

“An Unjust Law is No Law at All”

By: Philip Kim

Marine Lance Corporal Matthew Snyder, son to Albert Snyder, died in Iraq while serving in the military for this country.¹ His funeral was supposed to be his final good-bye, a somber crowd gathered to pay their respects, and to pay their respects to the fallen American soldier. But what happened at his funeral is one of the most egregious verbal and emotional attacks on civilization in recent years.

At his funeral, constituents of the Westboro Baptist Church (“Westboro”) held signs which read the following, “*God Hates the USA/Thank God for 9/11*,” “*America is Doomed*,” “*Don’t Pray for the USA*,” “*Thank God for IEDs*,” “*Thank God for Dead Soldiers*,” “*Pope in Hell*,” “*Priests Rape Boys*,” “*God Hates Fags*,” “*You’re Going to Hell*,” and “*God Hates You*.”² To be sure, it was altogether inappropriate to say at the least. But the Supreme Court didn’t see it that way.

In *Albert Snyder v Fred W. Phelps, Sr.*, the United States Supreme Court held, “The *First Amendment* shields Westboro from tort liability for its’ picketing in this case.”³ Decisions such as these are the reason that I moved here to Michigan State to attend Thomas M. Cooley Law School. Saint Augustine once said, “*An unjust law is no law at all*,”⁴ and that is precisely what happened in this case.

This case is pulled from the penumbra of individuals’ *First Amendment* right, what will be interpreted by many American citizens as *an unjust law*. As both a *juris doctor* candidate, and a follower of Jesus Christ, I cannot stay dormant on this issue (there will be a submission, at least, to the Michigan Bar Journal, as well as submissions to all the law schools within Michigan State, and perhaps even outside Michigan State – until things are set straight as they should be).

As soon as I heard news of the United States Supreme Court’s decision, I immediately asked myself why, “A war hero – who died in the line of duty fighting for this great nation – cannot be peacefully put to rest because of another individual’s *First Amendment* right to speech?” What message did the eight United States Supreme Court Justices that voted in favor of the Phelps send to American society; inferring, encouragement of more actions such as those performed by the constituents of Westboro Baptist Church? I cannot fathom that this is what the Framers of our Constitution intended when they were writing it.

The former Governor of Iowa, Tom Vilsack, signed legislation that specifically bans disorderly conduct within 500 feet of a funeral or a similar memorial service (43 other states have followed suit).⁵ In an interview – live – on Fox News, Shirley Phelps Roper responded to Governor Vilsack’s law by making the following public statement:

Those legislative-taliban in Iowa passed an unconstitutional measure to try to stop us from putting the cup of fury and the wrath of God to your lips and then making you drink it but we are doing it anyway.⁶

If Westboro “Baptist Church” is, in fact, a church (rather than cult), then they do not even follow the Bible as they claim all Americans need to do. The Bible states:

Bear with each other and forgive whatever grievances you may have against one another. Forgive as the Lord forgave you. And over all these virtues put on love, which binds them all together in perfect unity.⁷

Therefore, it is my duty, as a Christian, to forgive the constituents of Westboro. But, perhaps more relevant at this juncture, I am not perfect (far from). I cannot forgive the Phelps, and it will be an incredibly long time until I can forgive our highest Court for its ultimate decision for the Phelps. Yes, we have a constitutional right to say what we want in an appropriate forum. But to what end do we allow this individual right to descend upon society as maliciously and violently as our Court has allowed the Phelps to do?

Perhaps we shall “wait and see” what happens when a member of Westboro ends up dying. Guiltily, I admit, that I am tempted to fly to the funeral service of that person and picket “peacefully” (as our Court put it) my opinion about Westboro and the members of its’ so-called church. I wonder how the Phelps would feel if this issue personified at this hypothetical funeral I would attend, and they faced picketers like themselves – picketers who offend their beliefs and insult their family as they try to lay someone to rest who they once previously loved and respected.

¹ *Albert Snyder v Fred W. Phepls, Sr., et al.*, No. 09-751, 2011 U.S. LEXIS 1903, at *9 (May 02, 2011).

² *Id.* (emphasis added).

³ *Albert Snyder v Fred W. Phepls, Sr., et al.*, No. 09-751, 2011 U.S. LEXIS 1903, at *2 (May 02, 2011).

⁴ Augustine of Hippo, *On Free Choice of the Will* (Thomas Williams ed., Hackett Publishing Company 1993) (1527) (emphasis added).

⁵ Shirley Roper – Interview, <http://www.youtube.com/watch?v=6VMP3AK5jwo>.

⁶ *Id.*

⁷ *Colossians* 3:13-14.