

THE  
REPORTERS  
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FOR  
FREEDOM  
OF THE  
PRESS

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for purposes of identification.*

May 8, 2008

Thurman Higginbotham  
Deputy Director of Operations  
Arlington National Cemetery  
Arlington, VA 22211

Dear Mr. Higginbotham:

The Reporters Committee for Freedom of the Press has learned that Arlington National Cemetery has a new policy restricting journalists' access to military burials even when the family of the service member has granted journalists' requests to be present. As a reference to this policy, we direct your attention to the enclosed article by reporter Dana Milbank titled, "What the Family Would Let You See, the Pentagon Obstructs," published within *The Washington Post's* April 24, 2008 edition.

The Reporters Committee is a voluntary, unincorporated association of reporters and editors working to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee has provided representation, guidance and research in First Amendment and Freedom of Information Act litigation since 1970.

Scott Albright, a Reporters Committee attorney and legal fellow, has recently left messages for you and otherwise attempted to contact you at your office on multiple occasions to learn the origin and current basis of this new policy. More specifically, we are interested in learning the process by which this policy toward journalists was created, the justification for the policy, and if the policy is in writing.

It was our initial understanding that your office has cited 32 C.F.R. § 553.22(3) and Army Regulation 360-1, chapter 5, in support of this policy to restrict journalists who attempt to cover military burials at Arlington National Cemetery. In reviewing these regulations, however, we find no specific reference to or direct support for a policy that would restrict journalists' attendance at military burials when the service member's family has agreed to such attendance.

We believe allowing journalists to cover burials at Arlington National Cemetery is critical to Americans' broader understanding of the sacrifice put forth by brave service members, such as Lt. Col. Billy Hall, and the family members who must endure their loss. While the privacy of the service member's family should be a factor that is considered during such burial

ceremonies, when a family has agreed to allow journalists to attend, we believe cemetery officials should abide by those wishes.

As of the date of this letter, Mr. Albright's calls to your office have not been returned. We therefore respectfully request your prompt response to our concerns and questions in regard to this important matter.

Thank you.

Sincerely,

Lucy A. Dalglish  
Executive Director

Enclosure

cc: John C. Metzler Jr., Superintendent, Arlington National Cemetery  
Maj. Gen. Tony Cucolo, Army Public Affairs Office