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REID FILES AMICUS BRIEF IN SUPPORT OF RIGHTS OF MILITARY FAMILIES, INVITES COLLEAGUES TO JOIN EFFORT IN LETTER

Washington, D.C. – Senate Majority Leader Harry Reid sent a letter to his Senate colleagues this week inviting them to join an amicus brief in the Supreme Court in support of Marine Lance Corporal Matthew A. Snyder’s family. After Matthew was killed in Iraq in 2006, members of a Kansas church marred his funeral with ugly, hateful protests.

In his letter, Senator Reid notes that while the Snyder family won in a lower court, this decision was overturned at the appellate level. Reid’s letter also describes the three central arguments that his amicus brief will make in support of the Snyder family: private funerals have long been accorded special protection by American law; state and federal statutes, including the Respect for America’s Fallen Heroes Act, demonstrate the strong governmental interest in protecting private family funerals from disruption; and the state’s interest in protecting an individual’s privacy at a peaceful private funeral outweighs the First Amendment interest in protecting the hateful speech and conduct at issue in this case.

Senator Reid believes strongly that America owes the men and women of the Armed Forces and their families the right to a solemn memorial when they sacrifice their lives to protect America.

Key Excerpts of the Letter:

“The case concerns an ugly protest at the funeral of Marine Lance Corporal Matthew A. Snyder, who was killed in Iraq in 2006 in the line of duty. A jury found that Matthew’s parents were deprived of a peaceful and solemn opportunity to bury their son.”

“I intend to file a brief in the Supreme Court this Friday, May 28, in support of the Snyder family. The brief will argue that the law should continue to protect, as it long has, the rights of all private persons—including the families of fallen soldiers—to mourn their loved ones at a peaceful and solemn funeral.”

Full Text of the Letter:

May 24, 2010

Dear Colleague,

I write to invite you to join me in filing an *amicus curiae* brief in the Supreme Court in support of the petitioner in the case of *Snyder v. Phelps* (No. 09-751).

The case concerns an ugly protest at the funeral of Marine Lance Corporal Matthew A. Snyder, who was killed in Iraq in 2006 in the line of duty. A jury found that Matthew's parents were deprived of a peaceful and solemn opportunity to bury their son. Members of the Westboro Baptist Church in Topeka, Kansas, including the church's pastor Fred W. Phelps and his daughters, learned of the time and place of Matthew's funeral and planned a protest there, as they have done at other funerals of fallen soldiers around the country. The demonstrators displayed signs with messages such as "Semper fi fags" and "Thank God for dead soldiers" and then created a web video about Matthew's funeral memorializing their protest. Matthew's family sued the Phelps family and their church and won a jury verdict on three state torts: intentional infliction of emotional distress, intrusion upon seclusion, and civil conspiracy. The U.S. Court of Appeals for the Fourth Circuit overturned the jury verdict, concluding that the First Amendment protected respondents' speech and conduct from any state law tort liability. The Supreme Court granted a petition for certiorari.

I intend to file a brief in the Supreme Court this Friday, May 28, in support of the Snyder family. The brief will argue that the law should continue to protect, as it long has, the rights of all private persons—including the families of fallen soldiers—to mourn their loved ones at a peaceful and solemn funeral. It will make three arguments. First, it will describe the important role that funerals play for mourners, and the special protection accorded private funerals in American law. Second, it will bring to the Court's attention recently enacted federal and state statutes, including the Respect for America's Fallen Heroes Act (Pub. L. No. 109-228) and the Respect for the Funerals of Fallen Heroes Act (Pub. L. No. 109-464), which demonstrate the strong governmental interest in protecting private family funerals from disruption. It will also urge the Court to ensure that its resolution of this case casts no doubt on the validity of these laws. And third, the brief will point out how State tort laws supplement these funeral picketing regulations in deterring harmful conduct at private funerals and protecting the rights of mourners to express their own private messages of grief and tribute. It will argue that respondents' speech was not protected by the First Amendment.

If you would like to join the brief, please contact my office by Wednesday evening. I would be happy to provide a draft of the brief for your review.

Sincerely,

Harry Reid
Majority Leader

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