

National

Supreme Court Affirms First Amendment Still Rules, Even For Westboro Baptist Church

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Only Justice Samuel Alito dissented from the Supreme Court's 8-1 decision Wednesday that the Westboro Baptist Church is within its Constitutional rights to picket funerals with anti-gay signs and chants.

Chief Justice John Roberts wrote the [majority opinion](#): "Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and -- as it did here -- inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course -- to protect even hurtful speech on public issues to ensure that we do not stifle public debate. That choice requires that we shield Westboro from tort liability for its picketing in this case."

Westboro had been sued by the family of Lance Corporal Matthew A. Snyder, whose funeral was protested in 2006. His father Albert [expressed great disappointment](#) following the decision:

"I can't believe that the Supreme Court today has now told us that we have no rights to bury our dead in peace. It's a sad day for our military men and women, their families. It's

a sad day for all Americans. My first thought was, what kind of society have we become?"

The CATO Institute, in a piece entitled "[Love the Right to Free Speech, Hate the Speaker](#)" wrote:

"While the Westboro Baptist Church hates what they view as both the sinner and the sin, the Court properly rebuked the Phelps while correctly expressing utmost devotion to their right to propagate their wayward message."

But Alito said the church had crossed into the realm of [criminal behavior](#) with its violent displays: "The First Amendment protects freedom of speech, but it most certainly does not protect violent criminal conduct, even if engaged in for expressive purposes. In order to have a society in which public issues can be openly and vigorously debated, it is not necessary to allow the brutalization of innocent victims like petitioner."

Westboro, led by pastor Fred Phelps, took the decision as an affirmation of its anti-gay evangelism. His daughter Margie Phelps promised to quadruple protests of soldiers' funerals.

"We are trying to warn you to flee the wrath of God, flee the wrath of destruction. What would be more kind than that," she said. "We have not slowed down and we will not." Sarah Palin, who had shown support for the Snyder family, [tweeted](#): "common sense & decency absent as wacko 'church' allowed hate msgs spewed@ soldiers' funerals but we can't invoke God's name in public square."