

***Snyder v. Phelps***

Matthew Snyder was a Marine Lance Corporal from Maryland who died in Iraq on March 2, 2006 at the age of 20. The Westboro Baptist Church, led by Fred Phelps, announced in advance that they would picket his funeral. Westboro contends that American military deaths are a direct result of God's vengeance for the tolerance of homosexuality in the United States. Church members protest military funerals because they believe enlisted soldiers "voluntarily [join] a fag-infested army to fight for a fag-run country." They denounced Snyder's parents, Albert Snyder and Julia Francis, for raising their son Catholic. They claimed Snyder and Francis taught their son to "be an idolater" and support the world's "largest pedophile machine." At Snyder's funeral, Westboro members held up signs saying "Fag Troops," "God hates the U.S.A.," and many others of a similar nature.

Albert Snyder sued for defamation stemming from false statements made about his son's upbringing. He also sued for "publicity given to private life" because his son's funeral was a private, not public event. These counts were dismissed because the defamation fell under religious opinion and because an obituary was printed with details of their religion. Other counts, including intrusion upon seclusion, intentional infliction of emotional distress, and civil conspiracy, were all allowed to continue.

Westboro Baptist Church maintained that they followed all local ordinances and were compliant with all police instructions. They were allowed to picket in an area designated by police about 1000 feet from the church. Albert Snyder claimed he saw the tops of signs, but only read their contents when he saw a news program on television afterwards. Evidence was presented that showed Albert Snyder suffered physical and emotional harm, including complications from diabetes and depression.

At the district court level, Albert Snyder was awarded a total of \$5 million in damages, but the Fourth Circuit later reversed this ruling. It was then appealed to the Supreme Court, which upheld the ruling of the Fourth Circuit: Westboro Baptist Church was within their free speech rights set forth in the First Amendment. The primary message of their signs dealt with their broad public message and not one specific individual, even if it was hurtful. The court ruling stated, "Because this Nation has chosen to protect even hurtful speech on public issues to ensure that public debate is not stifled, Westboro must be shielded from tort liability for its picketing in this case."



**Discussion Questions**

1. How would you rule in this case if you were the deciding vote on the Supreme Court? Why? What issues would you find most important in making that decision?
2. Does the fact that the Westboro Baptist Church did everything legally correct make their position acceptable? Should they adhere to any ethical boundaries beyond legal compliance? Why or why not?
3. How would you explain to both the Westboro Baptist Church and Albert Snyder the Supreme Court's ruling while respecting both of their positions?
4. Can you think of any alternative methods by which the Westboro Baptist Church could make the same point without causing harm to individuals such as Albert Snyder? Explain.
5. Do you believe it is ethically permissible for someone to say whatever he or she wants, even if it causes harm or trauma to another person? If so, on what grounds? If not, where would you draw the line to limit speech? Explain.

**Resources:**

*Snyder v. Phelps* (2011)

<http://www.scotusblog.com/case-files/cases/snyder-v-phelps/>

Facts and Case Summary – *Snyder v. Phelps*

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

Justices Take Up Funeral-Protest Case

<http://www.nytimes.com/2010/10/07/us/07scotus.html>

Justices Rule for Protestors at Military Funerals

<http://www.nytimes.com/2011/03/03/us/03scotus.html>

Why the Supreme Court Ruled for Westboro

<http://content.time.com/time/nation/article/0,8599,2056613,00.html>

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