

California looking to curtail protests at military funerals

By Michael Doyle, Sacramento Bee

WASHINGTON – California and other states seeking to curtail funeral protests are following a politically popular but legally disputable path.

Supreme Court, here they come.

Last week, California lawmakers joined their counterparts in Arizona, Illinois and other states in passing new restrictions on protests at funerals. In particular, legislators hope to deter members of a small Kansas church who travel long distances to picket military funerals, where they often proclaim that dead soldiers are God's punishment for America's sins.

"I think this will survive constitutional challenge," Air Force reservist and California state Sen. Ted Lieu, D-Torrance, said of his bill Friday, "but that's not to say there aren't legal issues raised."

Politically, the bills backed by veterans groups are unassailable. The California Assembly approved Lieu's Senate Bill 888 on a 75-0 vote, sending it back to the Senate for concurrence on amendments. Arizona's new protest restrictions likewise won unanimous approval.

Judges, however, will have the final say on whether such legislation can survive First Amendment challenges. A review of relevant cases suggests the new restrictions may reach further than courts have been willing to go.

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