

Westminster, Maryland
March 10, 2006

Family and friends attend the funeral of Matthew Snyder at St. John's Catholic Church. Snyder, a soldier for the United States Marine Corps, had died in the Iraq War a week earlier. Snyder's father, Albert Snyder, had announced the funeral to the public in local newspapers the day before.

As Snyder's family and friends arrived for the funeral, Fred Phelps, the leader of the Westboro Baptist Church, and six of his relatives and fellow church members, protested the funeral approximately 1,000 feet from the church. They were on public land, but held up signs that said some really horrible and hateful things, like "Thank God for Dead Soldiers," "God Hates Fags," "You're Going to Hell," and "God Hates America." As the family and friends of Matthew Snyder arrived to the funeral, some of them understandably were quite offended by these protests.

If you already know about the Westboro Baptist Church, these hateful protests shouldn't be surprising. Unfortunately, I am all too familiar with the group as they are headquartered close to where I live, in the city I was born in- Topeka, Kansas. I have come across their protests at least a dozen times throughout my life. If you don't know who the Westboro Baptist Church is, it's a small, unaffiliated Primitive Baptist church founded in 1955 by the late Fred Phelps. Today, there are likely less than 70 members of the church, but they get a lot of media attention despite their small numbers by provocatively protesting events, mostly to bring attention to their Antisemitic, Islamophobic, and anti-LGBT+ views.¹ During the Iraq War, they routinely protested the funerals of dead American soldiers with the simple purpose of spreading their hateful views. In fact, on the day Matthew Snyder's funeral, Phelps and his relatives protested at two other locations with the same signs.

Anyway, Albert Snyder was understandably upset that the Westboro Baptist Church had protested his son's funeral. After seeing them get more media coverage for the protest, he became angry at them. After seeing the Westboro Baptist Church's website specifically talking trash about Albert's wife and Matthew's mother, Julie Snyder, for raising their son Catholic, saying that they "taught Matthew to defy his Creator" and "raised him for the devil," he became even more angry at them. In the U.S. District Court for the District of Maryland, Albert decided to sue Fred Phelps and two of his daughters, Rebekah Phelps-Davis and Shirley Phelps-Roper, for civil conspiracy, defamation, intentional infliction of emotional distress, intrusion upon seclusion, and publicity given to private life.²

The U.S. District Court for the District of Maryland dismissed the defamation charge since it was based on the Westboro Baptist Church posting stuff on their website, and it also dismissed the publicity given to the private life charge since the funeral was already made public by Albert

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<https://religionnews.com/2019/07/23/surviving-or-thriving-filmmakers-update-on-westboro-baptist-doesnt-get-it/>

² <https://www.mtsu.edu/first-amendment/article/1474/snyder-v-phelps>

Snyder, as he had announced it in local newspapers. However, the District Court considered the rest of the charges. In the trial, Albert Snyder testified, “[The Westboro Baptist Church] turned this funeral into a media circus and they wanted to hurt my family. They wanted their message heard and they didn’t care who they stepped over. My son should have been buried with dignity, not with a bunch of clowns outside.”³ Snyder also argued that the protests of the Phelps family had literally caused his health to decline. Shirley Phelps-Roper, a trained lawyer who had been working for the Phelps family’s law firm for years, represented them in Court. She argued that they had complied with local ordinances and obeyed the instructions of the local police. Not only that, Phelps-Roper argued that they had been peaceful and did not shout at the funeral attendees. Therefore, their protests were protected under the First Amendment of the Constitution.

Regardless, on October 31, 2007, the jury announced it had sided with Snyder, and ultimately awarded him \$10.9 million in damages (\$15.8 million in today’s money). The judge, Richard Bennett, later reduced those damages to \$5 million (\$7.3 million in today’s money), and said that if the Phelps couldn’t afford to pay those damages, the government would seize their church buildings in Topeka.

