



Written by [Raven Clabough](#) on August 16, 2011

Illinois Law Undermines Westboro Baptist Church Ruling

On March 2, the U.S. Supreme Court ruled 8 to 1 in favor of the Westboro Baptist Church's right to freedom of speech. The court said that despite the Topeka, Kansas, church's contentious behavior — extreme demonstrations against homosexuality, including anti-gay protests at military funerals (picture, left) — such actions are subject to constitutional protections.



State legislatures, however, have attempted to pass laws that would undermine the Supreme Court ruling. The latest endeavor can be found in Illinois.

On Sunday, Illinois Governor Pat Quinn [signed](#) into law the “Let Them Rest in Peace Act,” which would force anti-gay protests at military funerals to be at least 300 feet — the length of a football field — from military funerals. Additionally, the bill bans protests from taking place 30 minutes before and 30 minutes after funerals.

At the time he signed the law, Governor Quinn declared:

Every family has a fundamental right to conduct a funeral with reverence and dignity. The new law ensures that the families of those who have given their lives for our country can grieve without harassment.

It is our duty to honor their sacrifice by ensuring they are remembered with respect and solemnity.

This legislation is not the first to undermine the Supreme Court ruling. A bipartisan coalition of U.S. Senators [proposed](#) a bill that would set specific boundaries for those hoping to protest at military funerals. Entitled the SERVE Act (Sanctity of Eternal Rest for Veterans), the measure would ban disruptive noise for two hours before and after the funeral and create a 300-foot boundary for military funeral services.

The bill was sponsored by Tea Party favorite Senator Marco Rubio (R-Fla.), who explained:

Families of military servicemen and women should have the right, the ability to lay their loved ones to rest with dignity and peace. I can't imagine anyone being against it, at least no one in their right mind.

Senator Olympia Snowe — one of the bill's co-sponsors — observed:

Those who fight and die in the service of our country deserve our highest respect. Their families have earned the right to bury their loved ones in peace. The SERVE Act strikes a balance between the sanctity of a funeral service and the right to free speech.

A similar measure has also been considered in the House of Representatives, and according to its drafters, was written in such a way as to pass constitutional scrutiny.

Upon learning of the SERVE Act, Westboro Baptist Church's Margie Phelps declared, “These pandering



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perverts have no respect for the laws of man or God.” Adding that the law is “grossly out of bounds of the Constitution,” she asserted, “I don’t know how the lawyers are advising these senators on this, but they need to be fired for incompetence.”

The SERVE Act is currently awaiting further action in the Senate Subcommittee on Veterans Affairs.

Phelps stated that she and the Westboro Baptist Church will continue to challenge such laws, and “once we get a favorable ruling we’ll challenge more.” She added, “They can make [the ban distance] 100 miles, and it changes exactly nothing. You all are delusional if you think you’re going to win this one.”

The Illinois Law has already provoked the [criticism](#) of the Illinois chapter of the American Civil Liberties Union. According to the senior attorney for the Illinois branch of the ACLU, “The First Amendment protects the right to engage in speech in public places that is directed towards whatever audience the speaker chooses [even if that includes] horrible, offensive messages.”

All but one Supreme Court Justice — Samuel Alito — ruled in favor of the Westboro protesters in March, asserting that their protests, despite how deplorable they may be, are constitutionally-protected free speech. Chief Justice [John Roberts](#), in his majority opinion, wrote that the First Amendment protects “even hurtful speech on public issues to ensure that we do not stifle public debate.” He continued,

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.

Photo: Supporters of the Topeka, Kan.-based Westboro Baptist Church, demonstrate outside a funeral service for Marine Lance Cpl. Rex Arthur Page, in Kirksville, Mo: AP Images



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