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AMERICA HATES THE WESTBORO BAPTIST CHURCH:
THE BATTLE TO PRESERVE THE FUNERALS OF FALLEN SOLDIERS

By
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A THESIS

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AMERICA HATES THE WESTBORO BAPTIST CHURCH:
THE BATTLE TO PRESERVE THE FUNERALS OF FALLEN SOLDIERS

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University of Nebraska, 2011

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The Westboro Baptist Church (WBC) has gained national attention over the past several years with their fiery protests at the funerals of soldiers killed in action. Citizens outraged by the actions of the WBC pressured the lawmakers in 45 states to enact legislation curtailing the protesters' access to funerals. Claiming that the laws infringe upon their First Amendment rights, the WBC has challenged these legislations in court, and will continue to do so. While the lawmakers are struggling to enact effective barriers against the WBC's access to funerals, the American public has taken matters into their own hands. At many of the funerals targeted by the WBC, mourners invite a counter-protest group, The Patriot Guard Riders, to be in attendance with the specific purpose of shielding the mourners from the WBC. It is my goal to explain the strategies used by lawmakers and the American public to try and combat the WBC's mission of disrupting funerals, and analyze the effectiveness of those strategies.

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CHAPTER ONE: INTRODUCTION

Mortuary rituals surrounding death are a common practice worldwide. In the United States, many funerals and memorial services occur at cemeteries, which are venues generally available to the public. Even though memorial services often occur in a public space, it is a cultural “rule” that the only audience present at the service has some kind of relationship to the deceased. Within the past decade, this peaceful norm has occasionally been transgressed by disruptive protests of a religious organization called the Westboro Baptist Church (WBC). This Kansas-based religious group is led by Fred Phelps and consists entirely of his family members. This small congregation of approximately 75 members has gained national media attention for their protests at the funerals of soldiers killed in action. While friends and family grieve the death of a loved one, they are subjected to messages from the WBC such as “Thank God for Dead Soldiers” and “Fags Doom Nations.” According to the WBC, the United States’ acceptance of homosexuality causes God to generate immense tragedies in the U.S. For example, the WBC believes that the attacks of 9/11 and casualties of the War in Iraq are due to God’s punishment of U.S. citizens for tolerating homosexuals. The WBC is blunt in their beliefs, as demonstrated in the lyrics from a verse they often chant at funerals for U.S. soldiers,

First to fight for the fags

Now you’re coming home in bags

And the Army goes marching to hell

Proud of all of your sin

No more battles you will win

And the Army goes marching to hell (Beil 2008).

The messages displayed by the WBC during their protests, have caused a stir among the American people. Generally, the funerals of U.S. soldiers contain symbolism that references America's military culture and patriotism. Protests at these funerals have led to a backlash from the general public. Funeral protests are a new phenomenon in the United States and people are trying to decide upon the best strategies to use for dealing with such events. One strategy is to involve the government. Lawmakers in several states began drafting and enacting funeral protest laws in 2006, following in the footsteps of two separate federal bills that proposed protecting the funerals of military service men and women. It was a busy year for WBC protests, as more than 100 military funerals were disrupted by protests from June 2005 to March 2006 (Zwierz Messar 2007: 107). The high number of protests undeniably was a factor in pushing the government to enact restrictions.

The high numbers of occurrences of the WBC protests at soldiers' funerals has also led to the formation of a strategy used by the general public. The Patriot Guard Riders is a grassroots movement that originated in response to the WBC. This group, founded by military veterans and made up of patriotic motorcyclists from across the U.S., travels to funerals across the country as invited guests of the deceased's family. Their purpose is to counter-act the protests of the WBC, by drowning out Westboro's message with one of patriotism and respect.

STATEMENT OF PURPOSE

The overall intention of my paper is to explore the responses of U.S. lawmakers and the public to the funeral protests of the Westboro Baptist Church. I will present the creation and effectiveness of the strategies by these parties to keep the WBC away from

funeral services, especially those of military personnel. I provide a background of the WBC, including their message and how they use funerals as a forum to deliver their message. I intend to show that the reason the WBC has succeeded in their goal to be provocative and evoke anger from American citizens, is not specifically because of their message, but rather where that message is being presented. Specifically the WBC's targeting of military funerals.

In chapter three, I layout the strategies lawmakers and the public implemented in response to the WBC. From my research, I have counted that the number of states that currently have a funeral protest law is 45 (Refer to Table 1 for the states with funeral protest statutes). All of the forty-five states that have passed funeral protest legislations have experienced WBC protests at military funerals and have viewed the group as a threat to peaceful funeral ceremonies, and the emotional rights of the grieving family. While lawmakers draft legislations to limit the WBC's actions, the public has created a counter-protest strategy to suppress the WBC's protests. The formation of the Patriot Guard Riders was in direct response to the WBC protests at military funerals. This group is an example of a civil action response to the funeral disruptions. Civil action can be a powerful tool when trying to accomplish a goal, but it requires a large number of people sharing a common belief. This civil action response to the WBC works well because most of the public disagrees with the Church's choice of venue for delivering their message.

The Patriot Guard Riders are a pro-military organization, founded in 2005 mainly by military veterans. Their initial mission was to attend the funerals of military personnel on their motorcycles to "shield families from protestors and to honor fallen soldiers" (McCarthy, 2007: 1475). The strategies used by the Patriot Guard are often as disruptive

as the WBC. They rev their motorcycles in attempts to drown out the WBC's chants, wave American flags, and yell out patriotic slogans. However, the Patriot Guard is not met with legal resistance or public backlash because they are invited guests of the grieving family, and the message they convey is one that is accepted by the American public.

In addition to presenting the strategies of U.S. lawmakers and the general public to counter the WBC protests, I will explore the challenges that both approaches are facing. In the case of the lawmakers, their policies struggle with legal barriers outlined in the U.S. Constitution. Frequently, the legislation infringes upon the Freedom of Speech rights of the WBC. The main obstacle of the civil action response is that the Patriot Guard Riders are subject to the same restrictions passed by state legislations to limit funeral protests. Because the Patriot Guard Riders often use disruptive techniques in their counter-protests, they could potentially suffer legal consequences. However, given that the message of the Patriot Guard Riders at military funerals is one of patriotism and respect, government authorities are not taking action against them.

By analyzing the strategies used by lawmakers and the general public to limit the WBC and their protests, I hope to encourage future research on the issue of funeral protests that focuses on how a culture reacts to an event that threatens a social norm. The response of state lawmakers enacting funeral protest laws, and the creation of the Patriot Guard Riders reveals an interesting quality of American culture in that the symbolism that surrounds military funerals channels a strong emotional and patriotic belief that is to be protected.

LITERATURE REVIEW

First Amendment and Funeral Protests

The issue of funeral protest legislation is a controversial topic that is sparking debates across the country. Most of the literature on the topic centers on if the state laws violate First Amendment rights. The majority of the following literature is obtained from law journals, which provided me with a viewpoint on the issue from a legal approach. Most of the research regarding funeral protests is focused on the issue of protecting Freedom of Speech and First Amendment rights, and whether funeral protest bans violate those rights.

State level governments have drawn attention to the First Amendment rights of the WBC by placing limitations on funeral protests through the implementation of legislations restricting protesters. With numerous states enacting funeral protest laws, it is left up to the U.S. Courts to determine when, or if, the boundaries have been crossed when it comes to peoples' First Amendment rights. For a Court to make decisions in such cases, freedom of speech must clearly be defined and standardized, and the purpose of the First Amendment to be understood by government officials and U.S. citizens (Rubinfeld 2001).

Funeral protest legislations underline the fact that common law and constitutional law do not always match up (Epstein 2000). The U.S. Constitution's First Amendment protects the rights of funeral protesters expressing their beliefs. But when we see such demonstrations in action and the messages of the protesters are considered offensive and emotionally taxing, common law is quick to set restrictions. Andrea Cornwell argues that the Respect for America's Fallen Heroes Act is unconstitutional for several reasons, including that it does not serve a governmental interest (2007: 1346).

When determining the constitutionality of funeral protest legislations in regards to the First Amendment rights of the WBC, courts often look at where the protest takes place. While funerals are often a private event, they usually occur in a public place leaving no protection from the message of the protesters. As in the case of *Snyder v. Phelps*, the majority of the Court, in an opinion written by Chief Justice Roberts, found that the case turned primarily on whether the WBC's speech was on matters of public or private concern (Ruane 2011). Speech on a matter of public concern is accorded the highest level of First Amendment protection, whereas, speech on a matter of private concern is subject to a "less rigorous" First Amendment standard. In relation to the intrusion upon seclusion claim, the Court declined to consider the Snyder family or other funeral attendees to be a "captive audience" in this circumstance (Ruane 2011: 3). It is in this circumstance where the funeral mourners are considered a captive audience, meaning that they cannot practically avoid exposure, where Ana Zwierz Messar believes that the invasion of privacy [mourners] should trump the right of free speech [protesters] (2007: 102).

The invasion of privacy is one of Zwierz Messar's main concerns (2007). Because the mourning families are the targeted audience of the protesters, they do not have the luxury of avoiding the WBC's message because the funerals are typically conducted in a public forum. She also argues that the language used by the protesters can be considered "fighting words," and therefore would not be protected by the First Amendment (2007: 109). She provides support for her argument by recounting some observed experiences of WBC protests, where the picketers chant their message at the mourning families, evoking emotional and angry physical responses from the mourners. She offers a convincing

argument that the WBC is specifically targeting mourning families of military service men and women in hopes of causing them emotional distress. Zwiery Messar does not agree with how the WBC chooses to spread their message, and concludes her argument by stating that funeral bans should be held constitutional as protesters are still free to rally in other parts of town, which would allow for their message to be heard, and the grieving families' rights protected (2007: 116).

The concern of the constitutionality of funeral protest laws is apparent. Kara Beil (2008: 517) argues that state lawmakers may have acted too quickly, and underlines the need for a model statute. She argues that legislators are less concerned about constitutional issues than they are about public concerns, as they quickly pass funeral protest laws. She notes that such bills may be able to pass into law quickly, but the bans and restrictions will eventually be challenged by the WBC and the American Civil Liberties Union (ACLU). It is apparent that the American public and its governmental leaders see the WBC and their funeral protests as a serious issue and are willing to enact legislative restrictions on such events without giving much thought to the possible constitutional violations that may occur.

What Beil is mainly arguing is that analyzing other First Amendment violation cases is critical for finding the proper balance between the rights of the protesters and those of the mourners (2008: 525). Laws restricting protests outside of medical facilities performing abortions have been upheld by the Supreme Court based on the content-neutral language even though they were aimed specifically at the protesters (Ruane, 2011: 5). Several Supreme Court abortion cases regarding buffer zones and restrictions around clinics provide helpful insight into how a court may analyze the constitutionality

of funeral protest laws (Beil, 2008: 522). She argues the importance of looking at how the courts ruled in abortion cases and other contexts to shed light on how legislation on funeral protests should be drafted in order to survive future court challenges (2008: 525).

An article recently published by Kathleen Ann Ruane (2011) in the *Congressional Research Service* was in response to the *Snyder v. Phelps* ruling, and provided a legal standpoint on the issue of the constitutionality of state funeral protest laws. Ruane states that laws restricting speech can be upheld as long as the restrictions are “content-neutral,” meaning that the language used in the legal ban cannot be targeted towards a specific type of speech or protest (2011: 4). In determining whether a regulation is content-based or content-neutral, the Court’s inquiry is driven by the governmental purpose in creating the regulation (Cornwell, 2007: 1337). As the language used in the federal statute, RAFHA, demonstrates, it prohibits the willful “making or assisting in the making of any noise or diversion that is not part of [a military] funeral or tends to disturb the peace or good order of [a military] funeral” (18 U.S.C. § 1388(a)(1)(B)). Ruane argues that the language used in the legislation would be considered content-neutral, even though the bill was likely enacted to target a specific group, such as the WBC, to ban them from protesting. Andrea Cornwell believes the opposite; she adamantly argues that the RAFHA is unconstitutional (2007: 1332). She believes that if anyone was ever to file a claim against the statute in court, it would surely be found unconstitutional. While state funeral protest legislations are often challenged by the WBC, they have yet to tackle the federally instituted RAFHA.