Not only did the Phelps appeal to the U.S. Court of Appeals for the Fourth Circuit, but they announced that they would continue to protest military funerals.⁴ The U.S. Court of Appeals for the Fourth Circuit sided with the Phelps, reversing the lower court’s jury decision. It argued that the First Amendment protected their protests, and even ordered Albert Snyder to pay the court costs of the Phelps. The national media heavily covered this verdict, and it caused Americans across the country to become outraged. Bill O’Reilly, who was a prominent political pundit on Fox News, even pledged to cover all current and future court costs of Snyder.⁵

Snyder appealed to the Supreme Court, which agreed to hear the case on March 8, 2010. Multiple media and civil rights organizations joined forces to support the Phelps, including the American Civil Liberties Union and National Public Radio. Multiple veterans groups, as well as 42 members of the United States Senate, joined forces to support Snyder. This case got more national media attention than most Supreme Court cases do, likely due to the notoriety of the Westboro Baptist Church, who Americans almost uniformly despised and continue to despise by the way. The Court heard oral arguments on October 6, 2010.

The big question they had to consider was, “Does the First Amendment protect protestors at a funeral from liability for creating emotional distress on the family of the deceased?”

The Court said “yes.” On March 2, 2011, it announced it had sided with Phelps. It was surprisingly a lopsided decision- 8-1. Only Justice Samuel Alito sided with Snyder. Chief Justice John Roberts wrote the majority opinion, writing, “What Westboro said, in the whole context of

³ Marso, Andy (2011-03-02). "Supreme Court Upholds Anti-Gay Church's Protest Rights in Md. Case". *Capital News Service*.

⁴ Dominguez, Alex (2007-11-01). "Jury Awards Father \$11M in Funeral Case". *USA Today*.

⁵ <https://thedailyrecord.com/2011/03/08/snyder-will-fight-westboro-on-court-costs-lawyer-says/>

how and where it chose to say it, is entitled to 'special protection' under the First Amendment and that protection cannot be overcome by a jury finding that the picketing (protesting) was outrageous."⁶ Roberts said that the First Amendment indeed protects the Westboro Baptist Church from being sued for protesting because it didn't disrupt the funeral, was on public land, and was dealt with "matters of public concern."⁷ "Public concern" just means it's highly relevant to the community's values or interest.

Snyder v. Phelps reaffirmed the principle that, even if speech is ridiculously offensive and unpopular, it's still protected by the First Amendment. In other words, the government can't restrict speech simply because it's extremely distasteful or causes emotional harm. As long as you protest peacefully on public land, you can pretty much say the most outrageous things imaginable. Indeed, the Phelps still regularly do this.

I'll see you for the next Supreme Court case, jury!

The First Amendment is so precious. It helps everyone have a voice. But with everyone having a voice, that often leads to lots of misinformation, emotionally-charged click-bait, and clear political bias. Well, I have hope for the future because this video is sponsored by Ground News, a website and app created by a former NASA engineer to help you with media literacy.

See, check this out. Here's a story about Hunter Biden. And yep, the right media is covering it.

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Ground News has definitely helped me become more media literate, and I highly encourage all of you to try it out for yourselves. If you use my link you'll get 30% off their all-access Vantage Subscription. Go to ground.news/mrbeat or click the link in the description to check out Ground News and help support an independent news platform working to make the media landscape more transparent.

If you are wondering where the heck I am right now, I'm in Topeka, Kansas in front of the Westboro Baptist Church. And if you know anything about me, ya know that I love to troll hate. And what better way to troll hate than to buy up properties across the street from the Westboro Baptist Church and convert them into centers of support for the LGBT+ community. Right here we have the Equality House, painted with bright rainbow colors to show support for the LGBT+ community. And next door is the Mott House...a building that is a symbol of hope and support for the transgender community. If you're ever in Topeka, I highly recommend you check both of these places out...not so much check that place out across the street.

⁶ <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/SnydervPhelps.html>

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<https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-snyder-v-phelps>

So which Supreme Court case should I cover for this series next? Let me know down below. And thanks for watching! Now I better get out of here before one of the Phelps sees me.

Check out cool primary sources here:

<https://www.oyez.org/cases/2010/09-751>

Other sources used/referenced:

<https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-snyder-v-phelps>

<https://www.law.cornell.edu/supct/html/09-751.ZS.html>

https://en.wikipedia.org/wiki/Snyder_v._Phelps

<https://drexel.edu/law/about/news/Publications/unprecedented/snyder-v-phelps/>

<http://www.newsline.umd.edu/justice/westboro-supreme-court-030211.htm>