

## Westboro Protests SEAL Funeral Procession

As if to remind the everyone of why they are appearing as defendants in a case before the U.S. Supreme Court Oct. 6, members of a controversial church that protests at the funerals of fallen American troops demonstrated yesterday along the funeral route of a Navy SEAL being buried at Arlington National Cemetery.

But as the funeral procession of Navy Lt. Brendan Looney, 29, of Silver Spring, Md., drove along Memorial Drive to Arlington a group of motorcyclists revved their engines to drown out the voices of the protesters, according to a report in The Washington Post.

Typical of the members of the Westboro Baptist Church, some held signs reading "Thank God for Dead Soldiers" and "Thank God for IEDs." The church contends that God is behind the deaths of U.S. servicemembers because the country has fallen into sin.

On Oct. 6 the Supreme Court will hear oral arguments in a case brought against Westboro church leader Frederick Phelps by Albert Snyder, the father of a Marine lance corporal whose funeral Westboro protested in 2006. Snyder successfully sued Phelps and Westboro in 2007, winning \$2.9 million in damages.

But last year the U.S. Court of Appeals in Virginia overturned the ruling on the grounds Westboro's outrageous protests amounted to "sheer hyperbole" and so was entitled to protection under the First Amendment.

The federal appeals court also ordered Snyder to pay Phelps' court costs, which totaled more than \$16,000. Snyder appealed to the Supreme Court, which now will be the final legal arbiter over whether Westboro's protests are protected speech.

As usual when Westboro members protest a fallen troops' service, a group of motorcyclists turned up to try and keep the sight and sounds of the church members out of eye- and ear-shot of the grieving family. Though not identified in the Post report the bikers likely were members of the Patriot Guard Riders, a mostly veteran motorcycle group that has dedicated itself to running interference against the Westboro protesters.

The Westboro protesters raised their signs as Looney's funeral began to pass. But the bikers already had their engines revving, the Post reported, "to ear-splitting levels."

Looney, a 2004 Naval Academy graduate, was one of nine U.S. servicemembers killed last month when their helicopter crashed in Afghanistan.

Despite widespread and general repugnance of Westboro's protests, the church has drawn some reluctant support from civil rights and media organizations who contend that the ugly demonstrations are protected speech, just as the appeals court ruled. Attorney David Rocah of the American Civil Liberties Union Foundation of Maryland, has been reported calling Westboro's protests "really, really hateful and disgusting speech," but said it needs to be protected.

But Snyder attorney Craig Trebilcock told Military.com contributor Andrew Lubin recently that

the case before the Supreme Court was not a First Amendment case because Westboro did more than just protest the young Marine's funeral.

"Instead, they subjected the Snyder family to a reign of harassment prior to their son's funeral to two weeks afterwards, which changed the case from a federal freedom of speech issue to one of harassment and conspiracy, which is instead a civil issue."

Greg Rinckey, lawyer and partner of Tully Rinckey of Virginia, said "sympathy is clearly with the family" on the case, but that will not be what the Supreme Court will base a decision on.

"The protesters have a strong First Amendment right," he told Military.com. "But not all speech is protected. You can't run up to someone and call them a 'faggot' or a 'slut.'... That's where the justices are going to look at this."

That said, however, Rinckey believes the high court will rule in favor of Westboro. "I don't agree with it, but I think they will."