

For Immediate Release

March 24, 2007
330-518-5366

Contact:

614-466-8285 or

Senator Bocchieri Applauds U.S. Court for Ruling on ‘Rest in Peace Act’

Columbus, Ohio – State Senator John Bocchieri (D-New Middletown) sponsored the ‘Rest in Peace Act’ over two years ago after returning from multiple rotations in Operations Iraqi Freedom and Enduring Freedom as an Air Force Reserve pilot. Yesterday, the U.S. District Court, Northern District of Ohio, Eastern Division affirmed the Constitutionality of providing a buffer-zone around military funerals.

Bocchieri introduced the legislation in response to the Westboro Baptist Church, a Kansas-based extremist organization that has taken to protesting soldiers’ funerals with signs such as “Thank God for Dead Soldiers” and “Thank God for IEDs.” The group, which has incited violence at several funerals, claims the soldiers’ deaths are God’s punishment because America is soft on homosexuality.

The State law provides a 300ft buffer for protesters at the site of a funeral, funeral procession or burial service one hour before and after the ceremony.

“I support free speech but this legislation is about protecting a grieving family’s right to privacy,” said Bocchieri. “This distance is the correct balance,” he added.

The ACLU challenged the law on behalf of Shirley Phelps-Roper, a member of the Westboro group last fall. State Rep. Timothy J. DeGeeter (D-Parma) filed a bipartisan amicus, or “friend of the court” brief defending the law on behalf of state lawmakers.

“This ruling states that citizens *can* speak freely but not at the expense of another person’s rights,” Rep DeGeeter said. “Judge Donald Nugent agrees with legislators that military families should bury their loved ones with the respect and dignity they deserve.”

The U.S. Supreme Court’s past rulings state that limitations on speech must restrict only the time, place, and manner of speech and not the content of the message. Legislation must be narrowly tailored, content neutral, leave open alternative channels of communication, and serve a legitimate and significant government interest, which can include protecting the public from confrontational and harassing conduct (*Hill v. Colorado*, 530 U.S. 703). The Court has upheld similar buffers for protesters at abortion clinics.

“They protected us and gave us free speech. The courts are now protecting their family’s right to privacy,” Bocchieri said.

###