

Media Groups Side with Westboro Protestors in Court Case

Published in Stars & Stripes by Jeff Schogol July 16, 2010

Jul 16, 2010

ARLINGTON, Va. — Twenty-two media organizations have sided with a radical church against the father of a fallen Marine who is trying to sue it for picketing his son's funeral.

The media organizations filed a friend-of-the-court brief on Wednesday with the Supreme Court in favor of the Westboro Baptist Church, which protests near servicemembers' funerals because it believes that troops' deaths and other national tragedies are divine revenge for America's tolerance of gays and lesbians.

The father of Lance Cpl. Matthew Snyder, who died in Iraq in 2006, sued the church for picketing near his son's funeral with signs that said "God hates you," "You're in hell" and "Semper Fi fags." They also distributed a flier with Snyder's picture on it that read "Burial of an Ass."

Snyder's father, Al, won at trial, but he lost an appeal and was ordered to pay more than \$16,000 in court costs. The case will be heard by the Supreme Court in the fall.

While not defending the Westboro Baptist Church's actions, the 22 media organizations argued that the church is protected by the First Amendment. They also contend that the case could have a chilling effect on news gathering if Al Snyder prevails.

In the brief, the media groups argue that speech cannot be deemed too offensive too be protected by the First Amendment.

"Listeners' emotional reactions to speech, however, cannot serve as a justification for censorship," the brief said. "This Court has made clear that citizens 'must tolerate insulting, and even outrageous, speech in order to provide 'adequate breathing space' to the freedoms protected by the First Amendment.'?"

NATIONAL HEADQUARTERS

406 W. 34th Street
Kansas City, MO 64111
Office 816.756.3390
Fax 816.968.1157

WASHINGTON OFFICE

200 Maryland Ave., N.E.
Washington, D.C. 20002
Office 202.543.2239
Fax 202.543.6719

info@vfw.org
www.vfw.org

The media groups also argue that the Supreme Court ruled there can be no standard to determine which speech is too “outrageous” to be protected in the case of the Rev. Jerry Falwell against Hustler Magazine, which ran a parody advertisement about Falwell’s mother.

But the crux of the media organizations’ argument seems to be that if the Supreme Court rules in favor of Snyder’s father, it will open the door allowing people to sue news organizations for coverage and commentary that they don’t like.

“The outcome sought by the Petitioner would subject a wide variety of speech to the heckler’s veto, where any private individual can claim to have been targeted with offensive and outrageous speech,” the brief said.

But someone who wanted to file such a lawsuit against the media would have to prove the media intentionally harmed him or her, and that would be very difficult, if not impossible, said Sean E. Summers, attorney for Snyder’s father.

Not surprisingly, the media organizations’ argument drew criticism from veterans groups.

AMVETS believes the First Amendment’s religious rights protection give mourners the right to hold funerals in peace, said group spokesman Ryan Gallucci.

“Where’s the protection for the Snyder family’s rights” Gallucci said in an e-mail. “This isn’t a censorship issue and we’re surprised to see media agencies come out in support” of the Rev. Fred Phelps and his family.

Joe Davis, a spokesman for Veterans of Foreign Wars, scoffed at the idea that ruling in favor of Snyder could open the floodgates for libel suits against the media.

“I have a job that requires me to be correct; why shouldn’t the press be held to that same standard” Davis said.