

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on March 13, 2006 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Lieutenant Governor John Moore
Representative Mario Goico
Senator Jean Schodorf
Kelly Franz
Charles Yunker
Richard Strothman
Andy Schlapp
Shirley Phelps-Roper
Megan Phelps-Roper
Rebekah Phelps-Roper
Steve Drain

Others attending:

See attached list

Chairman Edmonds opened the meeting for bill introductions. There were none.

The Chairman opened the meeting for public hearing on **SB 421** - Unlawful picketing or protest march at funeral or memorial service.

John E. Moore, Lieutenant Governor presented his testimony before the committee supporting **SB 421**. Lieutenant Governor Moore stated that he believes that enacting **SB 421** can provide dignity for Kansas families who are remembering and honoring lost ones at whose services demonstrators would appear. (Attachment 1)

Representative Mario Goico addressed the committee in support of **SB 421** urging the committee to pass the bill without any amendment. He believes that this bill will stand up to the courts scrutiny if challenged, and that it is our opportunity to do a good thing for the families of soldiers that have made the ultimate sacrifice. (Attachment 2)

Senator Jean Schodorf related that **SB 421** is a bill to provide a buffer from protesting or picketing so that families can bury their family members in peace at what is probably the most difficult time in a person's life. She further stated that it is believed that this bill will stand up to court scrutiny if challenged and that it is the right thing to do for families of our soldiers who died in combat. (Attachment 3)

Senator Schodorf included with her testimony a copy of the constitutionality of proposed amendment to K.S.A. 2104015 as well as a copy of the current laws regarding intentional blocking of mourners. (Attachment 4)

Kelly Frantz is the widow of Lucas Allen Frantz who was killed October 18, 2005 in Iraq. Her husband's funeral service was picketed which she felt was a dishonor to a man who gave his life for his country. She supports **SB 421**. (Attachment 5)

The American Legion Department of Kansas was represented by Charles Yunker, Adjutant. The American Legion asks for favorable action on **SB 421**. It is their feeling that no one should have to endure insults,

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 13, 2006 in Room 313-S of the Capitol.

harassment, jeers, and signs during their time of mourning. The further related that they believe that no one should be subjected to "in your face" picketers when they enter their place of worship for any type of religious service. Mr. Yunkers also saluted the Patriot Guard for there services. ([Attachment 6](#))

Richard Strothman, Director of the Kansas American Legion Riders Post 256 and also a member of the Patriot Guard Committee addressed the committee requesting that Lines 11 and 12, in **SB 421** be removed and then pass the bill into law. ([Attachment 7](#))

Andrew J. Schlapp, Director, Government Relations, Wichita Kansas, presented testimony supporting **SB 421**. The Board of County Commissioners of Sedgwick County has passed a resolution, that is included in Mr. Schlapp's testimony. The resolution requests that the legislation be supported that would create buffer zones to protect families from unwarranted harassment during funerals or memorial services. ([Attachment 8](#))

Representative Lee Tafanelli testified in support of **SB 421**. Representative Tafanelli recently returned from Operation Iraqi Freedom and stated that he precisely understands the very freedoms and liberties that we enjoy in this nation. He further related that he feels that soldiers, their families and their friends deserve nothing less than to be able to grieve, honor and pay their respects to their loved ones free from protest and harassment. ([Attachment 9](#))

Written testimony supporting **SB 421** was provided by Brandy Sacco, ([Attachment 10](#)) the City of Wichita, ([Attachment 11](#)) John Woydziak, ([Attachment 12](#)) and by Pam Scott of the Kansas Funeral Directors. ([Attachment 13](#))

With no other opponents wishing to address the bill, Chairman Edmonds opened the floor to the opponents of the bill and recognized Shirley Phelps-Roper who opposes **SB 421**. Ms. Phelps-Roper related that they were here today to fulfill their duty to Lord our God and to their fellow man. She described the legislation as a bill of hell and his majesty the devil. Ms. Phelps-Roper further related that the nation does not want to concede or admit that its manner of life is sinful, and therefore, wants to pass this legislation. ([Attachment 14](#))

Megan Phelps-Roper addressed the committee in opposition to **SB 421**. Ms. Phelps-Roper's testimony related that anyone with an ounce of sense knows that this bill won't stop the Gospel message of Westboro Baptist Church from permeating every nook and cranny of this nation. Megan Phelps-Roper attached copies of checks that represent the result of this states' experimentation with the First Amendment rights. She related that this is a tiny bit of the states' cost of making a law respecting an establishment of religion. ([Attachment 15](#))

Rebekah Phelps-Roper came before the committee to testify in opposition to **SB 421**. In her testimony Rebekah Phelps-Roper gave the opinion that this legislative body, which has the power and influence over the people, is responsible for the wrath of God coming down upon this nation. ([Attachment 16](#))

Stephen Drain also opposes **SB 421**. He related that by considering this bill, the legislature manifests not only a callous disregard for the constraints placed upon them by God's standards of moral conduct, but also for the constraints placed upon them by principles set forth in the Constitution. Further into his testimony, Mr. Drain stated that if the legislators are really tending to the interests of Kansans, that they would stop wasting their time and money and get this issue placed in an appropriate form at the national level. ([Attachment 17](#))

There were no other opponents wishing to address **SB 421** and the Chairman closed the public hearing.

With no further business before the committee, the meeting was adjourned.

FEDERAL AND STATE AFFAIRS

GUEST LIST

Date 3-13-06

Charles m Yunker	The Am. Legion
Jamy Jardo Eshe	ALR, 400, PGR
Pastor J. Beauv. Byast	Christian Cavalry Minister
Jim Neasey	
Dir. M. M. M.	Derby City Council
See Over	Augusta
Kevin O mo	Yagaton KS
Mem. O mo	Heider
Michael Eiman	Res. BeMo 111
Analy Schlapp	Sedgwick County
Jacob Wood	Inton Arlen Siegler
William C. ...	PA 604
Aaron Otto	KS Gov PFC
Scott Rothscheld	LT World
Martin Hauser	Traver's Capital Repair
Jordan Slusher	
Aaron Tully	
Jim R. ...	WIBW Radio
Tim Carpin	LT
Michelle Hoge	
Brady Hoge	
Carl "	
Loisay Frederick	
Michael Lillie	
DEL WHITE	CC/M/A