Jason Dorsky’s response to lawsuits filed against funeral protest legislations is that Phelps and the WBC routinely misinterpret the law (2009: 241). He argues that their

First Amendment rights are not being violated because the intent of their protests is not religiously driven, but rather on their desire to be noticed (2009: 243). WBC members admit that what draws them to a funeral is the opportunity to gain widespread attention, spreading their message of anti-homosexuality. This raises an interesting point in how the media has been used to bring attention to the WBC and their protests. With the advancement of technology in the United States and an unnerving dependency many Americans have with it, mediums such as the Internet can quickly broadcast the messages of the WBC to anyone with a computer. The influence the media has had on the WBC and funeral protest legislation will be discussed later.

What Dorsky argues is that it is not the *content* of the WBC funeral protests that is being targeted, but the *venue* in which they choose to express it (2009: 243). It is hard to argue that the WBC chooses to demonstrate at funerals because they know that it is disrespectful and controversial, therefore, will bring attention to their message. We can wonder if they would have the same effect if they were to demonstrate somewhere with less emotional association, like a shopping center or park. Anna Zwiery Messar agrees; “There are a number of different places where they can gather to make their point and be heard, giving the protesters no reason to picket a funeral, unless their desire is to preach hate, to desecrate the funeral, and to intrude on the private grief of family and friends mourning their loss” (2007: 106). Cornwell agrees that the reason that the WBC has been so effective at getting their message across is because of the forum where they choose to protest. She believes that they would not have receive such notoriety without interacting with the targeted audience in this way (2007: 1370). The bottom line is that the WBC knows what they are doing and are being successful at it.

State and federal legislations restricting funeral protests is the most common strategy used to hinder the WBC, but not the only. The Patriot Guard Riders are a group of motorcyclists who travel the country strongly opposing the WBC and helping to shield them from military and high profile funerals (Beil 2008: 509). This group was formed in direct response to the protests by the WBC. They offer their services free of charge, as long as they are invited by the family of the deceased. Andrea Cornwell argues that their presence at funerals is as politically driven and demonstrative as their counterparts (2007: 1353). The group arrives on loud motorcycles and hold flags to block picketers from the view of funeral guests. Under the federal statute, and many state statutes, their presence would be found as a disruption to the funeral, like the WBC, but since they are seen as patriotic and a part of the funeral, their presence is not being challenged. The key is that the Patriot Guard Riders are requested by family members of the deceased and allowed to be present at the funeral, whereas, the WBC is an unwanted intruder.

METHODS

The data used for this research was collected through the use of the Internet to retrieve electronic documents such as journal and newspaper articles, and other media sources regarding the topic of the Westboro Baptist Church and funeral protests. Articles were obtained by using Internet search engines Google Scholar, Lexis Nexis, and Westlaw Research. I tried to limit the sources to those that were reputable; scholarly journals, major news sources such as CNN, ABC News, Associated Press, and local news sources. I rely heavily on articles published in law journals for the background information on the issue of funeral protest legislation and First Amendment rights. Primary data for the Westboro Baptist Church was collected from their website,

www.godhatesfags.com. This data included press releases, responses from a Q&A section, photos, music or poems, and other sources that revealed the Church's mission. Data on the Patriot Guard Riders was collected from their website, www.patriotguard.org.

A major focus in my research was the lawmakers' strategy in reaction to the WBC, which focuses on the state legislation of the 45 states that have a funeral protest law. I initially collected information on state legislation of funeral protests through the First Amendment Center website (www.firstamendmentcenter.org). The organization provides information and news on the First Amendment and the current issues involving the topic. Their website offers links to states' official government websites of which their code of law is available. The center has offices at Vanderbilt University in Nashville, Tennessee, and in Washington, D.C. It is an operating program of the Freedom Forum and is associated with the Newseum and the Diversity Institute. The center's programs provide education and information to the public, governmental, and educational groups. The center is nonpartisan and does not lobby or litigate. The First Amendment Center was founded by John Seigenthaler and created on December 15, 1991.

OVERVIEW OF CHAPTERS

Hopefully, this chapter has provided the background and foundation for the purposes of this paper and what I expect to accomplish. Chapter two will focus on the Westboro Baptist Church. I will provide background information regarding the group, state the main message of the organization, and provide the strategies they use to make the public aware of their message. Chapter three will provide the legislative and civil action strategies used when dealing the WBC. The legislative strategy is the laws that 45

states have enacted to limit funeral protesters. The civil action strategy is the formation of the patriotic motorcycle group, The Patriot Guard Riders. My analysis of the effectiveness of the lawmakers' and public strategies will be stated in Chapter four, labeled Discussion. Chapter five, the final chapter, discusses the limitations of my research, suggestions for future research, and conclusion. Sections of the funeral protest laws of 45 states can be found in Appendix A, and a table of the initiators of state funeral protest legislations is posted in Appendix B.

CHAPTER TWO: WESTBORO BAPTIST CHURCH

BACKGROUND

Never before has the United States dealt with a protesting group that specifically targets funerals as a forum to spread their message. Funerals have largely been held as an emotional event to respectfully mourn the life of the deceased. To most Americans, the very thought of having a group of protesters chant their message at a funeral is appalling and disgraceful, and something they thought would never occur. Only recently has America witnessed the overwhelming effects that a funeral protesting group can have, and have struggled to find the best strategy to combat the WBC's efforts.

The United States has been blind-sided by the Westboro Baptist Church, who seem to have appeared out of nowhere with their controversial method of protesting the funerals of soldiers killed in action as a forum to spread their message. The small, unaffiliated congregation, consisting of approximately seventy-five family members, hails from Topeka, Kansas. Fred Phelps, the founder and leader of the WBC, has been building his congregation since 1955 when he started the church. Prior to utilizing his church as a tool for public discourse, Phelps, already had a colorful history in protesting and filing lawsuits. In 1983, he filed the first of three federal lawsuits against Washburn University Law School after the institution denied three of his children admission. The lawsuit claimed that his children should be granted minority status and benefit from affirmative action programs due to the amount of "civil rights work" he had done (Zwierz Messar, 2007: 104). In a later lawsuit, Phelps switched his argument "alleging reverse discrimination" because his children were white. All of the suits were dismissed in 1986.

The church stumbled into widespread public attention in 1991 when Phelps and his congregation demonstrated at a public park that his group viewed as a haven for homosexual activity (McCarthy, 2007: 1473). This protest spurred counter-protests, resulting in widespread media attention.

A few years later, in 1998, Phelps found himself and the WBC reaching national levels of media attention when he and his followers protested the funeral of Matthew Shepard, a Wyoming college student who was brutally beaten and murdered based on his sexual orientation (McCarthy, 2007: 1474). The WBC, notorious for the signs they display during protests, shocked mourners with the ones exhibited at Matthew Shepherd's funeral. Samples of these included statements such as "No Tears for Queers" and "Fag Matt in Hell" (Zwierz Messar, 2007: 105). The impact of the Matthew Shepherd funeral protest put the WBC on the radar of the American public and the media. Since this protest, the WBC has demonstrated at a variety of funerals including those for the victims of the terrorist attacks on September 11, 2001, miners who died in the Sago, West Virginia tragedy, Frank Sinatra, gay men who died after contracting AIDS, Mister Rogers, and Coretta Scott King (McCarthy, 2007: 1474).

Although those protests outraged the American people, it was not until 2005 and 2006 when the WBC really fueled the fire by protesting at the funerals of fallen soldiers. It has been estimated that between 2005 and 2006, WBC members protested at 200 soldier's funerals, in dozens of states (McCarthy, 2007: 1474).

In response to the protests at the funerals of soldiers, many states began drafting legislation against the WBC and their protests in hopes of deterring their actions. What has been beneficial to the WBC is the law background of Fred Phelps and several of his

children. Phelps is a former attorney who was disbarred from practice in 1979, stemming from his treatment of a court reporter that was late in giving him a court transcript (Zwierz Messar, 2007: 103). In a subsequent lawsuit filed by Phelps against the same court reporter, he accused her of fraud and misrepresentation and sought \$22,000 in monetary damages (Zwierz Messar, 2007: 103). The court ultimately ruled that it was apparent Phelps had a “personal vendetta” against the court reporter, Carolene Brady. Undeterred by the ruling, Phelps was not satisfied with the verdict and therefore filed a motion for a new trial. That motion was denied, and the situation, combined with his “long list of prior fraudulent conduct” resulted in Phelps’ disbarment from the Kansas State Bar (Zwierz Messar, 2007: 104).

In the 1990’s, the WBC filed several lawsuits against the City of Topeka, Kansas and Shawnee County, after officials there restricted or completely prevented Church members’ picketing (Zwierz Messar, 2007: 105). The church was later awarded over \$45,000 in legal fees associated with the lawsuits. The money awarded to the WBC from lawsuits they file has allowed the church to continue to protest all over the country. The legal background of several of the members, including Phelps’ daughter Margie, and help from the ACLU has allowed the church to be successful when it comes to challenging state funeral protest laws.

THE CHURCH’S MESSAGE

The Church refers to their protest demonstrations as “Love Crusades” that are waking up Americans who have been raised on a “steady diet of fag propaganda in the home, on TV, in church, in school, in mass media...” (Westboro Baptist Church, FAQ, www.godhatesfags.com, 9/26/2011). The WBC believes that protests at the funerals of

soldiers are critical because these individuals have upset God by voluntarily fighting for a country believed by the WBC to be run by homosexuals. The WBC believes that God has responded to America's tolerance of homosexuality by choosing to kill U.S. soldiers in Iraq and Afghanistan. Thus, military funerals are the forum of choice for delivering WBC's message. Through their protests, the WBC claims its purpose is to rid the United States (and the world) of homosexuality (Zwierz Messar, 2007: 122). Basically, what the members of the WBC believe is that God is punishing Americans for their acceptance of homosexuality by killing soldiers and creating other tragedies. The WBC is trying to persuade American citizens to change their beliefs and the public policies of their country (Cornwell, 2007:1364).

Changing the beliefs Americans have regarding homosexuals seems to be the WBC's main focus. The WBC states that "America crossed the line on June 26, 2003, when the Supreme Court (the conscience of the nation) ruled that we must respect sodomy" (WBC, www.godhatesfags.com, FAQ, 10/18/2011). What the WBC is referring to is the case of *Lawrence v. Texas*, where the Supreme Court struck down the sodomy law in Texas, and influenced several other states to eliminate similar laws. The WBC has issues with nearly everyone (Catholics, Jews, Muslims, celebrities, etc.), but homosexuals are the people they are most concerned with. According to a post on their website, www.godhatesfags.com, when asked why the church focuses on homosexuals, this was the response,

Homosexuality is due special attention by our ministry for several reasons, First, Paul the Apostle gave the sin of homosexuality special attention. It is important that you carefully read Romans 1 repeatedly. It is clear that on the ladder of human depravity, homosexuality is the bottom rung. By the time a person reaches the state of hard core, defiant, unrepentant, homosexual lifestyle, God has washed His hands of that person. God does not hate them because they are homosexuals;

they are homosexuals because God hates them...So, we have a Bible basis for recognizing that homosexuality is a particularly heinous sin in the eyes of the God of Eternity.

As evident in this response, and throughout other posts on their website, the WBC interprets certain Biblical scriptures as being anti-homosexual, and therefore uses that evidence as a basis for their beliefs.

STRATEGIES USED

Picketing and protesting is the strategy of choice for the WBC to voice their message. The WBC sing songs, display messages on placards, and hold upside down flags during their protests, all of which are part of what they consider “peaceful sidewalk demonstrations” (WBC, www.godhatesfags.com, FAQ, 10/18/2011). The media coverage of the WBC protests has helped propel their message into national attention. The WBC states that “the unique picketing ministry of Westboro Baptist Church has received international attention, and WBC believes this gospel message to be this world’s last hope” (WBC, www.godhatesfags.com, FAQ, 10/18/11). When asked what ways has the WBC found to spread their message, the reply given is as follows,

Our primary method of spreading our message is through picketing. We travel all over the world, preaching the Gospel. Other methods include press releases, this web page, faxes, television, and radio.

