However, the bill filed by Rep. John Culberson, R-Texas, would spell out families' rights to religious expression while curtailing the government's role.

Veteran funeral services are held at no cost to families and are offered in any of 131 national cemeteries maintained by the Department of Veterans Affairs. Veteran service organizations often attend at the request of families to perform memorial rites.

Under current law, honor guards are prohibited from participating in religious rituals except as requested by families. Problems arose in Houston when the cemetery director misinterpreted this law to prohibit all religious speech.

Though the Houston dispute was rectified, Culberson and the conservative Christian law firm Liberty Institute want an ironclad legal protection for grieving families.

"This was all about the government not being neutral, but being anti-religious, hostile," Liberty Institute president Kelly Shackelford said. Shackelford argued that VA policy, even with changes after the Houston lawsuit, is not sufficient to guarantee free religious expression. Rather, a statute is required to clarify the law for cemetery directors nationwide. "Constitutional claims are a very complicated area of law. The statute says real clear: here's what you can do, here's what you can't do," he said.

Lawmakers at a Capitol Hill hearing on Wednesday (June 6), however, questioned the need for new laws when there are no reported problems at other national cemeteries.

"Here's my concern: the (proposed) law as written would allow people that don't have a good understanding of the family to force prayers or something that the family finds offensive," Rep. Jerry McNerney, D-Calif., said during a hearing of the House Subcommittee on Disability Assistance and Memorial Affairs.

Meanwhile, Rep. Timothy J. Walz, D-Minn., emphasized the need to balance the competing interests of a family's First Amendment rights and the government's role in ceremonies.

"I want to be very careful that we strike that perfect balance" between the First Amendment's ban on established religion and its protection of free exercise of religion, Walz cautioned. He said the most important issue is ensuring that families can determine the religious content of a service.

Shackelford, however, said the problem isn't about the government's role in religion. "It's all about the family's religious freedom, and if they want to have a burial ritual that mentions God, they have the right to do that," he said.

The bill, H.R. 2720, has one Republican co-sponsor.