FEDERAL AND STATE AFFAIRS GUEST LIST

Date 3-13-06

Kelly Frantz	
Tam Leannin	
Kimberly Qualls	
Roger Robinson	
Pam Scott	Ks Funeral Directors Assn
Jerry Nealham	
Kelley Smith	
Winnie Ann	Gov office
John Moore	Lt. Gov.
George Smith	
STEVE DREW	
Megan Phelps Geyer	
Kathleen T. Phelps	
John Peck	KCUA
John Jenkins	
Sally LeDoux	UFW
Harold Penholme	UFW
Bill Stodger	UFW
Ruth Strochman	ALR 256 Wichita
Mari Strochman	ALR 256 Wichita
Dick Sanchez	
DC Hannah	ALR 400 / PCR
Ruth Mancina	
Brook Garcia	
BRAD HARRELSON	KFB

Testimony on Senate Bill 421
to
House Committee on Federal and State Affairs

by John E. Moore
Lieutenant Governor

March 13, 2006

Good morning Chairman Edmonds and members of the committee. My name is John E. Moore and it is my pleasure to appear before you today in strong support of Senate Bill 421 which would prohibit protest activities within 300 feet of any entrance to any cemetery, church or mortuary within one hour prior to, during and two hours following the commencement of any ceremony, procession or memorial service in connection with the death of a person.

On January 15, 2006 I attended the memorial service in Buckhannon, West Virginia for the twelve West Virginia coal miners who perished after the explosion in the Sago #6 mine on January 2, 2006. Representatives of the Westboro Baptist Church were also in Buckhannon.

There is no industrial tragedy like a deep coal mine explosion that leaves miners underground. In the hours and days after an explosion when the fate of those trapped is unknown and rescue operations are underway the core beliefs of miners and their families are shown to the world. These are good, hard working people who believe in family, their neighbors and God.

When miners are lost, these communities come together and share grief which will last forever. Neighbors, friends and family members have died. The memorial service for these 12 men who perished was, as I knew it would be from the years I lived in West Virginia, solemn and burdened by the heavy loss of this community.

As I entered the church to join the families of those who had been lost, the protestors were pointed out to me. They had been placed approximately 300 or so feet from the

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 1

church. They did not come into contact with grieving family members. In fact, I believe most of the family members did not know they were present. The family members of the lost miners never discussed them before or after the memorial service. The demonstrators were irrelevant. They did not bring additional sadness or an ugly confrontation to a memorial service already heavily burdened by grief.

West Virginia does not have a statute which caused these demonstrators to be placed a few hundred feet away from the mourners. Rather, some one realized what was truly important on January 15th and exercised sound judgment.

I believe that enacting Senate Bill 421 can provide dignity for Kansas families who are remembering and honoring lost ones at whose services demonstrators would appear. Surely, we should support that right for all Kansas families in their time of grief.

Thank you for the opportunity to testify in support of this important legislation.

Respectfully submitted,

John E. Moore

Lieutenant Governor

STATE OF KANSAS



TOPEKA

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AND ELECTIONS
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TAXATION
KANSAS SECURITY

TESTIMONY IN SUPPORT OF SB 421

Before the House Federal and State Affairs Committee

March 13, 2006

Honorable Chairman John Edmonds and distinguished committee members:

Our armed forces' makeup has changed since the end of the Cold War. Federal activation of National Guard and other reserve units has become very common. Most activations are planned as part of a regular rotation of deployed servicemen. However, some activations can occur literally overnight. I want to point out that these are civilians that sacrifice almost all their spare time from their civilian job to satisfy their responsibility of defending all of us.

As an example, when I was activated for "Desert Shield" I got the call at 11:00 p.m. and left for the guard unit the next morning at 5:00 a.m. What I am trying to point out is, at times there is little chance to say good-bye. These families deserve a peaceful funeral. It is reprehensible to hear that some people use their first amendment rights to make statements like the one that occurred in a small town in Michigan; "Thank God for dead soldiers."

In a recently published article, I read a quote of Fred Phelps saying, "The nation is poised to trash the first amendment just to stop my preaching. I am kind of honored." This bill was engineered to ensure that the restriction of first amendment rights are narrowly tailored to accomplish the governmental objective. Four states have enacted legislation barring protests at funerals. And there are currently several states with laws that prevent protests in some forms at abortion clinics; this may be a precedent that applies in this case. If the bill is not formatted carefully it is unlikely that the bans will stand a legal challenge.

I want to point out that 300 feet is a minimum distance and law enforcement could increase it if such a change were deemed necessary.

I request that the committee pass SB 421 without amendments. I believe that this bill will stand up to the courts scrutiny if challenged. This is our opportunity to do a good thing for the families of soldiers that have made the ultimate sacrifice.

Thank you for your allowing me to testify,

Representative Mario Goico

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 2

JEAN KURTIS SCHODORF

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TOPEKA

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TESTIMONY IN SUPPORT OF SB 421

Before the House Federal and State Affairs Committee

March 13, 2006

Senate Bill 421 is not a bill designed to limit freedom of speech. It is, in fact, a bill to provide a buffer from protesting or picketing so that families can bury their family members in peace at what is probably the most difficult time in a person's life. Picketing a funeral is already illegal. But the current statute is vague and unenforceable. Senate Bill 421 places a 300 foot buffer between the protesters and the funeral, cemetery or memorial service one hour before and two hours after the service so that it is illegal to protest within that 300 feet.

The reason that 300 feet was chosen as the buffer distance is that there is already an Illinois law which used the 300 feet. At first we considered a longer distance, but in conversations with several attorneys, if the law is challenged, a court would look at the statute to determine if the restriction is narrowly tailored to accomplish the governmental objective. Three hundred feet would likely satisfy this requirement. Five thousand feet would be broader and quite possibly it would be unlikely to be construed as narrowly tailored.

We believe that this bill will stand up to court scrutiny if challenged, and while this applies to all funerals, specifically it is the right thing to do for the families of our soldiers who died in combat.

Thank you for allowing me to testify.

Senator Jean Kurtis Schodorf
District 25

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 3

TO: The Senate Federal And State Affairs Committee
FROM: Stephen R. McAllister
RE: Constitutionality of Proposed Amendment To K.S.A. 21-4015
DATE: February 14, 2006

Senate Bill No. 421 would amend the Kansas Funeral Picketing Act, K.S.A. 21-4015(e), to read that “[i]t is unlawful for any person to engage in picketing or a directed protest march at any public location within 300 feet of any entrance to any cemetery, church or mortuary within one hour prior to, during and two hours following the commencement of a funeral or memorial service.”

