



Written by [Raven Clabough](#) on April 21, 2011

New Law Could Undermine Westboro Baptist Ruling

Apparently when the Supreme Court ruled 8 to 1 in March that the Westboro Baptist Church had a constitutional right to protest military funerals, regardless of the deplorable nature of the protests, lawmakers decided it was their turn to attempt to redefine the Constitution. The Topeka-based church attracted public attention after holding boisterous protests at the funerals of fallen U.S. military soldiers, where demonstrators declared military deaths to be God's punishment for homosexuality. Protesters were seen bearing signs that read "Thank God for Dead Soldiers," "God Hates Fags," and "You're going to Hell."



Noting the despicable assertions of the protesters, the Supreme Court still [held](#) that the First Amendment protects the members of the Westboro Church, and that freedom of speech cannot be restricted simply because "it is upsetting or arouses contempt."

Twenty-one news organizations joined the brief defending the Westboro Baptist Church. Though they admitted the church's behavior to be "inexplicable and hateful," they claimed that a ruling against the church could ultimately be used to stifle anyone who speaks out on controversial issues, and said that it could potentially "threaten to expand dramatically the risk of liability for news media coverage and commentary."

Despite the constitutionality of the Supreme Court decision, however, lawmakers are not satisfied. Fox News reports:

A bipartisan coalition of U.S. Senators is stepping into the fray, proposing legislation that will set boundaries for those seeking to disrupt military funerals.

The SERVE Act would ban disruptive noise for a period of two hours before and after the funeral, and create a 300 foot buffer around the funeral services.

Surprisingly, one of the bill's sponsors is Senator Marco Rubio (R-Fla.), a Tea Party favorite.

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

A similar measure is currently being considered in the House of Representatives. Its drafters contend that the bill was written in such a way that it will measure up against constitutional scrutiny.

Reacting to the SERVE Act is Margie Phelps, the daughter of Westboro's pastor Fred Phelps and the successful attorney in the case against the Westboro Baptist Church. Calling the legislation "off-base," Phelps told Fox News, "These pandering perverts have no respect for the laws of man or God."

She also contends that the law is "grossly out of bounds of the Constitution," adding, "I don't know who



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the lawyers are advising these senators on this, but they need to be fired for incompetence.”

Professor Joseph Russomanno of Arizona State University indicates that it is unlikely that the members of the Westboro Baptist Church will allow the legislation to have an impact on their demonstrations, explaining that the church’s members are more “emboldened than ever.”

“They believe they’ve been chosen to perform this particular mission, and I don’t see how they think that anything is going to stop them from doing that,” said Russomanno.

He adds that if the legislation is in fact passed, the Westboro Baptist Church will have grounds for a challenge. “Having looked through the law I can see where they may find some places within it that are ripe for challenge.”

Commenting on what she perceives to be the absurdity of the legislation, Phelps remarked, “Maybe next they can pass a law abolishing hell.”

The case of the Westboro Baptist Church reached the Supreme Court after the father of fallen Marine Matthew Snyder sued the church, contending that their protests amounted to harassment and an intentional infliction of emotional distress. Protesters from the church had appeared at his son’s 2006 funeral, where they voiced their opposition to government policies that promote homosexuality.

Photo: Members of Westboro Baptist Church picketing in Topeka.



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