The WBC boasts that the “humble servants of God” have picketed 46,678 times, in 835 cities, in all 50 states (WBC, www.godhatesfags.com, 10/13/2011). The WBC states that they have held demonstrations since June, 1991 at homosexual parades and other events. Even assuming that military funerals are not the only venues they protest, it is hard to confirm these statistics.

The WBC is very strategic in determining where they will protest. Funerals for fallen soldiers are always being protested by the group, dispersing members to as many funerals as possible across the country. Along with military funerals, the funerals of well-known individuals and victims of nationally covered events are venues used by the WBC for their protests. In each of these situations, the church almost always gains widespread media coverage. In November 2006, WBC members picketed the funerals of one of the school girls killed in a bus accident in Huntsville, Alabama, and in October 2006, they threatened to turn up at the funerals of the Amish school girls killed during a school shooting, but cancelled their plans after being offered fifty-five minutes of free airtime by a radio show (Zwierz Messar, 2007: 107).

The Westboro Baptist Church certainly has used media technology to their advantage. As Stephen McAllister points out, protesters likely would have given up their activities long ago had they not generated such an incredible response from so many lawmakers (2007: 577). He further goes on to say that newspapers and media outlets covering the WBC's activities only seems to encourage the church members (2007: 610). His answer to this problem, although he states he cannot fully understand the emotions of a grieving family while witnessing a funeral protest of a loved one, is that the most effective strategy may be to simply ignore the WBC.

Having to ignore the WBC is a difficult task. They appear in newspapers, on televisions, and have their own website. The WBC's main website, www.godhatesfags.com, states the group's history and message, along with providing other information such as their picket schedule. Listed on this website is a plethora of sister sites, each focused on a specific issue or group the WBC has problems with;

GodHatesIslam.com, GodHatesTheWorld.com, JewsKilledJesus.com, BeastObama.com, PriestsRapeBoys.com, and AmericaIsDoomed.com. Ironically, they have a website dedicated to the media, www.godhatethemedia.com. Upon the main page of this website contains the following statement,

What a glorious paradox! The worldwide media does its best to vilify, marginalize and demonize the servants of God at Westboro Baptist Church— and the Lord our God has specifically put the worldwide media in place FOR WBC to preach through! What they mean for evil God means for good. How cool is that?

The WBC recognizes that their greatest weapon is the media and they take full advantage of it to facilitate spreading their message. They understand that the American people have an obsession with the media and many follow it religiously. The WBC believes that Americans' dependency on the media has been a factor in influencing their tolerance of homosexuality. While they may loathe the media for what they believe it is doing to the American citizens, they are capitalizing on it. The WBC's protests are shocking and go against the social norms of many Americans. The media is drawn to these scandalous events, thereby providing a channel for the WBC to spread their word.

Protests are an interesting event that seems to draw media attention. Oliver and Myers (1999: 77) research on a U.S. city's media coverage of protest events revealed that events involving disputable messages fare rather well in local news coverage. They argue that a major goal of a public event, such as a protest, is to attract the attention of the mass media, for only through mass media can people communicate beyond their immediate social setting. With recent advances in technology and the surge in social networking sites such as Facebook and Twitter, news of an event can spread around the world in an instant.

This argument fits well with what the WBC is doing with funeral protests. Only a handful of the church members gather at a funeral, where the audience is often small in number. If the media were not to report the WBC protests, the majority of the U.S. population would know nothing about them or what they stand for. And it is because of their controversial protest methods that the media is attracted to them in the first place. As Oliver and Myers explain; the drama of controversy and polarization is central to what is understood by reporters and the general public as “interesting or newsworthy” (1999: 78). The WBC has used the media’s interest in them to their advantage. Since people are interested in controversial topics, the media covers such stories, bringing nationwide attention to groups such as the WBC. Although the public is attracted to controversial stories, they find the WBC’s behavior distasteful and set out to restrict the group.

From the message they intend to spread, to how they illustrate it, to the venues they choose to display their message, is all a part of their strategy to change the way people think. So, what is the WBC trying to accomplish with their protests? According to a response posted on their website, www.godhatesfags.com, they responded as follows,

First, our goal is to preach the Word of God to this crooked and perverse generation. By our words, some will repent. By our words, some will be condemned. Whether they hear, or whether they forbear, they will know a prophet has been among them. It is the solemn job of a believing Christian to preach the Gospel to every creature, and warn them to flee from the wrath to come. Second, our goal is to glorify God by declaring His whole counsel to everyone. Third, we hope that by our preaching some will be saved. As Jude said, “on some have compassion, making a difference, but others save with fear.”

From this response, it can be concluded that the WBC’s mission is similar to many other evangelist Christian groups in that they want to spread the Word of God. However, it is their strategy of protesting the funerals of soldiers as a forum for spreading their message that has pushed them into the “extremist” category who are openly

denounced as Christians by most Americans. The WBC feels the same way about other Christian groups that many feel about them. When asked on their website how they can call themselves Christians, this was the response,

Because Christ died for our sins, and we faithfully uphold His Word. Most “Christians” today are Christians by name only and should be ashamed of themselves. They are cowardly, lukewarm, and ashamed of Christ’s Word. They have substituted their own pathetic ideas for God’s clear commandments.

It does not matter how people categorize the WBC; they are on a mission to spread their message and have been successful at grabbing the attention of the U.S. It is hard to determine if their protests have changed the minds of anyone regarding homosexuality, but I am positive that they have stirred up thoughts and emotions in the American people. Because of their protests, largely at military funerals, the WBC has become notorious in this country for their unorthodox strategies to gain attention, and images of the group on their “love crusades” are vivid in the minds of many Americans. The WBC has threatened the social norm of appropriate funeral behavior and has challenged the U.S. to respond. The following chapter discusses the strategies created by lawmakers and the general public in response to the WBC funeral protests.

CHAPTER THREE: RESPONSES TO THE WBC

LAWMAKERS

State Legislation

Many Americans' first experience with the WBC's message occurred when the church protested the highly publicized funeral of Matthew Shepherd in 1998. The day before the funeral, after learning of the WBC's plans to protest, the Casper, Wyoming City Council scrambled to draft funeral protest legislation and adopted a 50 foot buffer zone between protesters and funeral services in the city (Zwierz Messar, 2007: 106). They patterned their restriction on laws implementing buffer zones between abortion protestors and health clinics that provided abortion services. Although Wyoming was the first state legislation that targeted the protests carried out by the WBC, it took several years for other states to follow Wyoming's lead and begin drafting their own laws restricting the WBC protests.

One of the most prominent WBC protests that took place, influencing states to institute funeral protest laws, was that of Matthew Snyder. In 2006, Marine Corporal Matthew Snyder was killed in combat. His body was returned to his hometown of Westminster, Maryland, where his family held funeral services in his honor. This was a venue where the WBC decided to hold one of its protests. Following the laws established to contain public demonstration, the WBC contacted local law enforcement and was warned to stay about 1000 feet from the church where the services were being held. Matthew Snyder's father testified that as the funeral procession passed by the protesters, he only saw the tops of the signs they were displaying. However, he became upset when the WBC's message was covered and displayed on the local evening news. He decided to

sue the WBC for intentional infliction of emotional distress and intrusion upon seclusion (Ruane, 2011: 2). The federal jury awarded him 2.9 million dollars in compensatory damages and 8 million dollars in punitive damages, which was reduced to 2.1 million dollars by the U.S. District Court for the state of Maryland. The WBC appealed the finding, arguing that the First Amendment protected their speech.

On March 2, 2011, the Supreme Court ruled in favor of the WBC. The decision of the *Snyder v. Phelps* case came as an outrage to many who feel that the offensive messages of Westboro church members who protest military and other highly attended and publicized funerals overstep the boundaries and emotional rights of the family and friends of the deceased.

The Supreme Court ruling in favor of the WBC had a dramatic effect on the country, and influenced several states to draft or reevaluate their funeral protest legislation. By 2011, 45 states, all of whom had been impacted by the WBC, had initiated a funeral protest law. Table 1 lists the 45 states that currently have funeral protest laws, and the most recent year that the law was enacted or amended. Several states passed funeral protest restrictions in 2005 and 2006, and many of those have amended their laws within the past year, expanding on the buffer zone distance. Nebraska is an example of a state that amended their law in 2011. Their original funeral protest law enacted in 2006 limited protesters to a buffer zone of 300 feet. An amendment to the law was passed in 2011, extending the distance to 500 feet (www.nebraskalegislature.gov, 10/22/2011). Several other states have amended their law to increase their buffer zone including, Alabama, Arkansas, Illinois, and Wyoming.

All of the 45 states that currently have funeral protest laws have experienced WBC demonstrations at funerals of fallen soldiers. The five states who do not currently have funeral protest legislation are Alaska, Hawaii, Nevada, Oregon, and Missouri. The WBC claims that they have conducted protests in all 50 states, but I was unable to confirm this statement. It is possible that they have protested everywhere they claim, but those protests might not have necessarily been at the funerals of fallen soldiers. A few of the five states who currently do not have a funeral protest law has initiated legislation. Alaska proposed funeral protest legislation in January, 2011, but it has yet to be passed (www.legis.state.ak.us, 10/22/2011). Oregon has also proposed a funeral protest law that is awaiting review. Missouri currently does not have a funeral protest law after their previous law was found unconstitutional by a federal judge in 2010 (Associated Press, 8/16/2010).

At the state level, having lawmakers create bans and restrictions on funeral protests has become the most common strategy implemented in response to the WBC. State legislation restricting funeral protests have grown rapidly in the past five years. At the federal level, elected officials are also trying to thwart protests at funerals, specifically those of soldiers. Senate Bill S-2452, designated Dignity for Military Funerals Act of 2006, was proposed by Sen. Evan Bayh (D-Ind.) and outlined a protest buffer zone of 300 feet at any military funeral. This bill was introduced to Congress on March 16, 2006, but failed to be passed into law. Succeeding this failure was House Bill HR 5037, Respect for America's Fallen Heroes Act (RAFHA). This bill was introduced on March 29, 2006 by Rep. Mike J. Rogers. The bill was passed in the House on May 9, 2006, was passed by the Senate on May 24, 2006, and signed by President George W.

Bush on May 29, 2006 becoming Public Law No. 109-228. The bill only applies to funerals taking place on the property under the control of the National Cemetery

Administration or the Arlington National Cemetery. The restrictions are as follows,

Prohibits, with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration: (1) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property and includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or (2) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

Table 1 State and Year of Enactment of Funeral Protest Law

State	Most Recent Year Law Enacted or Amended
Alabama	2011
Arizona	2011
Arkansas	2011
California	2011
Colorado	2006
Connecticut	2007
Delaware	2006
Florida	2006
Georgia	2006
Idaho	2007
Illinois	2011
Indiana	2006
Iowa	2006
Kansas	2007
Kentucky	2006
Louisiana	2006
Maine	2007
Maryland	2006
Massachusetts	Not Determined
Michigan	2006
Minnesota	2006
Mississippi	2006
Montana	2007
Nebraska	2011
New Hampshire	2007
New Jersey	2006
New Mexico	2007
New York	2011
North Carolina	2006
North Dakota	2007
Ohio	2006
Oklahoma	2011
Pennsylvania	2006
Rhode Island	2007
South Carolina	2006
South Dakota	2006
Tennessee	2006
Texas	2007
Utah	2007
Vermont	2006
Virginia	2006
Washington	2007
West Virginia	2011
Wisconsin	2006
Wyoming	2011

By the end of 2006, at least 13 states had passed laws similar to RAFHA, and many more were considering similar laws (Cornwell 2007: 1344). Congress is currently considering altering this federal legislation that would extend the quiet time from 60 minutes to 120 minutes, would increase the buffer zone around services from 150 feet to 300 feet, and increase the buffer around access routes to services from 300 feet to 500 feet (Loew 2011). This new act, referred to as the Sanctity of Eternal Rest for Veterans (SERVE), was introduced April 13, 2011 and referred to the Senate Veterans' Affairs Committee. While this federal regulation strictly applies to military funerals, states have developed their own legislations to be applied to general funerals as well.