Recently, the Chair of this Committee, Senator Pete Brungardt, asked me to provide constitutional advice regarding Senate Bill No. 421. I am honored to accept Senator Brungardt’s invitation but, as an initial matter, I wish to make clear that I appear in my personal capacity as someone who has spent many years studying and teaching constitutional law. I do not appear on behalf of the University of Kansas nor its School of Law. Nor am I here as an advocate for or against Senate Bill No. 421. Rather, I am here as a lawyer seeking to aid the Committee in its understanding of the constitutional issues the proposed bill may, or may not, raise.

I. First Amendment Preliminary Questions

Does the Kansas Funeral Picketing Act Regulate “Speech”?

Not every action taken by a person is expressive nor counts as “speech” for constitutional purposes. Even some conduct which has an expressive aspect is not given as much constitutional protection as “pure speech.” See, e.g., Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991) (nude dancing); Clark v. Community for Creative Non-Violence, 468 U.S. 288 (1984) (sleeping in a park to protest plight of the homeless); United States v. O’Brien, 391 U.S. 367 (1968) (burning a draft card to protest the draft).

K.S.A. 21-4015(d)(2) defines “Picketing” as “protest activities engaged in by a person or persons” in specified locations, and 21-4015(e) prohibits “picketing or a directed protest march”. Picketing is speech, though not all “protest activities” are necessarily speech. The courts have been less protective of targeted or focused picketing—at least where the aim is a private residence—than of other forms of speech. Frisby v. Schultz, 487 U.S. 474 (1988) (upholding an ordinance construed to prohibit “targeted” picketing in front of a specific residence); City of San Jose v. Superior Court, 38 Cal. Rptr. 2d 205, 209 (Cal. Ct. App. 1995) (“In short, the United States Supreme Court has described targeted picketing as highly offensive conduct which is not entitled to the same level of First Amendment protection as is more general expression of political or social views.”).

Thus, although K.S.A. 21-4015, almost certainly regulates “speech”, it is at least in part regulating a less favored form of speech, one that the Supreme Court has in at least one case permitted government to ban with respect to the targeted picketing of individual residences.

Does the Kansas Funeral Picketing Act Regulate On The Basis Of Content?

A critical question for First Amendment analysis is whether a law regulates speech on the basis of content (or the sub-category of viewpoint). If a law singles out one or more subject matter areas for speech regulation (or one side of a debate), it will be subjected to the most exacting scrutiny, and is far more likely to be found unconstitutional than otherwise.

The Kansas Funeral Picketing Act does not appear to regulate on the basis of content or viewpoint, because it simply applies to all “picketing” and “directed protest march[es]”, irrespective of the subject matter the protesters are addressing.

II. Time, Place And Manner Regulation

For First Amendment speech cases, the Supreme Court has developed something known as the “time, place and manner” doctrine. This doctrine creates three categories of “forum” for purposes of establishing standards by which to measure the constitutionality of government regulation of speech in each type of forum. See Perry Education Ass’n v. Perry Local Educators’ Ass’n, 460 U.S. 37 (1983); Hawkins v. City and County of Denver, 170 F.3d 1281 (10th Cir. 1999). Thus, a critical step in the First Amendment analysis of the Kansas Funeral Picketing Act is to determine the nature of the “forum” being regulated.

Traditional Public Forum

A “traditional, public” forum is one that has, since time immemorial, been open to and used for speech and expression. Typical examples are town squares, and public parks, streets and sidewalks. It is not sufficient that government owns the property—rather the test is whether the property is of a type that has traditionally been used as a forum for expression. In a traditional public forum, government cannot close the forum to all speech nor regulate on the basis of content without a compelling state interest. Content-neutral time, place and manner regulations, however, may be imposed if they (1) serve a significant government interest, (2) are narrowly tailored, and (3) leave open ample alternative channels of communication. Thus, even though public streets and sidewalks generally are traditional public fora, government retains the ability to impose content-neutral time, place, and manner regulations in such locations, subject to the standards stated in the preceding sentence.

Limited Public Forum

A “limited public” forum is one which has not necessarily been open for expression as a matter of tradition and history, but which government has opened or designated for such purposes. Again, it is not sufficient that the government owns the property; rather, the property must be designated for expressive purposes. See, e.g., Preminger v. Principi, 422 F.3d 815, 824 (9th Cir. 2005). Examples in the case law include a public school or public university building which has been opened to groups to use for non-school functions, a state fairgrounds, and a municipal theater. In limited public fora, the same rules apply as in a traditional, public forum, except that government may close the forum entirely, rather than simply regulate speech activity.

Nonpublic Forum

The third category is a “nonpublic” forum. A nonpublic forum is one that has not by tradition or by designation been open for public communication. Government is given considerably more leeway in the regulation a nonpublic forum, with restrictions generally upheld if they are “reasonable” in light of the purpose(s) which the forum serves and so long as any regulation is not an effort to suppress speech which government opposes. Examples of a nonpublic forum include a cemetery. Lower v. Bd. of Directors of Haskell County Cemetery Dist., 274 Kan. 735, 746 (2002) (“while a cemetery may be open and accessible to the public, cemeteries may properly be classified as nonpublic fora for purposes of constitutional review”); see also Warner v. City of Boca Raton, 420 F.3d 1308, 1310 n. 1 (11th Cir. 2005) (“We reject Plaintiffs’ arguments that cemeteries are public fora. We are aware of no federal court that has concluded otherwise.”).

Another example in the cases would be churches—by definition since they generally are not publicly owned. See, e.g., St. David’s Episcopal Church v. Westboro Baptist Church, Inc., 22 Kan. App. 2d 537, 549 (1996) (“We agree with the trial court and find that, in addition to the government interest in protecting residential and clinical privacy, the government has a legitimate interest in protecting the privacy of one’s place of worship as well.”); City of Prairie Village v. Hogan, 855 P.2d 949 (Kan. 1993) (construing city ordinance that banned picketing of residences or churches to prohibit only focused picketing in front of a residence or church, but declining to determine the ordinance’s constitutionality because the defendant’s conduct did not violate the ordinance as construed); but compare Olmer v. City of Lincoln, 192 F.3d 1176, 1181-1182 (8th Cir. 1999) (rejecting, by a 2 - 1 vote, the argument that churches should receive the same level of protection from picketing and protests as the private residences of individuals). Implicitly and necessarily, funerals and memorial services held in cemeteries or churches should not be considered public fora of any type, and should receive the same level of privacy protection as ordinary worship services.

