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Supreme Court Hears Case Against Protests at Military Funerals Today

By: **Elizabeth Wynne Johnson** from **Washington, DC** on Oct 6, 2010

Length: **2:00 (1.83MB)**

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Description:

WASHINGTON -- Nearly five years in the making, the law suit of Albert Snyder of Finksburg, Md., against a radical religious sect that picketed his Marine son's funeral gets a Supreme Court hearing today. The case argues whether or not the right to free speech -- no matter how repugnant or insensitive -- can be limited at military funerals.

Transcript:

Good morning, I'm Elizabeth Wynne Johnson; this is Power Breakfast from Capitol News Connection.

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Photo: Getty Images

A young protestor from Westboro Baptist Church of Topeka, Kansas, demonstrates at the funeral of a Marine killed in Iraq. The child's t-shirt reads "God Hates Fags."

The Supreme Court hears oral arguments today in Snyder v. Phelps.

AMB [music] "America is doomed. God hates fags. Are you a homosexual? Are you or not?"

In a 2007 BBC television documentary called "The Most Hated Family in America," the film crew tags along as Shirley Phelps -- daughter of Kansas pastor Fred Phelps and mother of eleven -- brings the family crew to protest at a soldier's funeral.

AMB yelling: "God hates America! America is doomed!"

RASKIN There's something that's diabolically irresistible about the Westboro Baptist Church.

American University law professor and Maryland state senator Jamin Raskin is one of countless legal experts watching closely today. So is Ilya Shapiro, editor of the CATO Institute Supreme Court Review.

SHAPIRO The opinion here is going to be rather narrow... as the adage goes, 'hard cases make bad law.' I'm not sure that the unusual facts here will lead to an opinion that's going to be cited for years on end about where First Amendment jurisprudence is.

It is possible, according to Raskin, that the Court seized upon this case as an opportunity to craft a "roadmap" for states and/or Congress itself to take legislative action.

RASKIN Congress cannot pass a law making it a crime in the USA to protest at a funeral or to speak ill of the dead. That would clearly violate the First Amendment. But Congress could pass a law saying that you cannot have a protest from whatever political perspective ... within 500 feet of a military funeral.

Senate Majority Leader Harry Reid, Minority Leader Mitch McConnell and 40 of their fellow Republicans and Democrats filed an amicus brief in support of the fallen soldier's family in this case.

That's Power Breakfast from Capitol News Connection.

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