The WBC has yet to challenge the federally-mandated RAFHA, but alongside the American Civil Liberties Union, the WBC has contested several state laws that are similar to the RAFHA, often getting the legislation overturned (Michigan, Missouri, Kentucky, Nebraska). The ACLU and WBC members file lawsuits when state legislations on funeral protests inhibit their First Amendment rights as outlined in the Constitution. The ACLU takes issue most with the buffer zone distances, arguing that the law gives individuals unfettered power to grant and enforce applications for exclusion zones around funerals. The ACLU has initiated several lawsuits, including those challenging the Missouri, Ohio, and Kentucky laws (Cornwell 2007: 1344).

Occasionally, the ACLU challenges state funeral protest laws even when it does not involve the WBC. In September of 2011, a federal judge struck down Michigan's statute that makes it illegal to "adversely affect" a funeral (ACLU, Press Release 9/9/2011). This ruling stemmed from a lawsuit filed by the ACLU in 2009 relating to the arrest of a couple who were attending the funeral of a friend and were displaying signs

and bumper stickers on their van which were critical of the Bush administration. Neither of those arrested were members of the WBC.

States have the potential to be successful with their funeral protest legislations as long as no one contests them. With the help of the ACLU, the WBC is often successful in their lawsuits against state funeral protest laws by getting those laws overturned. The legislative director for the ACLU of Oregon, Andrea Meyer, said the WBC often targets states that have anti-picketing laws, challenges them in court and wins thousands of dollars in attorney fees that they are able to use to fund their protests. Meyer states, “States end up funding the abhorrent speech they seek to avoid” (Cooper, Associated Press, 4/28/2011). When this occurs, it is a double loss for state lawmakers since their strategy failed and the money that the WBC wins in such cases allows them to fund their mission and travel all over the country protesting funerals.

Buffer Zones

Within this strategy of limiting funeral protests by law, the most popular way in which to restrict the WBC is to implement a distance restriction called a “buffer zone.” Most of the 45 states with funeral protest legislation have created a certain buffer zone distance that the protesters must be from the funeral site. State legislatures have to define where the buffer zone begins, and usually they have opted for the boundary of entrances to the property on which a funeral is held (McAllister, 2007: 580). These distances vary greatly from state to state, ranging from 100 feet to over 1000 feet. These buffer zones are often the reason the legislation gets challenged by the WBC. Nonetheless, states continue to push the boundaries of protesters by creating stricter buffer zones. Based on rulings in abortion clinic protests lawsuits, it is argued that funeral protest buffer zones

will likely be upheld if they are a reasonable distance, such as less than one hundred feet, and they are not floating (Beil, 2008: 536). Several Supreme Court abortion cases regarding buffer zones and restrictions around clinics provide helpful insight into how a court may analyze constitutionality of funeral protest laws.

In *Hill v. Colorado*, a 1993 Colorado law required protesters who were within one hundred feet of an abortion clinic to stay eight feet away from any person who was entering or exiting the clinic (Beil, 2008: 522). The Court found that the statute was a content-neutral place regulation and upheld the law as constitutional. In a similar case, *Madsen v. Women's Health Center*, the Court found that a thirty-six foot buffer zone in front a clinic was constitutional. These cases provide helpful tools to construct a model statute for funeral protest legislation, by providing language, distance, and time restrictions that have been upheld and the Supreme Court reasoning behind its decisions.

Although the abortion clinic protest buffer zones and their Supreme Court rulings have the potential to be model statutes for funeral protest legislation, few states are following the suggested buffer zone of 100 feet or less. The three most common buffer zone distances outlined in funeral protest state legislation are 300 feet, 500 feet, and 1000 feet. Refer to Table 2 regarding the states that have adopted such buffer zones. A handful of states have required other distances, such as Florida, which does not specify a distance protesters must be from a funeral site. Colorado limits protesters to 100 feet, and Montana has a strict distance of 1500 feet.

300 feet	500 feet	1000 feet
Arizona	Georgia	Alabama
Arkansas	Indiana	California
Connecticut	Iowa	Mississippi
Delaware	Maryland	Oklahoma
Idaho	Massachusetts	South Carolina
Illinois	Michigan	South Dakota
Kentucky	Minnesota	Texas
New Hampshire	Nebraska	
New York	New Jersey	
North Carolina	New Mexico	
North Dakota	Pennsylvania	
Ohio	Tennessee	
	Vermont	
	Washington	
	West Virginia	
	Wisconsin	

Table 2 Common Buffer Zone Distances of State Funeral Protest Legislations

PATRIOT GUARD RIDERS

While lawmakers across the country have been busy drafting funeral protest legislation, the American public has taken matters into their own hands. Americans grew angry and tired of the WBC and their strategy of protesting the funerals of fallen soldiers to make their point that the U.S. is doomed because of their tolerance of homosexuality. What has spawned from these events is a civil action response to shield mourners from the WBC's message at funerals. The Patriot Guard Riders (PGR) has gained as much media attention as the WBC for their counter-protests at the funerals of military service men and women. The group of military veterans, who are also motorcyclists, hails from Kansas, the home state of the WBC. PGR was formed in early August of 2005 by the American Legion Riders chapter 136 (Patriot Guard Riders, www.patriotguard.org). The group organized and created a mission statement that unites the activists,

To attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives: 1) Show our sincere respect for our fallen heroes, their families, and their communities, and 2) Shield the mourning family and their friends from interruptions created by any protestor or group of protestors (Patriot Guard Riders, www.patriotguard.org, September 27, 2011).

The first ride the Patriot Guard took was to the funeral of Sgt. John Doles, in Chelsea, Oklahoma. The group, consisting of about forty bikers, contacted the family of the deceased and the local law enforcement to make them aware of their plan to be present at the funeral. The group was successful at honoring the fallen soldier and keeping the WBC from disrupting the funeral.

Since the first demonstration of the Patriot Guard, the group has accumulated a diverse collection of members from across the country. By 2007, the Patriot Guard had grown to include more than 60,000 members hailing from all walks of life (McCarthy,

2007: 1475). According to PGR's website, their current membership is 251,838 (www.patriotguard.org, 10/25/2011). Membership to the Patriot Guard Riders is completely free. According to a statement on their website, www.patriotguard.org,

We don't care what you ride or if you ride, what your political views are, or whether you're a hawk or a dove. It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is; you don't even have to ride. The only prerequisite is Respect.

The Patriot Guard organizes riders from across the country to participate in demonstrations at funerals where the WBC has stated they will protest. Along with their national website, many states have their own Patriot Guard chapter and corresponding website, organizing local members for PGR events in their home state. Texas, Pennsylvania, New York, Minnesota, California, and many others have created websites dedicated to their own chapter of PGR. Each state has their own Captain, who is responsible for organizing riders and posting their mission schedule.

The counter-protest demonstrations of the Patriot Guard, called missions, are usually conducted by the bikers parking or standing along the road leading to a funeral site, and saluting or holding flags. Typically the group is donned in colorful American or military regalia, leaving them hard to miss. Their demonstrations often take a more rambunctious approach, like the WBC's strategy. Patriot Guard members try to "overshadow the [WBC] jeers with patriotic chants and a sea of red, white, and blue flags" (McCarthy, 2007: 1475). During highly spirited standoffs, guard members will rev their motorcycle engines to drown out the WBC chants.

The Patriot Guard demonstrations have often attracted other counter-protest groups to join in seeking to overpower the WBC's message. Members of the Veterans of Foreign Wars and the American Legion have countered the WBC's protests alongside the

PGR. Police officers have also been known to contribute to the counter-protest. At a funeral protest in Boston, police officer backed their horses' rear ends into the group of WBC members (McCarthy, 2007: 1476). At the same funeral, the Boston Police Department bagpipe band played loudly every time the WBC protesters attempted to shout their slogans (Brouwer & Hess, 2007: 82).

The Patriot Guard has become far more than a biker group that travels the country shielding mourners from WBC funeral protests. In addition to attending military funerals, the Patriot Guard greets troops returning from overseas at welcome home celebrations, deployment ceremonies, and performs volunteer work for veteran's organizations such as Veterans Homes. The group also participates in a program called Help on the Home front, which assists families in financial difficulties with travel and housing arrangements, and visits military hospitals to encourage and honor wounded service members of the U.S. military. The PGR also honors fallen service people from law enforcement and firefighting by attending their funeral when invited. A scholarship fund called the Fallen Warrior Scholarship has been set up by the PGR for the children of military personnel who were killed in action. This fund helps the recipients achieve college education. According to the PGR website, one-year scholarships of a minimum of \$2000 are awarded annually, and are limited to studies at accredited educational or technical institutions (www.patriotguard.org./scholarship, 10/25/2011).

The group is a non-profit organization that relies on the donations of its members and the American public to fund various activities and programs they participate in.

According to a post on the FAQ page of their website, the funds are distributed as such,

Some businesses will donate to a specific function like Help on the Home Front. When a business indicates that they want to support a particular area with the

PGR, the funds will go to that area and will be spent for a specific purpose such as assisting Vets, Scholarship for KIA children, etc.

What has been beneficial to the group is their inclusive attitude towards members. By growing the national organization to over 250,000 members in all 50 states, traveling to the funerals of fallen soldiers in counter-protest of the WBC is relatively inexpensive, leaving donations to the group to go to programs that benefit military and local communities.

The Patriot Guard Riders have made an impact on America and local communities with their charitable programs, often drawing in large business partners. American Airlines has teamed up with PGR through their Business ExtrAA program. When people book flights through American Airlines they have the ability to enter a code for PGR, which allows the organization to earn points for every \$10.00 an individual spends on AA flights. The points PGR earns assists families in need of emergency travel. Other partners of PGR include USMILNET, Wreath Across America, and Laptops for the Wounded (www.patriotguard.org, 10/25/11).

The Patriot Guard Riders has spread inspiration across the country, influencing filmmakers to produce a documentary about the group. The film, *Patriot Guard Riders*, was released in late 2010 and “tells the story of this growing movement: who it attracts, how it interacts with the military, and how the families feel being supported by such a non-traditional alliance of patriots” (www.patriotguardmovie.com). It follows the group around the country on their missions of providing their services to the families of fallen soldiers.

While the original intention of the Patriot Guard Riders was to shield mourners from the WBC’s message at funeral protests, the group has grown to provide several

charitable services to the American people and families impacted by war and military life. The group has been successful at encouraging patriotism and demanding respect for the men and women who risk their lives serving the American nation.

CHAPTER FOUR: DISCUSSION

STRATEGY EFFECTIVENESS

Westboro Baptist Church

The small congregation has no doubt made a dramatic impact on the American people. They have tested the limits of freedom of speech, and have come away quite victorious. The group has stood their ground in court numerous times, arguing that under U.S. law they have a right to spread their message to funeral attendees. The courts have largely agreed with them, awarding them thousands of dollars that the group then uses to further travel the country and voice their thoughts, turning a peaceful funeral into a spectacle. The WBC has gained the level of attention that they craved from the beginning. They have been very effective in their strategy of picketing the funerals of fallen soldiers as a way to bring national media coverage to their issue and use it to channel their message. The media has been attracted to their controversial approach, and consciously or not, has helped the WBC infiltrate their beliefs and actions into the homes of nearly every American.

Although the WBC has gained national attention and continues to be a hot topic in America, how long can they stay relevant? The group, which is made up almost entirely of family members either by blood or marriage, does not typically recruit outsiders. Also, although not common, there have been members that have chosen to defect from the group, ultimately being rejected by their family. Those who are familiar with the WBC most likely know of two of Fred Phelps' daughters, Shirley and Margie, who often act as leaders of the group. But, many are unaware of Phelps' son Nathan, who is estranged from his father and the organization due to his disagreement with the Church's beliefs. A

special shown on ABC's 20/20 television program in 2010 tells the story of a young woman who chose to leave the WBC, therefore leaving her family (ABC, 20/20, 6/4/2010). The young woman, Lauren Drain, began to question the beliefs of the church and was consequently cast out of the family by her parents. When asked if he missed his daughter, Steve Drain answered, "No. Why would I miss her?" It is clear from this statement that the Church's belief in God is far more binding than any emotional attachment that they may have with family members.