III. Senate Bill No. 421

Senate Bill No. 421 does not regulate expressive activity on the basis of content, so the bill need not be justified by a compelling government interest. And the statute appears, for the most part, to regulate “targeted” picketing, a form of expressive activity that the Supreme Court of the United States has held can be banned altogether in at least some circumstances (when the target is an individual residence). And the Kansas Court of Appeals has at least suggested that churches may be given the same level of protection as private residences in this regard.

That said, there are a couple of difficult issues. First, not all courts agree that government may protect churches from protests and picketing to the same degree as private residences. Second, Senate Bill No. 421 clearly restricts expressive activity not just within or on the premises of a cemetery or church, but also on traditional public fora such as adjacent public sidewalks and streets.

There is little case law, and certainly none at the Supreme Court level or in Kansas that directly addresses the approach taken by Senate Bill No. 421—to restrict picketing even on public locations within 300 feet of the entrance to a church or cemetery during a specific time period. Although an injunction restricting such protests to 215 feet from the entrance of a church in Topeka was entered in previous litigation, Kansas appellate courts appear not to have determined the constitutionality of such a measure. See St. David’s Episcopal Church v. Westboro Baptist Church, Inc., 22 Kan. App. 2d 537, 552-553 (1996) (concluding that the court lacked sufficient information to evaluate the 215-foot buffer zone and expressly declining to decide “whether a court can enjoin picketing outside of a church on public sidewalks”). Likewise, the United States Court of Appeals for the Tenth Circuit, the Circuit which includes Kansas, appears to have avoided ruling on the constitutionality of the Kansas Funeral Picketing Act in a previous form. See Phelps v. Hamilton, 122 F.3d 1309, 1323 (10th Cir. 1997).

The Supreme Court of the United States has addressed buffer zones in the context of protests at clinics which perform abortions, upholding an 8-foot “no approach” zone created by a state statute, Hill v. Colorado, 530 U.S. 703 (2000), and a 36-foot buffer zone around clinic entrances and driveways imposed by a court injunction. Madsen v. Women’s Health Center, Inc., 512 U.S. 753 (1994). But the Court struck down a 300-foot buffer zone around the residences of clinic staff when the buffer zone prohibited not just targeted picketing in front of a residence, but any form of protesting or marching. Madsen, at 774-775. The Court in Madsen, however, reiterated that Frisby v. Schultz allows government to ban targeted or focused picketing in front of a particular home.

In summary, an argument certainly can be made that focused or targeted picketing of a nonpublic forum such as a cemetery, church, or mortuary is subject to greater restriction or regulation than picketing of a public forum, such as a park or town square. Indeed, such picketing can be banned on the premises of such nonpublic fora.

The more difficult question is the constitutionality of restricting such activities when they take place on a traditional public forum—such as a public sidewalk—adjacent to or near the nonpublic forum. Such regulation probably has to satisfy the three standards of Part II.A. above. Arguably, the proposed amendment to the Kansas Funeral Picketing Act satisfies those requirements as follows: (1) by serving a significant government interest (preserving and protecting the sanctity and dignity of religious or non-religious memorial and funeral services, as well as protecting the privacy of family and friends of the deceased during a time of mourning and distress); (2) being narrowly tailored by limiting targeted picketing only for a relatively brief time period and only to a certain distance from the entrance to a church, cemetery or mortuary; and (3) leaving open ample alternative channels of communication (targeted picketing can take place at any other times and even during a funeral at a distance of 300 feet).

Of the two aspects of the proposed restrictions—the time period and the distance requirement—the time period does not in and of itself appear to be of as much potential constitutional concern as the distance requirement. Relatively few court decisions have addressed such buffer zones in a context at all like this, and even in the abortion protest cases the Supreme Court has not upheld a buffer zone greater than 36 feet around clinic entrances and driveways. A 300 foot zone is far more likely to cover traditional public fora such as public sidewalks and streets.

On the other hand, it is clear that some type of buffer zone around entrances to nonpublic fora will be permitted, and as discussed above, the proposed amendment to the Kansas statute arguably satisfies the three constitutional requirements that courts will apply.

Funeral Buffer Zone

Wisconsin: Bans displays with "fighting words," loud noises and intentional blocking of mourners, within 500 feet and one hour before to one hour after. The State Legislature passed it on February 3, 2006 and the Governor looks to sign it quickly.

http://wfrv.com/seenon/local_story_033171134.html

<http://www.madison.com/wsj/home/local/index.php?ntid=71294&ntpid=2>

There are currently 13 other states with laws in the works. There are currently several states with laws that prevent protests in some forms at abortion clinics and that may be another place to look for precedent. Here is a breakdown of the states and what they are doing from the KC Star, followed by related articles I found:

<http://www.kansascity.com/mld/kansascity/news/local/13805643.htm>

Highlights of bills in 14 states targeting a Kansas church that pickets the funerals of AIDS victims, soldiers and coal miners:

Illinois: Restricts loud protests, visual images with "fighting words" or threats and "directed protest march or picket" within 300 feet of a funeral, bans blocking access to funeral facility from 30 minutes before to 30 minutes after the ceremony.

Indiana: Bans disruptive, loud or fighting behavior within 500 feet.

Iowa: Bans disorderly conduct and disruption within 300 feet and 30 minutes before to 30 minutes after a military funeral.

Kansas: Modifies existing ban on disorderly conduct near funerals to specify limits apply one hour before and two hours after the start of a funeral and within 300 feet.

Kentucky: Bans fighting or violent behavior, unreasonable noise or creating hazardous condition within 300 feet of a funeral and bans disrupting funerals or "any utterance, gesture or display designed to outrage the sensibilities of the group attending."

Missouri: Limits picketing or protesting "in front of or about" funeral from one hour before to one hour after.

Nebraska: Bans picketing within 100 feet.

Ohio: Bans protest or picketing within 300 feet and within one hour before to one hour after.

