



Written by [Raven Clabough](#) on March 2, 2011

Supreme Court Rules in Favor of Westboro Baptist Church

On March 2, the U.S. Supreme Court voted 8 to 1 in favor of the Westboro Baptist Church's right to freedom of speech. The Kansas Church attracted nationwide notoriety through its displays of angry, anti-gay protests at the funerals of U.S. military members. In so doing, the High Court recognized that even offensive behavior is subject to constitutional protections.

CNN reports, "The justices by an 8-1 vote on Wednesday said members of the Westboro Baptist Church had a right to promote what they call a broad-based message on public matters such as wars."



The case reached the Supreme Court after the father of fallen marine Matthew Snyder [sued](#) the church, contending that the protests amounted to harassment and an intentional infliction of emotional distress. Protesters from the church appeared at the 2006 funeral of his son, where they voiced their opposition to government policies that promote homosexuality.

The church notified local authorities of their intent to picket, and were kept 1,000 feet away from the church building. Protesters bore signs that read, "Thank God for Dead Soldiers," "God Hates Fags," and "You're Going to Hell." No arrests were made.

Snyder's father, Albert, told Fox News, "I want them to stop doing this to our military men and women. I want the judges to hear that this case is not about free speech; it's about targeted harassment."

According to Fox,

A jury awarded Snyder nearly \$11 million in damages for the intentional infliction of emotional distress and invasion of privacy. That award was later cut in half and then the Fourth Circuit U.S. Court of Appeals set aside the decision in its entirety, ruling that the protests were absolutely protected by the First Amendment.

Chief Justice John Roberts was of the same opinion on the subject. "Speech is powerful," he wrote. "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."

Of the decision, Fox News noted, "The case presented the justices with a high-profile question about the breadth of First Amendment speech and assembly protections. A majority of justices ruled that these fundamental rights outweigh the concerns of grieving family members who would rather not deal with the obnoxious protesters from the Kansas Church."

Twenty-one news organizations joined the brief defending the Westboro Baptist Church, though the news organizations admitted the church's behavior to be "inexplicable and hateful." However, the organizations noted that a ruling against the church could stifle anyone who wishes to speak out on controversial issues, and could potentially "threaten to expand dramatically the risk of liability for news media coverage and commentary."



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Similarly, Megyn Kelly of Fox News, while engaging in a [heated debate](#) with Bill O'Reilly on The O'Reilly Factor, asserted that the Westboro Church did not engage in illegal behavior, and that exceptions cannot be made in the case of First Amendment rights simply because language may be offensive, as that could set a dangerous precedent.

Fox News' conservative pundit Glenn Beck also weighed in on the debate on his [radio program](#):

We must protect the rights of Westboro Baptist Church protesters. What part of freedom of speech don't you understand? You're going to open the door and have the government decide where despicable speech is allowed and where it is not.

Though Beck indicated that the speech of the members of the Westboro Baptist Church is despicable, he added, "The only kind of speech that requires protection is speech that people find reprehensible."

Supporters of the High Court's ruling recognize that it is not the role of the federal government to protect Americans from being offended. Further, the decision supports the philosophy of Enlightenment thinker Francois-Marie Arouet, a.k.a. Voltaire, who once commented, "I do not agree with what you have to say, but I'll defend to the death your right to say it."



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