Steve Drain and his family are the only members of the WBC who are not related to Phelps by blood or marriage. Ten years ago, Drain was an aspiring filmmaker from Florida who wanted to shoot a documentary called *Hatemongers* about Fred Phelps and his church, showing that the group was "full of crap" (Kendall, www.pitch.com, 11/08/2011). Drain, a philosophy graduate student, found a growing interest in the group, and after many conversations with Fred Phelps and other members, Drain found himself a believer. Drain and his wife, Luci, packed up their family and moved to Topeka, Kansas in 2001 and became members of the WBC. With the Drain family being the only exception, the WBC does not actively recruit outsiders. With the majority of their recruitment being done by birth or marriage, and occasionally losing current members, it will be interesting to see how long the WBC can survive, and how long they can afford to picket funerals around the country.

No matter what their future may hold for the WBC, it is hard to deny their success as a protesting group. Protected by the First Amendment of the U.S. Constitution, the WBC has made it clear through court room victories that they have a right to express their thoughts to a crowd of funeral attendees. The WBC has used the media to bring

national attention to themselves and their mission, resulting in pressure from the American people towards lawmakers to draft legislations that restrict the group's rights. As states scramble with the new phenomena of funeral protests, they are having a difficult time legislating effective restrictions towards the WBC while also maintaining the First Amendment rights of the protestors.

Lawmakers

Despite their best efforts, the government restrictions on funeral protests have not curtailed the WBC's ability to reach funeral attendees with their message. Church members continue to protest within eyesight of mourners, making their point despite complying with distance requirements imposed by funeral protest statutes. In many ways, the state funeral protest legislations have backfired in their quest to silence the WBC's unpopular message. Instead, because of the attraction to the issue by the media, funeral protest laws have amplified the protests by the WBC, especially to those not present at the funerals where protests have taken place. As Phelps' daughter Margie Phelps expressed, "the press, the Patriot Guard and the president are delivering our message in spite of themselves" (McCarthy, 2007: 1491). This statement, along with the amount of media attention funeral protests have received over the past several years is proof that the strategies used by both the lawmakers and the American public has largely failed in their task of silencing the WBC. No matter what kind of limitations states place on funeral protesters, including distance restrictions, the protesters are still able to convey their message to their intended audiences.

Members of the WBC have not been deterred by the outpouring of legislative efforts restricting their speech at funerals. Actually, the WBC seems to be enjoying the

attention. In fact, before lawmakers acted to protect funerals from the WBC's message, Fred Phelps asked them to try, saying, "I look forward to it. I want to see those jackasses up there wrestle with the First Amendment" (McCarthy, 2007: 1491). Phelps could not have been more right with his prediction. Since states began passing funeral protest legislation, there has been a constant struggle to draft laws that are found to be Constitutional when challenged in court.

It is up to U.S. government officials to determine when, or if, the boundaries have been crossed when it comes to peoples' First Amendment rights. For a government to make decisions in such cases, freedom of speech must clearly be defined and standardized, and the purpose of the First Amendment to be understood by government officials and U.S. citizens (Rubinfeld 2001). Issues such as funeral protests underline the fact that common law and constitutional law do not always match up (Epstein 2000). The U.S. Constitution says that funeral protesters have a right to be there expressing their thoughts, however unfavorable they are.

Some argue that if the government places too many restrictions on the rights of funeral protesters then it is content discrimination (Williams 1991). While funeral protesters' content may be offensive – much like the protests that take place at abortion clinics – it is still the right of United States' citizens to engage in free speech. Biases towards one's message can impact the regulations placed on freedom of speech rights. Whether the listener of the message being conveyed agrees or not, basic human rights must be evaluated as long as the regulations set in place by the government are being abided by (Sjoberg et al. 2001).

Along with evaluating the content of free speech, the courts must look at where the speech is taking place. While funerals are an immensely private function, they often occur in a public place leaving no protection from the violent messages of the protesters. As in the case of *Snyder v. Phelps*, the majority of the Court, in an opinion written by Chief Justice Roberts, found that the case turned primarily on whether the WBC's speech was on matters of public or private concern (Ruane 2011). Speech on a matter of public concern is accorded the highest level of First Amendment protection, whereas, speech on a matter of private concern is subject to a "less rigorous" First Amendment standard. In relation to the intrusion upon seclusion claim, the Court declined to consider the Snyder family or other funeral attendees to be a "captive audience" in this circumstance (Ruane 2011: 3).

Ever since states enacted funeral protest legislation it has been an uphill battle to prove to the courts that state legislation is constitutional when it comes under fire by the WBC and the ACLU. The two organizations have teamed up to challenge funeral protest laws in states including Missouri, Ohio, Kentucky, and most recently, Nebraska. When brought to court, the deciding factor in whether or not funeral protest laws are constitutional is the buffer zone set in place by the state. According to ACLU attorney Tony Rothert, "Missouri's restrictions created too large a zone in public areas where speech was restricted and made non-disruptive speech illegal" (*Associated Press*, 8/17/10). The victory of such cases for the WBC has allowed them to continue to spread their message by traveling around the country protesting the funerals of fallen soldiers. While funeral protest legislation was intended to shield the American public from the manner in which the WBC spreads their message, it has ultimately failed.

Patriot Guard Riders

The pro-military demonstrations of the Patriot Guard Riders are often successful at offsetting the effects of the WBC protests. However, the group merely adds to the spectacle, detracting from the peace and quiet of a funeral. In theory, this group is not working to revive the peaceful nature of a funeral, but rather becoming another disruptive protest group. The only difference between them and the WBC in regards to their protesting strategies is that the message of the Patriot Guard is one respected by the American public, and that they are invited guests to the funeral.

Even though the Patriot Guard is often as disruptive to a funeral as the WBC, the PGR is largely found to be successful on their “missions.” The number of PGR members that participate in one of their missions, combined with their physical appearance, can certainly offset the WBC members. With their patriotic message, the PGR can provide a sense of comfort to the families of fallen soldiers and restore the idea that they died for a country who respected them. In a clip of the *Patriot Guard Riders*, a PGR member said he “wished that they did not have to travel to the funeral of fallen soldiers, but that it was necessary. As long as the WBC is around, then the PGR will be there honoring the dead” (www.patriotguardmovie.com).

With the WBC and the PGR having such strong presence, what has worried many local authorities, who witness the demonstrations of the WBC and the Patriot Guard, is that the tension between the two groups has the potential to erupt in violence. Because of the emotion behind the messages of the WBC and Patriot Guard, tensions run high at the protests. Patriot Guard members can intensify the effects created by the WBC when they turn a solemn funeral into a political spectacle. Actually, WBC members have often

claimed that they have endured physical attacks by the PGR and that the police have turned the other cheek.

One of the most interesting details of the PGR is that it is an organization created in direct response to the WBC protests to offer counter-protests, but it has expanded its focus towards providing military community activism, assistance programs, and scholarships. The PGR has grown to hundreds of thousands of members all over the country, united together by the goal of honoring the service men and women of America. Through the Internet and social media, the group can stay connected, delivering messages and news across the nation without ever meeting face to face. The group has grown to be so much more than a bunch of patriotic bikers who travel the country standing their ground against the WBC. Although their counter-protests at the funerals of fallen soldiers are certainly honorable and respectful in the eyes of Americans, they are making more of an impact on military families through their contribution programs.

Whether the Patriot Guard has been successful at honoring the dead and restoring peace to the funerals of fallen soldiers is open to interpretation. What the group has been successful at is restoring American patriotism and unity, and urging Americans to honor and thank soldiers for fighting for their country. The PGR has also been successful at providing various programs and charities for the military community and other groups in need. With hundreds of thousands of members across the country, the PGR has made their presence known and have made it clear that they will not stop fighting for those who fought for them.

CHAPTER FIVE: CONCLUSION

Funeral protesting is a current and sensitive topic. Americans hold great pride and respect for those who have risked their lives, and often lost, fighting in the military. Policy makers are scrambling to do what they can to try and protect the family and friends of the deceased who are exposed to the WBC's demonstrations, but they must walk a thin line on the level of restrictions they can place on protesters.

With the recent ruling of the Supreme Court in favor of the Westboro Baptist Church in *Snyder v. Phelps*, the issue of funeral protests is still abuzz in many American people's minds. With so many Americans finding the group highly offensive, the ruling came as a shock. The Supreme Court argued that although the words of the WBC are not of popular opinion, the decision was correct in protecting the First Amendment rights as outlined in the U.S. Constitution. The government and other organizations, such as the ACLU, have argued that no matter how distasteful the message is, it is to be protected under the Constitution. The counterargument that many lawmakers use is that when words are used to inflict injury towards those that are exposed to it than it should no longer deserve the protection of the First Amendment. This puts the government in a difficult situation. Where do they draw the line?

What I hope to have accomplished with my research is an understanding that the counter-strategies that have been implemented by U.S. lawmakers and the Patriot Guard Riders in response to the WBC's funeral protests have largely been unsuccessful at deterring the WBC from continuing to spread their anti-homosexual message at the funerals of fallen soldiers. By researching state funeral protest legislation and associated court cases, I have shown that the buffer zones used in such legislations are too great of

distances, restricting the First Amendment rights of the WBC. By states enacting funeral protest legislation, they have often unintentionally facilitated the WBC's ability to continue picket across the country when the laws are challenged in court and lose in favor of the WBC. I hope to have shown the lawmakers' strategy needs to be reevaluated if it is intended to be a successful strategy at limiting the WBC's funeral protests.

As for the Patriot Guard Riders, what I hope to have accomplished is showing that the group has progressed rapidly from a small, grassroots movement created in direct response to the WBC's pickets of military funerals, to be an active organization that provides several assistance programs for the military community. What I also intended was to show that the PGR has also been unsuccessful at deterring the WBC from their mission of funeral picketing, and can add to the spectacle that is already created by the WBC. What I also hope to show is that because of the restrictions outlined in state funeral protest legislation, the PGR members are at risk of violating the law while conducting one of their counter-protests. However, the group remains to be supported throughout the country and continues to be respected guests of military funerals and other military events.

What I must conclude on the issue of funeral protests laws is that the United States has a strong military culture and an equally strong respect for the dead, and they have decided to fight for peaceful funerals. The country has endured difficult times over the past decade and the WBC has caused distress upon the military community and those who have lost loved ones in combat with their funeral protests. Many Americans might consider the Westboro Baptist Church a terrorist group, and by having the U.S.

government step in and limit their demonstrations may help restore Americans confidence in their government.

The American people are not leaving the issue completely in the hands of lawmakers, as we have seen the creation of counter-protest groups such as the Patriot Guard Riders, who offer a civil action response to the WBC in hopes of keeping funeral services sacred and respectful. Both lawmakers and the Patriot Guard Riders have obstacles that they must overcome to be successful in their missions. Lawmakers must find the right balance of restrictions and constitutional rights for the WBC to hold up in court, and the PGR must be cautious in their counter-protests as not to fall victim to the limitations set in place by state funeral protest legislations. However, it is apparent that neither group intends to cease their quest of shielding the WBC from the American people.

A limiting factor of my research is the lack of literature on the topic outside the legal field. The majority of my research was based on information collected from legal journals, focusing primarily on the constitutionality of funeral protests and the state legislations that try to implement them. Another limitation of my research is that this is such a current topic that funeral protest legislation is constantly being amended and proposed, making it difficult to keep track of a state's current law. As shown, several state funeral protest laws are either being overturned or amended by state lawmakers.

Another area that hindered my research was the amount of literature available on the Patriot Guard Riders. Typically, in each journal article on funeral protests there was only a brief section dedicated to the PGR, offering basic background information. I feel that there is much more that can be learned from the group, specifically on how their

group has transformed from an impromptu grassroots movement into something more than a protest group. It would also be interesting to know what motivated members to join PGR.

The issue of funeral protest legislation is important and requires further research. Although the WBC holds a belief that is not shared by the majority of the American people and chooses to present it in an unsolicited way, it is their right as noted in the U.S. Constitution to assemble and express their freedom of speech. King et al. (2007) argues that protesters are in competition with lawmakers for attention on certain issues. In the case of funeral protesters and the WBC, they are testing lawmakers' patience and ability on how to handle the situation. As the WBC is pushing the boundaries of their freedom of speech, lawmakers are responding.

I believe more research on state funeral protest legislation is needed to understand how lawmakers interpret the law and how they use it to limit protest at funerals. State funeral protest statues are constantly changing, either being overturned by the court, or amended by state lawmakers. While lawmakers struggle to draft an acceptable law in the eyes of the Courts and the First Amendment, changes are constantly being made and further distance restrictions are being proposed. It could be beneficial to interview state lawmakers to understand how they decided upon the restrictions used in their funeral protest legislation to further understand the creation of social norms.

