



# City of Chattanooga

Andy Berke, Mayor

## Mayoral Directive No. 2015-01

**Date:** July 23, 2015

**To:** Chattanooga Police Department

**Subject:** Protecting Mourners of Our Fallen Heroes

A national tragedy took place in Chattanooga on July 16, 2015, when five Armed Forces members were fatally shot. It is important the family members and others who mourn our fallen heroes be able to honor them in a respectful and peaceful manner.

The horrific incidents took place at 6219 Lee Highway and approximately 4051 Amnicola Highway (collectively the "Sites"). Since the incidents, the Sites have served as memorials to the fallen heroes, and thousands of people have visited the Sites to memorialize and mourn them. **Therefore, I direct all City of Chattanooga law enforcement personnel to treat the Lee Highway and Amnicola Sites as protected memorial services which will shield them from any protests.**

In addition, I am directing that the attached summary of applicable laws be distributed to the Chattanooga Police Department, the Hamilton County Sheriff's Office, and any other applicable agencies so that they are made aware of all state and federal laws protecting mourners.

These agencies are directed to defend those mourners by enforcing the laws and policies as described herein. This shall include the adoption of any CPD implementation strategies for protecting memorial sites, funeral processions and funeral services to ensure compliance with this Mayoral Directive.

This shall include the protection of any memorial sites that are treated as active memorial services. Therefore, all mourners participating in prayer or other forms of remembrance or displays of appreciation to the service members, whether individually or collectively shall be sheltered under all state and federal measures protecting all memorial services.

This Mayoral Directive will take effect immediately and will remain in place until rescinded by future communication.

Andy Berke  
Mayor

Attachment:

**Summary of Law**

There exist certain federal and state laws that aim to protect the mourners of our fallen heroes from protesters. Per Tennessee Code Section 39-17-317, persons are prohibited from interfering with a funeral or burial, funeral home viewing, funeral procession, or of any funeral or memorial service for a deceased person. This section protects the rights of persons attending such events from anyone who acts to obstruct or interfere with such commemorative services by making any utterance, gesture, or display in a manner offensive to an ordinary person. The Tennessee General Assembly has determined that picketing, protesting, or demonstrating at a funeral or memorial service within five hundred feet (500') of a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person shall be deemed offensive to the sensibilities of an ordinary person in this state.

Likewise, Federal law at 38 USC Section 2413 prohibits certain demonstrations on the property of any cemetery under the control of the National Cemetery Association such as the Chattanooga National Military Cemetery within five hundred feet (500 feet -91 m) of the entrance or within three hundred feet (300') of a road, pathway or other route of a funeral procession into the cemetery. There are specific time, manner, and place restrictions on any demonstrations which are included in this federal statute which will be enforced during any funeral or burial at the Chattanooga National Military Cemetery.