Oklahoma: (Five bills, two identical) Amend existing law on disrupting funerals to specify no picketing is allowed within 2,000 feet and one hour before to one hour after, and to make violation a felony instead of a misdemeanor, with a \$2,500 fine and no less than one year of jail time. Similar change to existing law, but extending the ban to two hours after and leaving the offense a misdemeanor with up to 90 days in jail and a \$500 fine. Ban picketing within 500 feet and one hour before to two hours after. Similar bill, but extending the ban to two hours before.

South Dakota: Bans picketing that's likely to distress mourners within 1,000 feet and one hour before to one hour after.

Vermont: Bans picketing within 500 feet from two hours before a funeral to two hours after.

Virginia: Limits loud and unruly behavior that would cause a reasonable person to fear for safety.

West Virginia: Bans picketing within 500 feet.

SOURCES: National Conference of State Legislatures, bill texts, AP research.

Hi. My name is Kelly Frantz. I am the widow of Lucas Allen Frantz. On October 18, 2005, I found out the worst news of my life. My husband, Lucas, had been killed in Iraq. A man who was stronger than anyone I ever knew, a man who fought for his country, a man I loved more than anything in the world, was killed. Killed because he was fighting for freedom. Freedom for other people he never knew, people he would never meet, but he fought. He gave his life so they, so we, could live our lives as we please. So we could enjoy the simple things in life. He gave his life for us. and how did a few Americans choose to thank him? They fought him when he couldn't fight anymore. They fought him at his own funeral. What was suppose to be a day of sorrow and remembrance turned into a day of hatred. I am not here because I feel they disrespected me, I am here because they disrespected my husband, a soldier, a son, a brother, a friend. They came to his funeral and brought on a new kind of war. A war in which my husband could not fight. I am here because I do not want to see another soldier, another person, another family go through that pain, that hatred.

Hatred was a feeling I never thought I would be feeling the day of my husband's funeral. As I showed up to my husband's funeral, along with family and friends, I could not notice how beautiful of a day it was, how pretty the flowers looked, how many people had shown up to pay their respects to Lucas. Instead I noticed the signs, the noise, the hate that this group of people showed toward a man who gave his life. so in all honesty, make sure that we Americans would remain to have the freedoms that we use daily, that some Americans choose to take for granted. Take for granted because they are not looking at the reason why they have their freedoms. Freedom is not free, I hear that over and over. I know personally, freedom is not free. When Lucas died, there was one thing that I was going to make sure of, that Lucas was not just another number. That when people thought about the war, thought about their freedoms, they would also think about the people that made sure, that are making sure, that we continue to have those freedoms. I wanted Lucas to be remembered for what he did, for who he was.

Lucas was the love of my life. He was your all American boy. He was born and raised in Kansas. He loved the game of football. In high school, he lived football, and it showed. He was very good at it. But Lucas was not all about football. He loved his family greatly, and he loved his friends. He had a high school sweetheart, a girl named Kelly. We dated for three years before getting married and moving to Alaska. See, Lucas also loved being an American, and he loved being a soldier. He joined the Army reserve a week after turning seventeen, and then at the age of nineteen decided to go active. He wanted to have a career in the military. To serve his country, then come home and live happily ever after. That's what was suppose to happen. At the age of 21, Lucas was going to war, but we knew he would be coming home, and everything would be ok, everything would be perfect again. But Lucas, did not come home, everything was not ok, everything did not go back to being perfect. Lucas died on his 22 birthday. At Lucas's funeral, we tried so very hard, to tell the stories of Lucas's life, to tell everybody how perfect it was while he was here, how happy he was, what an impact he made on all our lives. We were not suppose to be coming to a battlefield. Lucas fought until he took his last breath, he was not suppose to be fighting anymore.

I am not here because of my own personal battles, I am here for two reasons. I am here to tell Lucas's story, and I am here to help make sure that no one else has to keep fighting. We are already in war, we should not have to fight for our lost loved ones. Our loved ones have already fought their battles, it is time for them to rest in peace.

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 5

Testimony In Favor of
SENATE BILL 421
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

By
Charles M. Yunker, Adjutant
The American Legion Department of Kansas

Thank you for this opportunity to appear before you today and to ask for your favorable action on Senate Bill 421. My name is Charles Yunker and I serve as Adjutant for the American Legion Department of Kansas.

When someone loses a friend, brother or sister, mother or father, spouse or child, or any relative for that matter, they should be allowed to lay their friend or loved one to rest in peace and with dignity. That applies to everyone, not just those lost while serving their nation in the Armed Forces.

No one should have to endure insults, harassment, jeers, and signs during their time of mourning. For that matter no one should be subjected to "in your face" picketers when they enter their place of worship for any type of religious service. Kindergarten through fourth grade school children should not be exposed to the hatred of those who routinely show up at the same time as their recess.

I wish Senate Bill 421 addressed each of the examples I've cited where the majority of citizens irregardless of their political and religious beliefs feel such pickets are inappropriate. However, it does speak to the most important; when people are perhaps most vulnerable....when laying their loves ones to rest. We can counsel and teach our children right from wrong, good from bad, we can continue to ignore the signs and chants while we enter our places of worship, and when a local cult pickets American Legion State Headquarters most of our staff is thankful others are not being subjected to their messages of hate during the same time period.

Indiana, Illinois, South Dakota, and most recently Oklahoma have passed measures similar to Senate Bill 421. By similar I am referring to the distances incorporated in those states recently approved laws of which at least one requires a distance of 500 feet. However I do not believe any contain the provisions outlined in lines 11 and 12 on page 2 of Senate Bill 421 which exempts "on public streets, public sidewalks or other public spaces". We respectfully request those lines be deleted from the bill. In its present form, Senate Bill 421 provides those who picket and otherwise protest during funeral services to set up directly in front of entrances to funeral homes and churches to heckle and insult grieving families from a mere 300 feet a way.

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 6

I salute the Patriot Guard which was founded by Kansas Legionnaires and whose ranks have swelled to more than 1500 in Kansas and number almost 17,000 nationwide since October. Patriot Guard members come from all walks of life and from a number of organizations with one common purpose: to provide a peaceful human shield between the families of those who sacrificed their life for this nation and those who would dishonor their service. I'm proud to be a member of the Patriot Guard whose only dues are your patriotism and time. I hope you will join us by voting in favor of Senate Bill 421 and by urging your colleagues to do the same.