Future research can follow the Westboro Baptist Church to evaluate their effectiveness once their leader, Fred Phelps, has deceased. We may find that the WBC is similar to other groups who have been led by a charismatic leader, that when the leader moves on or dies, the organization also ceases to exist. Although Phelps has been

grooming two of his daughters in leadership roles, Margie and Shirley, it will be interesting to know if the WBC can outlive its leader. More research on the WBC can help to further understand counter-cultural groups and how they interact with or disrupt society.

Recently, there has been a plea from Americans and victims of the WBC protests for the media to stop covering their funeral protests (*The Baltimore Sun*, 3/10/2011). Future research could focus on the amount of media coverage the WBC gets, and if it has any effect on the group. If Americans stopped noticing the WBC, would the group protest less? The answer is most likely no, or that they would come up with some other shocking strategy to regain national attention. However, the WBC's interaction with the media and the group's dependency on it as a way to spread their message is an interesting relationship that could be further examined.

If the WBC begins to limit their number of funeral protests, and if they eventually fade away, it will be interesting to see what will become of the Patriot Guard Riders. Since the PGR was created in direct response to the WBC as a way to shield mourners from the Church's message, in what direction will the organization go? Already, the PGR has founded many other charitable and community programs for military personnel and other Americans. Protecting funeral attendees from the words of the WBC may simply become a side project.

What I hope to encourage from this research is further interest in the strategies that are being used by lawmakers and the American public in response to funeral protests. I want researchers to use this research as a platform to build future hypotheses from. There are many different directions that research on the topic of funeral protests may go.

With an abundance of literature on the legality and constitutionality of funeral protests and responding legislation, I hope to encourage more anthropological or sociological research, focusing on the WBC and the PGR.

As for my intention for future research, I feel that this paper just skims the surface of the issue of funeral protests. The WBC has been around for numerous years, successfully picketing the country for well over a decade, and while they have gained the attention of millions of Americans, little ethnographic research has been completed on the group. I hope to complete more in-depth fieldwork with the WBC in the future, focusing on the group's beliefs and intentions, and how they formulate their lives being a group that defies and challenges the social norms of the American people. I believe that the leaders of the WBC are excellent strategists and proficiently grasp the notion of what Americans have valued as appropriate social behavior, which they use to their advantage when creating a shocking strategy to draw attention to their mission. I feel that much more can be learned from the WBC that can help us understand counter-cultural groups and their function.

The attention that the American citizens and government has given to the WBC has helped them succeed in their quest to spread their message and the "word of God" to people around the country. The media has propelled the group to a level of national attention, bringing the WBC's message into nearly every American home. In response to their shocking behavior at the funerals of fallen soldiers, Americans have urged the government to take action. Unfortunately for the government, their unfamiliarity for handling such cases has led them to create weak state funeral protest legislations as a knee-jerk reaction to the issue. This works in the WBC's favor when they challenge the

laws in court and are awarded money to help fund their cause when the laws are found unconstitutional. The WBC does not fear lawmakers or the Patriot Guard Riders who show up at their protests in hopes of blocking their message from the grieving family. As of yet, the WBC remains undeterred in their quest of spreading God's message that Americans are doomed to hell for tolerating homosexuality.

APPENDIX A
STATE FUNERAL PROTEST LEGISLATION

I have only added certain sections of states' legislations, and not the complete code of law regarding funeral protests or disruptions. For the purposes of this paper I have only focused on adding the sections relating to the required distance of protesters and other sections relating to that restriction. Full versions can be found through the state's legislation website, which can be found on the References page. For those states that have recently amended their funeral protest law, I have only added the most recent bill amending the law.

Alabama

House Bill 171, year 2011

Section 13A-11-17 of the Code of Alabama 1975, is amended to read as follows:

- (a) A person commits the crime of disrupting a funeral or memorial service if, during the 60 minutes immediately preceding a funeral or memorial service that has a scheduled starting time, during the funeral or memorial service, or immediately following the funeral or memorial service, the person does any of the following with the intention of disrupting the funeral or memorial service:
- (1) Engages in a protest, including, but not limited to, protest with or without using an electronic sound amplification device, that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn within 1,000 feet of the entrance to a facility being used for a memorial service.

Alaska

Although Alaska has not yet signed a funeral picketing bill into law, I have decided to add their proposed law.

House Bill No. 234, year 2011

"An Act relating to picketing or protests at a funeral."

Sec. 1.

- (a) The legislature finds that families have a legitimate and legally cognizable interest in organizing and attending funerals for deceased relatives, and that the rights of families to mourn the deaths of relatives peacefully and privately are violated when funerals are targeted for picketing or other protest activities. The legislature also finds that family members attending a funeral service are a captive audience, and that it is very difficult for grieving family members to avoid picketing and protest activities within 150 feet of the boundary of a cemetery, mortuary, church, or other facility where a funeral is being held up to an hour before the beginning of a funeral and until an hour after the conclusion of a funeral.

Sec. 2. AS 11.61.110 (a) is amended to read:

- (a) A person commits the crime of disorderly conduct if,
 ... (8) the person knowingly engages in picketing with reckless disregard that the picketing occurs
 (A) within 150 feet of the boundary of a cemetery, mortuary, church, or other facility;

Arizona

Senate Bill 1101, year 2011

An Act Amending Title 13, Chapter 29, Arizona Revised Statutes,
 By Adding Section 13-2930; Relating to Offenses Against Public Order

(A) A person shall not picket or engage in other protest activities, and an association or corporation shall not cause picketing or other protest activities to occur, within three hundred feet of the property line of any residence, cemetery, funeral home, church, synagogue or other establishments during or within one hour before or one hour after the conducting of a funeral or burial service at that place.

Arkansas

The Arkansas legislation of funeral protests as outlined in 5-71-230, in year 2011, of their code of law is as follows:

- ... (b) A person commits the offense of violation of the protection of peace for mourning at a funeral if the person:
- (1) Knowingly pickets a funeral;
 - (2) Intends to interfere with the funeral; and
 - (3) Pickets:
 - (A) Within one hundred fifty feet (150') of the funeral; and
 - (B) Either:
 - (i) During the funeral;
 - (ii) Within thirty (30) minutes immediately before the scheduled commencement of the funeral; or
 - (iii) Within thirty (30) minutes immediately following the completion of the funeral.

HB 1207 was approved on February 24, 2011 and was the following amendments took place;

- (1)(A) "Funeral" means a ceremony or memorial service held in connection with the burial of cremation of a person who has died in which the family of the deceased has a personal stake in memorializing and honoring the deceased and the desire to be able to mourn in peace during the ceremony or memorial service.

(2) “Picket” means to engage in the activity of protesting or demonstrating to target a funeral without authorization from the family of the deceased.

(3) Pickets:

(A) Within three hundred feet (300’) of any ingress or egress of the funeral;

California

Senate Bill 888, year 2011

An Act to add Section 594.37 to the Penal Code, relating to crime

Sec. 2. (a) It is unlawful, except upon private property, for a person to engage in picketing one hour prior to the funeral and ending one hour after the conclusion of the funeral.

... (c) For purposes of this section:

... (2) “Picketing,” for purposes of this section only, means protest activities engaged in by any person within 1,000 feet of a burial site, mortuary, or place of worship.

Colorado

The Session Laws of Colorado 2006, 65th General Assembly saw the “Right to Rest in Peace Act” in HB 06-1382.

Section 1. Legislative declaration.

... (2) The general assembly finds and declares that:

(a) Families and friends of persons who have died have a substantial interest in organizing and attending funerals for the deceased:

(b) Those attending funerals have a right to attend without being subjected to unwanted offensive speech, demonstrations, visual displays, interference, or other actions that contribute to increased and unnecessary additional emotional distress:

(c) Funerals themselves are an expression of the freedoms of speech, religions, and assembly protected by the United States and Colorado constitutions, and, therefore, the state has a substantial interest in allowing funerals to be conducted without interference or disruption from violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct; and

(d) Any distance less than those described in this act would be insufficient to assure that the grief felt by persons attending the funeral would not be increased by violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct.

Section 7. 18-9-125 Interference with a funeral.

(1) A person commits interference with a funeral if he or she, knowing a funeral is being conducted:

(a) Refuses to leave any private property within one hundred feet of the funeral site upon the request of the owner; or

(b) Refuses to leave any public property within one hundred feet of funeral site upon the request of a public official with authority over the property or upon the request of a peace officer...

SECTION 8. Part 1 of article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-21-125. Funeral picketing - legislative declaration - definitions - damages.

(1) The general assembly finds and declares that:

(a) One of the fundamental reasons we humans organize ourselves into societies is to ritually assist in and recognize the grieving process;

(b) Funeral picketing disrupts that fundamental grieving process;

(c) Funeral picketing intentionally inflicts severe emotional distress on the mourners; and

(d) Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights other than at and during the funeral.

(2) The general assembly, therefore, determines it is necessary to enact this section in order to:

(a) Protect the privacy of the mourners during the funeral; and

(b) Preserve a funeral-site atmosphere that enhances the grieving process.

(3) As used in this section:

(a) "Funeral" means the ceremonies, rituals, processions, and memorial services held in connection with the burial, cremation, or memorial of a deceased person, including the assembly and dispersal of the mourners.

(b) "Funeral picketing" means a public demonstration at a funeral site during the funeral that is reasonably calculated to inflict severe emotional distress on the mourners.

(c) "Funeral site" means a church, synagogue, mosque, funeral home, mortuary, gravesite, mausoleum, or other place where a funeral is being conducted.

(d) "Mourner" means a member of the decedent's immediate family at the funeral.

(4) It is unlawful for a person to knowingly engage in funeral picketing within one hundred feet of the funeral site or to engage in electronically amplified funeral picketing within one hundred fifty feet of the funeral site.

(5) (a) Each mourner shall be entitled to recover reasonable damages, but not less than one thousand dollars, together with reasonable attorney fees and costs from each person who violates subsection (4) of this section.

(b) The court shall impose joint and several liabilities on any person who:

(I) Violates subsection (4) of this section by acting in concert with one or more other persons; or

(II) Consciously conspires with one or more other persons and deliberately pursues a common plan or design to commit a violation of subsection (4) of this section.

Connecticut

House Bill No. 6060, year 2007

Public Act No. 07-98

AN ACT CONCERNING DISRUPTION OF A FUNERAL

Section 1. (a) For the purposes of this section:

... (b) With respect to any funeral, no individual may engage in an activity during the period beginning sixty minutes before and ending sixty minutes after such funeral, any part of which activity:

... (2) (A) Is within three hundred feet of the boundary of the location of such funeral; and (B) includes the individual willfully and without proper authorization impeding the ingress to or egress from such location with the intent to impede the ingress to or egress from such location.

Delaware

House Bill No. 371, year 2006

An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses

(1) A person shall not do any of the following within three hundred feet of the building or other location where a military funeral or memorial service is being conducted, or within three hundred feet of a military funeral procession or burial:

(a) Make loud raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.

(b) Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know is likely to provoke a violent reaction by another.

(c) Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession or burial.

Florida

House Bill 7127, year 2006

An Act Relating to the Disturbance of Assemblies

... (2) Whoever willfully interrupts or disturbs any assembly of people met for the purpose of acknowledging the death of an individual with a military funeral honors detail pursuant to 10 U.S.C. s.1291 commits a misdemeanor of the first degree, punishable as provided in s.775.082 or s 775.083.

Georgia

Senate Bill 606 passed in 2006 an act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia relating to offenses against public order and safety, so as to prohibit disruptive conduct at funerals or memorial services.

(a) The General Assembly declares that the interest of persons in planning, participating in, and attending a funeral or memorial service for a deceased relative or loved one without unwanted impediment, disruption, disturbance, or interference is a substantial interest and the General Assembly further recognizes the need to impose content neutral time, place, and manner restrictions on unwanted acts carried out with the intent to impede, disrupt, disturb, or interfere with such funeral or memorial service.

(b) It shall be unlawful to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, disturb, or interfere with the orderly conduct of any funeral or memorial service...

