

Exercise of speech by a citizen essay examples

[Law](#), [Justice](#)



Speech is expressing views, ideas, thoughts or feelings through articulation of words. The right to freedom of speech allows individuals to convey their views and ideas using their body and property to any audience. Chief Justice John Roberts wrote about the speech in the patriot's funeral that speech is influential and can agitate people to act, change them to worries of both joy and sorrow, and, as it was in the protesters' speech, it can cause suffering. He went on to say that the speaker could not be punished though the speech inflicted pain. The First Amendment protected the speech of the picketing protesters in Matthew Snyder's funeral.

The First Amendment has that strong language that leaves an assumption that speech is protected absolutely but this is not the case. Freedom of speech is outweighed by a few public interests that may include personal safety, national security and justice. To determine whether speech should be limited or not, there are no rules to be followed but rather some general tests. The First Amendment does not protect speech that elicits violence or danger, false statements aimed at defamation of an individual or organization, obscene statements, an expression that occur at wrong places and time and that that interferes with a legitimate government interest, and a speech that conflicts with national security. The government therefore can put limitations to freedom of speech if at all its dangers override its benefits. In the case of the Patriot's Funeral protesters (Westboro), signs were hoisted that displayed things like " Thank God for dead soldiers," " You're Going to Hell" and " AIDS cures fags." Albert Snyder, the bereaved, alleged that the protesters intruded into the funeral and spoke hateful things to the dead soldier (a young man, Matthew Snyder, who had fought for his country).

Snyder in this case claimed that the picketing was his private concern but according to Chief Justice Roberts, the protesters' speech was dealing with matters significant to the public, and hence the First Amendment protects them. By using signs like " America is Doomed," and " Fag Troops," this protest highlighted the moral and political conduct of the U. S. and its citizens, homosexuality within the military, and the United States destiny. And since Matthew Snyder was not gay, according to Roberts, then the protest was not aimed at an individual but was of public concern. Roberts said that Westboro believed that the U. S. is not perfect morally and many Americans might have felt the same about the church (Westboro). The church's funeral picketing was definitely injurious and its contribution to the public may be insignificant. But as a nation they had selected a different course: to protect even upsetting speech on public issues to ensure that public debate is not repressed.

It was noted that the pickets were 1, 000 feet away from the funeral service and that Albert Snyder was unable to read what was on the posts until he saw the speech on a television broadcast. In addition, the protesters did not break any law in their gathering in a public area under supervision of the police and did not meddle with the memorial service. The court therefore declared that the protesters did not intrude. Snyder, in his arguments, also included " captive audience" doctrine since he could not avoid the protest at his son's funeral. Chief Justice Roberts noted that the Snyder family was not a " captive audience" because the protesters were far away from the funeral service. This ruling by the Supreme Court enabled the church to continue picketing as a way of passing their message; condemning vices.

Reference

Mears, B. (2011). Anti-gay church's right to protest at military funerals is upheld. New York, NY: CNN Supreme court.