

# Supreme Court sides with Westboro Baptist Church

by [Bob Allen](#)

March 2, 2011

WASHINGTON (ABP) – The United States Supreme Court ruled 8-1 on March 2 that anti-gay protests outside of military funerals by a controversial Kansas Baptist church clan are protected speech under the First Amendment.

The ruling overturned a jury decision that held Westboro Baptist Church in Topeka, Kan., liable for millions of dollars in damages for picketing near the Maryland funeral of a fallen Marine with signs indicating that God was killing soldiers in Iraq and Afghanistan in judgment of America's toleration of homosexuality.

In its ruling, the high court upheld an appellate court's overturning of that decision that said the soldier's father could not receive damages for constitutionally protected speech simply because it was hurtful.

The Supreme Court said the church's picketing of funerals with signs reading "God Hates Fags" and "Thank God for Dead Soldiers" is "certainly hurtful and its contribution to public discourse may be negligible," but that freedom of speech does not depend on whether or not the message is popular.

The justices agreed that the church's speech inflicted pain on grieving family members, but declined to 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,"

Chief Justice John Roberts wrote in the majority [opinion](#). “That choice requires that we shield Westboro from tort liability for its picketing in this case.”

Justice Samuel Alito filed a dissenting opinion, saying that while the church’s speech might be protected if directed toward a public figure, plaintiff Albert Snyder of York, Pa., was a private individual who suffered “great injury” due to “outrageous conduct” by a group seeking publicity.

“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 the petitioner,” Alito opined.

Groups from across the political spectrum filed briefs supporting Westboro Baptist Church’s case while acknowledging distaste for the message. The ruling was one of the most anticipated in the current Supreme Court term as a landmark case testing the limits of free speech.