(1) Displaying any visual images that convey fighting words or actual imminent threats of harm directed to any person or property associated with said funeral or memorial service within 500 feet of the ceremonial site or location being used for the funeral or memorial service at any time one hour prior to, during, or one hour after the posted time for said funeral or memorial service;

Idaho

House Bill 194, year 2007

Title 18

Crimes and Punishments

Chapter 64

Riot, Rout, Unlawful Assembly, Prize Fighting, Disturbing Peace

... (2) Every person who maliciously and willfully disturbs the dignity or reverential nature of any funeral, memorial service, funeral procession, burial ceremony or viewing of a deceased person is guilty of a misdemeanor.

Illinois

House Bill 180, year 2011

Disorderly Conduct at a Funeral or Memorial Service

...(c) A person commits the offense of disorderly conduct at a funeral or memorial service when he or she:

(1) engages, with knowledge of the existence of a funeral site, in any loud singing, playing of music, chanting, whistling, yelling, or noisemaking with, or without, noise amplification including, but not limited to, bullhorns, auto horns, and microphones within 300 feet of any ingress or egress of that funeral site, where the volume of such singing, music, chanting, whistling, yelling, or noisemaking is likely to be audible at and disturbing to the funeral site;

(2) displays, with knowledge of the existence of a funeral site and within 300 feet of any ingress or egress of that funeral site, any visual images that convey fighting words or actual or veiled threats against any other person; or

(3) with knowledge of the existence of a funeral site, knowingly obstructs, hinders, impedes, or blocks another person's entry to or exit from that funeral site or a facility containing that funeral site, except that the owner or occupant of property may take lawful actions to exclude others from that property.

Indiana

During the second regular session of the 114th General Assembly in 2006, the Indiana Senate amended the Act concerning funeral protests as defined in IC 35-45-1-3.

- (a) A person who recklessly, knowingly, or intentionally:
 - (1) engages in fighting or in tumultuous conduct;
 - (2) makes unreasonable noise and continues to do so after being asked to stop; or
 - (3) disrupts a lawful assembly of persons;
- (c) The offense described in subsection (a) is a Class D felony if it:
 - (1) is committed within five hundred (500) feet of:
 - (A) the location where a burial is being performed;
 - (B) a funeral procession, if the person described in subsection (a) knows that the funeral procession is taking place; or
 - (C) a building in which:
 - (i) a funeral or memorial service; or
 - (ii) the viewing of a deceased person; is being conducted; and
 - (2) adversely affects the funeral, burial, viewing, funeral procession, or memorial service.

Iowa

House File 2365, year 2006
 An Act Relating to Committing Disorderly Conduct
 Near a Funeral Memorial Service, Funeral Process, or Burial.

Section 1. 723.5 Disorderly Conduct- Funeral or Memorial Service.

- (1) A person shall not do any of the following within five hundred feet of the building or other location where a funeral or memorial service is being conducted, or within five hundred feet of a funeral procession or burial:
 - (a) Make loud and raucous noise which causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession.
 - (b) Direct abusive epithets or make any threatening gesture which the person knows or reasonable should know is likely to provoke a violent reaction by another.
 - (c) Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.
- (2) The section applies to conduct within sixty minutes preceding, during, and within sixty minutes after a funeral, memorial service, funeral procession, or burial.

Kansas

House Bill No. 244, year 2007
An Act Concerning the Kansas Funeral Privacy Act

It is unlawful for any person to:

- (1) Engage in a public demonstration at any public location within 150 feet of any entrance to any cemetery, church, mortuary or other location where a funeral is held or conducted, within one hour prior to the scheduled commencement of a funeral, during a funeral or within two hours following the completion of a funeral;
 - (2) knowingly obstruct, hinder, impede or block another person's entry to or exit from a funeral; or
 - (3) knowingly impede vehicles which are part of a funeral procession.
- “public demonstration” means:
- (A) any picketing or similar conduct, or
 - (B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral.

Kentucky

KRS 525.155 Interference with a funeral. Year 2006

- (1) A person is guilty of interference with a funeral when, at any point in time between one (1) hour prior to the commencement of an event specified in this subsection and one (1) hour following its conclusion, he or she blocks, impedes, inhibits, or in any other manner obstructs or interferes with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.
- (2) Congregates, pickets, patrols, demonstrates, or enters on that portion of a public right-of-way or private property that is within three hundred (300) feet of an event specified in paragraph (1) of this subsection; or
- (3) Without authorization from the family of the deceased or person conducting the service, during a funeral, wake, memorial service, or burial:
 - (a) Sings, chants, whistles, shouts, yells, or uses a bullhorn, auto horn, sound amplification equipment, or other sounds or images observable to or within earshot of participants in the funeral, wake, memorial service, or burial

Louisiana

RS 14:103, year 2006
Offenses Affecting the General Peace and Order

- (1) Engaging in a fistfight; or

- (2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty; or
- (3) Appearing in an intoxicated condition; or
- (4) Engaging in any act in a violent and tumultuous manner by any three or more persons; or
- (5) Holding of an unlawful assembly of people; or
- (6) Interruption of any lawful assembly of people; or
- (7) Intentionally engaging in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person.
- (8) Intentionally blocking, impeding, inhibiting, or in any other manner obstructing or interfering with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.

Maine

Maine's criminal code pertaining to offenses against public order as outlined under Title 17-A, Part 2, Chapter 21, year 2007.

- (1) A person is guilty of disorderly conduct if:
 - (d) In a private or public place on or near property where a funeral, burial, or memorial service is being held, the person knowingly accosts, insults, taunts, or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Maryland

House Bill 850, year 2006

An Act concerning Crimes- Access to and Visual Displays at
Burial, Memorial Service, Funeral, or Funeral Procession

- (A) A person may not, for 60 minutes immediately preceding a funeral, burial, memorial service, or funeral procession that has scheduled starting time, or during the 60 minutes immediately following a funeral or memorial service:
 - (1) Knowingly obstruct, hinder, impede, or block another person's entry to or exit from the funeral, burial, memorial service, or funeral procession; or
 - (2) Display a visual image that conveys fighting words against another person within 500 feet of:
 - (I) An entrance to a funeral, burial, or memorial service; or
 - (II) A funeral procession.

Massachusetts

The law prohibiting funeral protests as defined in Part IV, Title 1, Chapter 272, Section 42A of Massachusetts law;

Whoever pickets, loiters or otherwise creates a disturbance within five hundred feet of a funeral home, church, or temple or other building where funeral services are being held, shall be punished by a fine or not more than one thousand dollars or by imprisonment for not more than one year in a house of correction, or both.

Michigan

House Bill No. 5887, year 2006

- (1) A person shall not do any of the following within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person is being conducted or within 500 feet of a funeral procession or burial;
- (a) Make loud and raucous noise and continue to do so after being asked to stop.
 - (b) Make any statement or gesture that would make a reasonable person under the circumstances feel intimidated, threatened, or harassed.
 - (c) Engage in any other conduct that the person knows or should reasonably know will disturb, disrupt, or adversely affect the funeral, memorial service, viewing of the deceased person, funeral procession, or burial.

Minnesota

House File 2985, year 2006

... (2) Crime to disrupt.

It is a crime to do any of the following:

- (a) with intent to disrupt a graveside service, memorial service, or funeral ceremony, protest or picket within 500 feet of the burial site or entrance to a facility or location being used for the service or ceremony, within one-hour prior to, during, or one-hour following the service or ceremony;
- (b) with intent to disrupt a funeral procession, impedes or attempts to impede vehicles that are part of the funeral procession;
- (c) intentionally blocks or attempts to block access to a funeral ceremony, graveside service, or memorial service; or
- (d) knowingly engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's family or household on the date of the service or ceremony.

Mississippi

House Bill 1693, year 2011

- (2)(a) Whoever does any of the following shall be guilty of a misdemeanor:
- (1) With intent to disrupt a funeral service, graveside service, memorial service, or funeral ceremony, protests or pickets within 1,000 feet of the location or

locations at which the service or ceremony is being conducted within one (1) hour before, during, and one (1) hour following the service or ceremony;

(ii) With intent to disrupt a funeral procession impedes vehicles that are part of the funeral procession;

(iii) Intentionally blocks access to a funeral service, funeral ceremony, graveside service, or memorial service; or

(iv) Engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's immediate family on the date of the service or ceremony...

Montana

Montana Code 45-8-116, year 2007 Funeral Picketing

(1) A person commits the offense of funeral picketing if the person knowingly engages in picketing within 1,500 feet of any property boundary entrance to or exit from a funeral site during the period from 1 hour before the schedule commencement of the funeral services until 1 hour after the actual completion of the funeral services.

...(c) "Picketing" means the making of any noise or diversion that can reasonably be expected to disturb a funeral by:

(i) standing, sitting, or repeated walking, riding, driving, or other similar action by a person displaying or carrying a banner, placard, flag, sign, or similar device that is not a part of the funeral services;

(ii) engaging, with or without the use of a sound amplification device, in loud oration, speech, singing, chanting, whistling, or yelling that is not part of the funeral services;

(iii) distributing any handbill, pamphlet, leaflet, or other written or printed material other than written material that is distributed as part of the funeral services; or

(iv) obstructing or preventing the intended uses of a public street, public sidewalk, or other public space.

Nebraska

Legislative Bill 284, year 2011 An Act Relating to Crimes and Offenses

Section 1.

(1) Funeral means the ceremonies and memorial services held in connection with the burial or cremation of the dead but does not include funeral processions on public streets or highways; and

(2) Picketing of a funeral means protest activities engaged in by a person or persons located within five hundred feet of a cemetery, mortuary, church, or other place of worship during a funeral.

New Hampshire

Senate Bill 223, year 2007
 An Act Establishing a New Hampshire Medal of Honor
 and Prohibiting Funeral Protests

644:2-b Prohibition of Funeral Protests.

...(2) It shall be unlawful for any person to engage in picketing or other protest activities at any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral, if such picketing or other protest activities:

- (a) Take place within 150 feet of a road, pathway, or other route of ingress to or egress from cemetery property and include, as part of such activities, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or
- (b) are within 300 feet of such cemetery and impede the access to or egress from such cemetery.

New Jersey

Assembly Bill No. 2870, year 2006
 An Act Concerning the Disruption of Funerals
 and Supplementing Title 2C of the New Jersey Statutes

- (1) (a) As used in this act, “funeral” means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.
- (b) A person is guilty of disrupting a funeral if, during the period beginning one hour prior to the schedule commencement of a funeral, and until one hour following the actual completion of the funeral, he knowingly:
 - (1) obstructs, hinders, impedes or blocks another person’s entry to or exit from the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship, or
 - (2) engages in picketing or other protest activities within 500 feet of the funeral, the funeral procession, the funeral home, church, synagogue, temple or other place of public worship.

New Mexico

Senate Bill 223, year 2007
 An Act Relating to Funerals and Memorial Services

Section 3. Prohibited Acts

A person shall not, with knowledge of the existence of a funeral or funeral site:

- (A) engage in any loud singing, playing of music, chanting, whistling, yelling or noisemaking with or without noise amplification, including bullhorns, auto horns and microphones within five hundred feet of any ingress or egress of that funeral site, when the volume of such singing, music, chanting, whistling, yelling or

noisemaking is audible at and disturbing to the peace and good order of a funeral at that funeral site;

(B) direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another person;

(C) display within five hundred feet of any ingress or egress of that funeral site any visual images that convey fighting words or actual threats against another person;...