Testimony of Richard Strothman
Bill 421
House of Representatives Hearing Committee

Members of the House

My name is Richard Strothman, I am the Director of the Kansas American Legion Riders Post 256 and also on the Patriot Guard Committee. I come to Topeka to ask that you remove lines 11 and 12 from bill 421 and then to pass this into Law. I also ask that the penalty to be made as stiff as possible to deter the protesters from breaking the Law.

As of today, we have been on 16 missions, the latest Sgt. Jesse Davilla in Dodge City on 4 March 2006. We go as invited guests of the family, we are there to show our support and pay our respects to these families and to honor our fallen brother or sister. We provide a color guard escort for the fallen soldier from the church to the burial site. We also provide an Avenue of Flags and salute the soldier and the family.

The protesters have been as close as 50' from the entrance of the church to as far away as 1 block. Yes, they have the right, given by the First Amendment to preach what they like. But the families and friends of the loved one also have the right to grieve in peace and with dignity, in a safe environment, such that Do NOT hear, read or see this form of Hate and Harassment. On the day of the funeral would you not say the emotions of the family and the friends would be raw and that the signs, the pictures, and the chants be construed as Fighting Words. The worst fear we have is someone from the family or friends will let their emotions get the best of them and will attack the protesters, then they will be arrested. To me, these signs and chants could be considered the same as yelling Fire in a packed theater, someone is going to get hurt, one day. It is as much a Safety issue as it is First amendment issue.

We of the Patriot Guard receive nor accept any monetary value for what we do. All of us take time off work and pay our own expenses. We have received many Thank You letters on our missions from the families and friends of the fallen soldiers.

Mrs. Brandy Sacco, who will testify next, buried her husband on 2 Dec. 2005, then went to the funeral of Sgt. Charles Allen to give her support to his family and to honor him. She will tell you of the hateful things these protesters did to her.

Again, we of the Kansas American Legion Riders and the Patriot Guard do support this bill 421 without lines 11 and 12 and would like to see it pass unanimously. Also on 1 Feb. 2006, the Sedgwick County Commissioners passed a resolution requesting that Governor Kathleen Sebelius and the Kansas legislature support legislation that would create buffer zones to protect families from unwarranted harassment during funerals and memorial services.

Thank You and God Bless



COUNTY MANAGER'S OFFICE

Sedgwick County Courthouse
525 N. Main, Suite 343
Wichita, KS 67203
Phone (316) 660-9393
Fax (316) 383-7946
aschlapp@sedgwick.gov

Andrew J. Schlapp
Director, Government Relations

TESTIMONY

SB 421

House Federal and State Affairs Committee

March 13, 2006

Chairman Edmonds and members of the committee, my name is Andy Schlapp, Director of Government Relations for Sedgwick County. Thank you for the opportunity to testify in support of SB 421. The Board of County Commissioners of Sedgwick County has passed a resolution, that I have included as back up, requesting that you support legislation that would create buffer zones to protect families from unwarranted harassment during funerals or memorial services.

While Sedgwick County respects the rights guaranteed under the First Amendment, we also believe there are other avenues for protestors to express particular points of view without disrupting a family's funeral or memorial service. The emotional distress following the loss of a loved one has the potential for creating disturbances and resulting in a threat to public safety and a breach of peace.

Sedgwick County is the home of the largest city in Kansas, and is the second most populous county in the state. Our citizens have stepped forward to defend our freedoms, and our rights, and some of them have made the ultimate sacrifice. Most recently, Sgt. Donald T. Hasse was called home, and honored by his family and his friends at a military funeral held on December 10, 2005, here in Wichita. He was dishonored, however, by the actions of a few, but vocal, protestors who know no shame. Richard Strothmen and the Patriot Guard with the American Legion Post 136, were at that funeral, as they have been at other similar funerals. They have brought this issue to the forefront by requesting that a law be enacted to protect families because they can only miss work so often, be away from their families so often, and forgo income so often to protect these families from harassment.

The Board of Sedgwick County Commissioners strongly urges the passage of SB 421.

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 8

" Working for you "

A RESOLUTION REQUESTING THAT GOVERNOR KATHLEEN SEBELIUS AND THE KANSAS LEGISLATURE SUPPORT LEGISLATION THAT WOULD CREATE BUFFER ZONES TO PROTECT FAMILIES FROM UNWARRANTED HARASSMENT DURING FUNERALS AND MEMORIAL SERVICES.

WHEREAS, families have a substantial interest in organizing and attending funerals for deceased relatives; and

WHEREAS, the interest of families to privately and peacefully mourn the loss of their loved ones are violated when funerals are targeted for picketing and other public demonstrations; and

WHEREAS, picketing, public demonstrations and other uninvited outside interference at funerals causes emotional distress and has the potential for creating disturbances resulting in a threat to public safety and the breach of the peace; and

WHEREAS, the State Legislature has addressed the issue of picketing at funerals by enacting previous statutes and should once again address this issue to provide for a state-wide policy protecting the rights of families to grieve without unwarranted harassment; and

WHEREAS, the Board of County Commissioners of Sedgwick County recognizes and appreciates the efforts of Richard Strothman and the Patriot Guard with American Legion Post 136 to bring this issue to the forefront by requesting that laws be enacted protecting the right of families to grieve the loss of their loved ones in peace and without harassment.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Sedgwick County, Kansas that:

The Board of County Commissioners strongly urges the Kansas Legislature and members of the Sedgwick County legislative delegation to support legislation protecting the rights of families to grieve the loss of loved ones in peace by creating buffer zones to protect such families from unwarranted harassment during funerals and memorial services.

Commissioners present and voting

DAVID M. UNRUH	<u>aye</u>
TIM R. NORTON	<u>aye</u>
THOMAS G. WINTERS	<u>aye</u>
LUCY BURTNETT	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

Dated this 1st day of February, 2006.



