

# **TESTIMONY**

of

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AMVETS NATIONAL LEGISLATIVE DIRECTOR**

before the

**COMMITTEE ON VETERANS' AFFAIRS,  
U.S. HOUSE OF REPRESENTATIVES**

on

**H.R. 3423, TO AMEND CURRENT LAW ON THE ELIGIBILITY OF  
CERTAIN VETERANS FOR BURIAL AT ARLINGTON NATIONAL  
CEMETERY**

**Thursday, December 13, 2001  
10:00 A.M., Room 334, Cannon House Office Building**

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

On behalf of AMVETS National Commander Joseph W. Lipowski, I am pleased to submit a written statement for the record on amending criteria on eligibility for burial at Arlington National Cemetery.

Arlington National Cemetery is America's most prominent national cemetery. It serves as a national shrine and a tangible reminder of our heritage and an inspiration for our future. It honors the men and women who have served in our armed forces and those Americans who have made extraordinary contributions to the Nation. This site, on a hillside overlooking the Potomac, has become a land of veneration and symbol of reverence for Americans everywhere.

AMVETS supports legislation being considered today that, in effect, eliminates the requirement for retired reservists to be 60 years old before being admitted to Arlington. Burial in this most hallowed ground should not be hinged to that point in the life of a retired reservist at which he begins to collect his retirement pay. H.R. 3423 would amend the strict standards for burial at Arlington in this regard. It would maintain the integrity of the strict standards for interment at Arlington but also recognize the need to address potential problems as they apply to an entire category of individuals. We also believe it is appropriate, as this legislation prescribes, to allow for dependents of entitled reservists to be buried in the cemetery on the same basis as is provided currently eligible members of the Armed Forces.

AMVETS also supports provision in the legislation to recognize that members of the reserves who die in active duty training or inactive duty training should be allowed burial in Arlington National Cemetery. Often mixed flight crews of reserves and active duty personnel work together to fly in troops, materiel, and related supplies. If such a plane were to unfortunately fall from the sky, current code holds active duty personnel eligible but reservists not. This is a peculiar outcome, based solely on the reservist's "paperwork" describing an individual's status as "in training."

In addition, AMVETS calls on Congress to revisit standards in place for burial at Arlington as they are applied to our Nation's Guard and Reserve Forces. Over the past two decades, military service to country in the Guard and Reserve has changed dramatically and members of these services have distinguished themselves in sometimes extensive duty in many areas of the world including the Persian Gulf, Bosnia, and other areas where they have been tasked to serve.

We fully recognize that Arlington has been governed by eligibility standards for burial for more than 30 years. These rules were put in place because land available for burial was limited and part of the Army's plan was designed to ensure that Arlington would remain active as our Nation's foremost national cemetery. The rules establish who gets honored with burial at Arlington.

These rules governing burial at Arlington are strict, as they should be. Past rules have served us well to uphold the sanctity of Arlington as a final resting place and tribute to those Americans who have served our country with distinction. We must recognize, however, that times change and reiterative review of policy is an appropriate undertaking for Congress. As America moves forward, we should clearly recognize the changing missions of our military forces and incorporate and update policy as appropriate.

There are occasions, however, when change cannot await a deliberative process. There are times when tension arises between existing rules and America's pervading sense of fairness. The tragic cases of Charles F. Burlingame III and Johnny Michael Spann are clear examples of exceptions to the rule.

Regarding the recent waivers, AMVETS fully supports the Army's action to lift restrictions of eligibility for burial as provided to retired naval reserve captain Charles "Chic" Burlingame III, pilot of the American Airlines flight 77, which crashed into the Pentagon on September 11. Chic Burlingame, a graduate of the Navy's elite Top-Gun school, had flown jet fighters for the Navy for eight years and retired from the Naval Reserves after 17 years. Though he was retired from service, he did not meet age

requirements for burial at Arlington. Retired reservists have to be 60 years old or older at the time of death, regardless of the manner of their death. We learn from news reports about indications that he most likely died prior to the plane going down and probably in combat with terrorists who targeted the Pentagon.

We also support a waiver signed by the President to allow the remains of CIA paramilitary officer Johnny Michael “Mike” Spann, the first U.S. combat death in Afghanistan, to be buried at Arlington National Cemetery. Mike Spann died in military service to his country.

Both of these recent waivers are appropriate uses of exceptions to the rule for individuals of military backgrounds and provide the flexibility needed by stewards of Arlington. Nevertheless, AMVETS believes that the unusual circumstance of these recent waivers clearly reflect a need for the congress to revisit the double standards currently applied to members of the Guard and Reserve versus Active Duty.

This concludes our statement. Again, thank you for the opportunity to testify on this important issue, and thank you, as well, for your support of veterans.

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