New York

Assembly Bill 1134, year 2011
An Act to Amend the Penal Law, in Relation to
Criminal Interference with Funeral Services

(1) A person is guilty of criminal interference with health services, funeral services, or religious worship in the second degree when:

...(e) With intent to prevent or disrupt a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person, when he or she:

(i) Blocks, impedes, inhibits, or in any other manner obstructs or interferes with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted; or

(ii) Congregates, pickets or demonstrates within three hundred feet of an event specified in this subdivision;

North Carolina

Senate Bill 1833, year 2006
An Act to Prohibit Disorderly Conduct at a Military Funeral or Memorial Service

(A) It is unlawful for a person to do any of the following within 300 feet of the building or other location where a military funeral or memorial service is being conducted, or within 300 feet of a military funeral procession or burial;

(1) Make a loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service, or participating in the funeral procession

(2) Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another

(3) Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

North Dakota

House Bill No. 1040, year 2007
An Act to Create and Enact a New Section to Chapter 12.1-31

of the North Dakota Century Code, Relating to Disorderly Conduct at a Funeral

- ... (2) An individual is guilty of disorderly conduct at a funeral if the individual:
- (a) Engages, with knowledge of the existence of a funeral site, in any loud singing, playing of music, chanting, whistling, yelling, or noisemaking within three hundred feet of any ingress or egress of that funeral site if the volume of the singing, music, chanting, whistling, yelling, or noisemaking is likely to be audible at and disturbing to the funeral site; or
 - (b) Displays with knowledge of the existence of a funeral site and within three hundred feet of any ingress or egress of that funeral site, any visual images that convey fighting words or actual or veiled threats against any other individual.

Ohio

Ohio Revised Code
Chapter 3767.30, year 2006
Picketing or Protest During Funeral or Burial Service Prohibited

Every citizen may freely speak, write, and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur, within three hundred feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of an actual funeral or burial service at that place. No person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur, within three hundred feet of any funeral procession. As used in this section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service or a funeral procession.

Oklahoma

Senate Bill 406, year 2011
An Act Relating to Funeral Picketing

... (D) It is unlawful for any person to engage in picketing within one thousand (1,000) feet of the property line of any cemetery, church, mortuary or other place where any portion of a funeral service is held during the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

Pennsylvania

Section 7517 Title 18, year 2006
Crimes and Offenses

...(b) A person commits a misdemeanor of the third degree if the person engages in demonstration activities within 500 feet of any cemetery, mortuary, church or

other location being utilized for the purposes of a commemorative service within one hour prior to, during and one hour following the commemorative service.

... “Demonstration activities” includes:

- (1) Any picketing or similar conduct.
- (2) Any oration, speech or use of sound amplification equipment or device or similar conduct that is not part of the commemorative service.
- (3) The display of any placard, sign, banner, flag or similar device, unless such display is part of a commemorative service.
- (4) The distribution of any handbill, pamphlet, leaflet or other written or printed matter, other than a program distributed as part of a commemorative service.

Rhode Island

Senate Bill 342, year 2007

An Act Relating to Criminal Offenses – Disturbance of Public Assembly

Section 1. Section 11-11-1 of the General Laws in Chapter 11-11 entitled “Disorderly Conduct” is hereby amended to read as follows:

Every person who shall willfully interrupt or disturb any town or ward meeting, any assembly of people met for religious worship, any military funeral or memorial service, any public or private school, any meeting lawfully and peaceably held for purposes of moral, literary or scientific improvement, or any other lawful meeting, exhibition or entertainment, either within or without the place where the meeting or school is held, shall be imprisoned not exceeding one year or be fined not exceeding five hundred dollars (\$500).

South Carolina

South Carolina Code of Law

SECTION 16-17-525, year 2006

Willfully, knowingly or maliciously disturbing funeral service

(A) It is unlawful for a person to willfully, knowingly, or maliciously disturb or interrupt a funeral service. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars or imprisoned not more than thirty days. This subsection applies to a willful, knowing, or malicious disturbance or interruption within:

- (1) one thousand feet of the funeral service; and
- (2) a time period of one-half hour before the funeral service until one-half hour after the funeral service.

(B) It is unlawful for a person to undertake an activity at a public or privately owned cemetery, other than the decorous participation in a funeral service or visitation of a burial space, without the prior written approval of the public or private owner. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

(C) For purposes of this section, “funeral service” means any ceremony,

procession, or memorial held in connection with the memorialization, burial, cremation, or other disposition of a deceased person's body.

South Dakota

Senate Bill 156

An Act to prohibit the picketing of funerals under certain circumstances.
Passed in February of 2006

Section 1. No person may engage in any act of picketing at any funeral service during the period of one hour before the scheduled commencement of the funeral services until one hour after the actual completion of the funeral services.

Section 3. For the purposes of the Act, the term, picketing, means protest activities engaged in by any person stationed within one thousand feet of a funeral service within one hour prior to, during, and one hour following the commencement of any funeral service.

Section 4. For the purposes of this Act, funeral services are any ceremony, procession, or memorial held in connection with the burial or cremation of a deceased person.

Tennessee

House Bill 1869, year 2011

An Act to Amend Tennessee Code Annotated, Title 39, Chapter 17, Part 3,
Relative to Disorderly Conduct at Funerals and Memorial Services

... (b) This section shall only apply to acts within five hundred feet (500') of a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person.

Texas

House Bill 1093, year 2007

An Act Relating to the Offense of Funeral Service Disruption

...(b) A person commits an offense if , during the period beginning one hour before the service begins and ending one hour after the service is completed, the person engages in picketing within 1,000 feet of a facility or cemetery being used for a funeral service

Utah

The restrictions of funeral protests of Utah can be found in Title 76, Chapter 9, and Section 108 of the Utah Cod of Law;

(2) A person is guilty of a class B misdemeanor if the person, with intent to disrupt the memorial service, does any of the following during the period beginning 60 minutes immediately before the scheduled commencement of a memorial service and ending 60 minutes after the conclusion of a memorial service:

- (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the memorial site;
- (b) obstructs, hinders, impedes, or blocks a funeral procession;
- (c) makes unreasonable noise; or
- (d) engages in a disruptive activity within 200 feet of the memorial service.

Vermont

House Bill 718, year 2006
Vermont Funeral Picketing Act

- (a) As used in this section:
 - (1) "Funeral" means the ceremonies, processions, and memorial services held in connection with the burial or cremation of a dead person.
 - (2) "Picketing" means protests, demonstrations, and other related activities.
- (b) No person shall engage in picketing within 500 feet of a cemetery, church, or mortuary:
 - (1) where a funeral is taking place; or
 - (2) within two hours before a funeral takes place or two hours afterward.

Virginia

Virginia Acts of Assembly- 2006 Session
Chapter 250
An Act to Amend and Reenact 18.2-415 of the Code of Virginia,
Relating to Demonstrations at Solemn Ceremonies; Penalty

- A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:
- (A) In any street, highway, public building, or while in or on a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; or
 - (B) Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption
 - (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or
 - (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or
 - (C) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption
 - (i) prevents or interferes with the orderly conduct of the operation or activity or

(ii) has a direct tendency to cause acts of violence by the

Washington

House Bill 1168, year 2007
An Act Relation to Disorderly Conduct

- (1) A person is guilty of disorderly conduct if the person:
- (a) Uses abusive language and thereby intentionally creates a risk of assault;
 - (b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;
 - (c) Intentionally engages in fighting or in tumultuous conduct or makes unreasonable noise, within five hundred feet of:
 - (i) The location where a funeral or burial is being performed;
 - (ii) A funeral home during the viewing of a deceased person;
 - (iii) A funeral procession, if the person described in this subsection knows that the funeral procession is taking place; or
 - (iv) A building in which a funeral or memorial service is being conducted;

West Virginia

House Bill 3144, year 2011
An Act to Amend the Code of West Virginia,
Relating to Creating a Criminal Offense

- (A) No person may carry out, with respect to any cemetery or building at which a funeral or memorial service or ceremony is to be held, a demonstration within 500 feet of the cemetery or building that:
- (1) Is conducted during the period beginning 60 minutes before and ending 60 minutes after the funeral or memorial service or ceremony is held; and
 - (2) Includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral or memorial service or ceremony.
- (B) For purposes of this section, the term "demonstration" includes the following:
- (1) Any picketing or similar conduct.
 - (2) Any oration, speech, use of sound amplification equipment or device, or similar conduct before an assembled group of people that is not part of a funeral or memorial service or ceremony.
 - (3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral or memorial service or ceremony.
 - (4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral or memorial service or ceremony.

Wisconsin

Senate Bill 525, year 2006
An Act Relating to Disrupting a Funeral or Memorial Service
or a Funeral Procession and Providing Penalties

...(b) No person may do any of the following during a funeral or memorial service, during the 60 minutes immediately preceding a funeral or memorial service that has a scheduled starting time, or during the 60 minutes immediately following a funeral or memorial service:

- (1) Engage in a loud protest, with or without using an electric sound amplification device, that involves singing, chanting, whistling, yelling, or honking a motor vehicle horn with 500 feet of any entrance to a facility being used for the service if the protest is intended to disrupt the service.
- (2) Display any visual image that conveys fighting words or actual or veiled threats against any other person within 500 feet of any entrance to a facility being used for the service.
- (3) Intentionally block access to a facility being used for the service.

Wyoming

House Bill 248, year 2011
Unlawful Protesting at a Funeral

A person commits a misdemeanor punishable by imprisonment for not more than six months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he protests, pickets, or otherwise causes a breach of the peace within nine hundred (900) feet of a cemetery, church, building or other facility at which a funeral or memorial service is being conducted, and if the protest, picket or other action occurs within one (1) hour prior to, during or within one (1) hour after the funeral or memorial service and the protest, picket, or breach of the peace is directed at the funeral or memorial service.

APPENDIX B
INITIATORS OF CURRENT STATE FUNERAL PROTEST LEGISLATION

The following table provides a list of the initiators of the most recent funeral protest legislation for each of the 45 states who currently have such laws. The table also provides their political party affiliation, and if they are a military veteran. Information regarding the initiators of a state's funeral protest law was collected from the state's legislation website.

Table 3 Initiator of Current State Funeral Protest Legislation

State	Initiator of Funeral Protest Bill	Party Affiliation	Military Service
Alabama	Rep. DuWayne Bridges	Republican	Yes
Arizona	Sen. Kyrsten Sinema	Democrat	No
Arkansas	Rep. Randy Stewart	Republican	Yes
California	Sen. Ted Lieu	Democrat	Yes
Colorado	Rep. Mike Merrifield	Democrat	No
Connecticut	Rep. Michael Alberts	Republican	Yes
Delaware	Rep. William Oberle	Republican	No
Florida	Rep. Stan Jordan	Republican	Yes
Georgia	Sen. John Douglas	Republican	Yes
Idaho	Rep. Eric Anderson	Republican	No
Illinois	Rep. Kay Hatcher	Republican	No
Indiana	Gov. Mitch Daniels	Republican	No
Iowa	Rep. Christopher Rants	Republican	No
Kansas	Sen. Derek Schmidt	Republican	No
Kentucky	Sen. Tom Buford	Republican	No
Louisiana	Rep. Francis Thompson	Democrat	No
Maine	Sen. David Hastings, III	Republican	No
Maryland	Rep. Mary-Dulany James	Democrat	No
Massachusetts	Rep. Jim Cantwell	Democrat	No
Michigan	Rep. Judy Emmons	Republican	No
Minnesota	Rep. Steve Smith	Republican	No
Mississippi	Rep. Thomas Reynolds	Democrat	No
Montana	Sen. Mitch Tropa	Democrat	No
Nebraska	Sen. Bob Krist	Non-partisan	Yes
New Hampshire	Sen. Robert Letourneau	Republican	No
New Jersey	Assemblyman Jack Conners	Democrat	Yes
New Mexico	Sen. William Sharer	Republican	Yes
New York	Assemblyman Michael Cusick	Democrat	No
North Carolina	Sen. Jim Jacumin	Republican	No
North Dakota	Rep. Bette Grande	Republican	No
Ohio	Rep. John Boccieri	Democrat	Yes
Oklahoma	Sen. Josh Brecheen	Republican	No
Pennsylvania	Sen. John Pippy	Republican	Yes
Rhode Island	Sen. Walter S. Felag	Democrat	No
South Carolina	Sen. Ronnie Cromer	Republican	Yes
South Dakota	Sen. Tom Hansen	Republican	No
Tennessee	Rep. Eddie Bass	Democrat	No
Texas	Rep. Charlie Geren	Republican	No
Utah	Rep. Ron Bigelow	Republican	No
Vermont	Rep. Bob Helm	Republican	Yes
Virginia	Rep. Charles W. Carrico, Sr.	Republican	No
Washington	Rep. Dan Roach	Republican	No
West Virginia	Rep. Greg Butcher	Democrat	No
Wisconsin	Rep. Robert Turner	Democrat	Yes
Wyoming	Rep. James Byrd	Democrat	No

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