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Don Brace
DON BRACE, County Clerk

Ben Sciortino
BEN SCIORTINO, Chairman
Commissioner, Fifth District

Lucy Burtnett
LUCY BURTNETT, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

Michael D. Pepon
for MICHAEL D. PEPOON
Assistant County Counselor

David M. Unruh
DAVID M. UNRUH
Commissioner, First District

Tim R. Morton
TIM R. MORTON
Commissioner, Second District

Thomas G. Winters
THOMAS G. WINTERS
Commissioner, Third District

State of Kansas
County of Sedgwick
I, County Clerk of said County, do hereby
certify this to be a true and correct copy of the
original instrument which is on file or of record
in my office.
Done this 2nd day of Feb, 2006
DON BRACE, County Clerk
By Sue Davis, Deputy

STATE OF KANSAS

House of Representatives



THE CAPITOL

Lee Tafanelli

Representative, Forty Seventh District

TOPEKA ADDRESS:

STATE CAPITOL—503-N
TOPEKA, KANSAS 66612-1504
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TOPEKA HOTLINE
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OZAWKIE ADDRESS:

7075 122nd STREET
OZAWKIE, KANSAS 66070
(785) 945-3808
E-Mail: tafanelli@house.state.ks.us

COMMITTEE ASSIGNMENTS
APPROPRIATIONS
PUBLIC SAFETY BUDGET
JOINT COMMITTEE ON KANSAS SECURITY

March 13, 2006

TESTIMONY IN SUPPORT OF SB421

Chairman Edmunds and Members of the Committee

Thank you for the opportunity to testify here today in support of SB421. As a recent returning veteran of Operation Iraqi Freedom, I understand precisely the very freedoms and liberties that we enjoy in this Nation. I, along with every other veteran, have fought to give and to preserve the right to the freedom of speech as well as the right to protest. What we did not do is to give them the right to interfere, denigrate or harass families at funerals.

This bill does nothing to deny anyone the right to the freedom of speech, no matter how egregious or distasteful it is. This bill provides full opportunity for anyone to exercise their freedom of speech and their other constitutional rights. But more importantly, this bill gives a family the right to some privacy during their darkest hour, to grieve, honor and pay their respects to their loved one. This is a right that they have earned and that they deserve.

As a Commander in Iraq, I lost two soldiers, SGT. Derrick Lutters and SGT. Dusty Carroll. Two families lost a son, a brother and a friend. Young Soldiers that gave their last full measure of devotion to their Country, and the freedoms it embodies. Those heroes along with every other Veteran who has died defending and preserving our Nation, its freedom and our liberties have earned a debt of gratitude that our Nation can never repay. Soldiers, their families and friends deserve nothing less than to be able to grieve, honor and pay their respects to their loved ones free from protest and harassment.

Mr. Chairman, members of the Committee, thank you again for the opportunity to appear before you today and I ask for your support of SB421.

FEDERAL AND STATE AFFAIRS

Date 3-13-06
Attachment 9

Thank you, ladies and gentlemen, for allowing me to speak for a few minutes today in support of Bill 421. My name is Brandy Sacco and as most of you know my husband Dominic was killed in action in Iraq on the 20th of November 2005. The public support for me and my family has been unbelievable. The out-pouring of support from family, friends, my church, and people throughout our great Nation continues yet today. From the over 500 veterans, who were invited guests of my family, at Nick's funeral to the cards and notes of encouragement I continue to receive each day in the mail reveals to me that our State and Nation is a grateful State and Nation. One that honors the honorable men and women of our Armed Forces.

Today I want to focus on a more negative aspect of our society - groups such as the Westboro Baptist Church. A group, which I believe, has lost a sense of responsibility, at the very least, on an individual level. We have too many people like the members of the Westboro Baptist Church, who believe that the government owes them total, undisciplined freedom. Freedom of speech is what their handheld signs claim to represent! To me, they are nothing short of pornography.

The prank, non-identifiable, harassing phone calls to my home by members of this so-called church group explaining how my husband is burning in hell for serving in our Nation's Army are protected by the very sacrifices many soldiers like my husband have paid the ultimate price for! They also posted pictures of my husband on their website calling my husband and other veterans faggots. The day of my husband's funeral they also had signs that said Dominic Sacco is in hell! They choose to abuse these rights by harassment of a grieving wife and family. Such a lack of common decency should not be protected by law, but punishable by the law. Graphic stories, rambling emails from their congregation and protesting funerals (which are and should always be a private family matter) should not be protected by the law but punishable by the law. To this day my four year old daughter asks me why "the bad people that hate Dominic were at his funeral". She has even had nightmares about that day! This to me is ridiculous and unfair to not only my family but to other families!

If everyone believed in the ways of the Westboro Baptist Church and other groups like them, there would be no society as we know it today! It seems that members of these groups have forgotten that our Nation's strength and freedoms come from each person surrendering a portion of his or her individual urges to the common good of our Nation. My husband surrendered not only those urges for the good of our Nation - he surrendered all!

I am here today to ask you to please help other families and pass this bill without the exceptions. Thank you again for allowing me to speak to you today. God bless all of you for serving our great State as elected officials and God bless America.

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 10

RESOLUTION NO. 06-052

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS, OF SUPPORT OF THE STATE LEGISLATURE REGULATING
PROTESTS AT FUNERALS.**

WHEREAS, a funeral is usually the last opportunity for an entire community to demonstrate their respect and admiration for the deceased and his or her family; and

WHEREAS, this opportunity for respect is also been seen by some to be an opportunity to vocalize their contempt for certain circumstances regarding the way the deceased may have lived or dies, or which may or may not have anything to do with the deceased; and

WHEREAS, this nation, this state and this city have and will continue to have the utmost respect for the freedom of speech, which is guaranteed by the Constitution, embraced by all of our citizens, and admired by the world; and

WHEREAS, it is the opinion of the Wichita City Council that ample opportunity for free speech can be granted in many ways, without involving the immediate area of a funeral or memorial service for the recently departed.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the city of Wichita, Kansas that:

The Wichita City Council strongly urges the Kansas State Legislature and the members of the Sedgwick County Legislative Delegation to support and enact legislation to protect the grieving families of the deceased from unwarranted harassment as well as to preserve the peace of the community by creating buffer zones during funerals and memorial services.


FEDERAL AND STATE AFFAIRS

Date 3-23-06

Attachment 11

to *Jeanne Goodwin* +
City Manager

Executed at Wichita, Kansas, this 7th day of February, 2006.

