

Supreme Court Rules for Westboro Church

Michael Sean Winters | Mar. 2, 2011 | Distinctly Catholic

By an 8-1 decision, the [U.S. Supreme Court overturned a lower court ruling](#) [1] that awarded damages to the family of a marine at whose funeral the Rev. Fred Phelps and his Westboro Church parishioners carried signs that read "God Hates Fags" and "Thank God For Dead Soldiers." The ruling is a fine one.

To be clear, everything about Rev. Phelps and his parishioners is loathsome. In their twisted minds, the death of a soldier is the result of America's tolerance for gays, a punishment from God no less, and a cause to overlook the standards of common decency. Their attitudes are barbaric, their protests a mockery of Christianity, their signs equal parts stupidity and hate. But, that was not the issue before the Court. The issue was whether or not their signs and their speech and their protests are protected by the First Amendment. They are.

I know of no Catholics whose opposition to gays comes close to the venom of Phelps and his church. But, the issue is of concern to Catholic Americans not only because we, like everyone, should be concerned about the First Amendment. It was not that long ago that Cardinal Alfredo Ottaviani fought back the efforts of Father John Courtney Murray, S.J. to gain the Church's recognition of Freedom of Speech as a positive good. It was not that long ago that the Church argued that there should be free speech and freedom of religion accorded to Catholics whenever they were in the minority, but when they were in the majority, Catholics had a solemn obligation to enact a confessional state that denied these rights to non-Catholics. When Murray pointed out the manifest double standard of Ottaviani's position - which was the official position of the Church, against which opposition was considered "dissent" - Ottaviani gruffly replied there was not double standard because "Error has no rights." In America, people, not propositions, have rights. And, we have the right to be wrong. The government need not encourage people to be wrong, mind you, but it must respect and recognize and defend our right to be wrong. As Justice Alito argued in his dissent, the right to free speech is not absolute, but political speech warrants a very high bar of protection. Alito argued that Phelps' words amounted to "fighting words" which are not protected, but just because words are incendiary does not make them fighting words. But, of course, Mr. Justice Alito also has the right to be wrong.

I hope Rev. Phelps goes away. I hope he sees the light. I hope he converts from his hatefulness. But, until he does, I will defend his right to his obnoxious, vile protests and am mighty grateful to live in a country where that right is defended by the highest court in the land.

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[1] http://www.nytimes.com/2011/03/03/us/03scotus.html?_r=1&hp