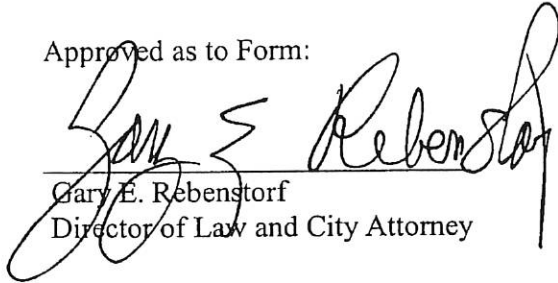


Carlos Mayans, Mayor

ATTEST:


Karen Sublett
City Clerk

Approved as to Form:



Gary E. Rebenstorf
Director of Law and City Attorney



I would first like to thank you for this opportunity to address you today concerning Bill 421 to amend K.S.A. 21-4015, the Kansas funeral picketing act.

I am John Woydziak, I reside in the City of Rose Hill, Butler County, Kansas. I am a veteran, having retired from the U.S. Navy, a proud member of the American Legion, the American Legion Riders and the Patriot Guard.

As a Viet Nam Veteran, I have first hand knowledge of the horrors of war and the devastating effect it can have on the veteran, their family and the country as a whole. My oldest son was enlisted in the U.S. Navy as a SeaBee. My wife and I understand the anxiety of wondering if he too would be called into "Harms Way". Having lost a cousin, Bobby Reidle, a proud U.S. Marine, in the jungles of Viet Nam, has also taught me the trauma of losing a family member in the defense of our nation. This tragedy was compounded for Bobby's parents as they were constantly bombarded by the news concerning anti-war protests and demonstrations. I cannot imagine the catastrophic effect on them of having had his funeral picketed by someone being so callous as to be toting signs that read "Thank God for dead soldiers", "Thank God for 9/11", "Thank God for IED's" and the like.

In the last few months I have attended the funerals of Sgt Evan Parker, of South Haven, Ks, Sgt Jerry Mills, of Ark City, Ks, Sgt Dominic Sacco, of Topeka, Ks, 1Sgt Donald Hasse, of Wichita, Ks, and Sgt. Jessie Davila, of Greensburg, Ks. These families, their friends and their community earned and deserved the right to a dignified

atmosphere in which to grieve the loss of their "Fallen Hero", to honor and cherish the memory of the life that was so tragically cut short. They paid the ultimate price in the service of this great Nation, to preserve its rights, principles and the democracy for which it stands. We owe them nothing less than the opportunity to be laid to rest in peace. They, as their predecessors before them, would be the last to deny citizens their right to practice their constitutional rights. They, as we here today, would hope that such a solemn occasion would not be desecrated in such a manner.

Kansas is comprised of a constituency of "small" communities. A significant percentage of these would have difficulty providing a church and/or mortuary capable of accommodating those wishing to pay their respects to the "Fallen Hero" and their family. This fact would necessitate the service of another facility suitable to accommodate the occasion, such as a school auditorium or gymnasium, as in the case of Sgt. Evan Parker. In consideration of this, I would respectfully request that you consider language that would cover this eventuality. A practicable example for K.S.A. 21-4015, Section (e) being:

"(e) It is unlawful for any person to engage in picketing or a direct protest march at any public location within 500 feet of any property of any cemetery, church, mortuary or funeral service within one hour prior to, during and two hours following the commencement of a funeral or memorial service."

I would also implore that there would be NO EXCEPTIONS included in the final draft of Bill 421 and that a violation of subsection (e) be a felony.

The American Legion, the American Legion Riders, the Patriot Guard, all veterans groups and veterans, all patriotic citizens and our valiant military personnel who are presently serving this great nation wholeheartedly support Bill 421 and its vigorous enforcement upon being enacted.

Again, thank you for this opportunity.

God Bless America.

God Bless and Protect our Troops.



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Topeka

Testimony before the House Federal and State Affairs Committee
By Pam Scott, Executive Director
Kansas Funeral Directors and Embalmers Association

March 13, 2006

On behalf of the Kansas Funeral Directors and Embalmers Association (KFDA), I would like to thank you for the opportunity to appear before you today in support of Senate Bill No. 421. The KFDA represents over three hundred funeral homes in the State of Kansas.

Kansas funeral directors witness up close the emotional impact the picketing of a funeral has on the family and loved ones of a deceased whose funeral is targeted for picketing. Such picketing has a negative emotional impact on grieving families who are already emotionally fragile. Each family member may react to the picketing in a different manner just as each expresses their grief in a different way. While some family members are distraught and emotionally upset by the picketing, others react in anger. Often a picketer's message has nothing to do with the deceased but rather is just an opportunity to get their message out at a high profile funeral where the media may be watching. Families are often concerned that the public will not understand that the picketer's message is not directed at the deceased and worry that it will adversely reflect on the life and reputation of the deceased which the funeral is intended to honor.

We support the amendments made in the Senate to extend the bill's protection to any location at which a funeral service is to take place. Funeral services occasionally take place in locations other than churches, mortuaries and cemeteries especially when you are dealing with a high profile funeral that often draws a larger than usual attendance. Schools, community centers, auditoriums, and parks are locations where funeral services are often held.

At a funeral service, families are just coming to grips with their loss and how their life will be impacted with the loss of their loved one. Disruptive picketing is just one more thing the family must deal with when they should be able to pay tribute to and say goodbye to their family member in peace.

The KFDA urges you to pass Senate Bill No. 421.

FEDERAL AND STATE AFFAIRS

Date 3-13-06
Attachment 13

**Testimony of Shirley Phelps-Roper before the Kansas House of Representatives
in Opposition to Senate Bill 421
Monday, March 13, 2006**

Good morning friends and neighbors.

My name is Shirley Phelps-Roper

I am here today with two of my daughters, Megan and Rebekah and our good friend Steve Drain. We are so happy and thankful to be here. Today is a good day – my new great-nephew Elijah Enoch Phelps arrived in the wee hours of this morning. We are here to fulfill our duty to the Lord our God and to you, our fellow man. Jas 2:8 If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well:

I want to do well so I need to know what it means according to God's standard to love thy neighbor as thyself.

Christ said – at Matthew 22:37 ... Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind.

38 This is the first and great commandment.

39 And the second is like unto it, Thou shalt love thy neighbour as thyself.

40 On these two commandments hang all the law and the prophets.

What does this love thy neighbor mean?

Leviticus 19:17 and 18 provides GODS definition -

17 Thou shalt not hate thy brother in thine heart: thou shalt in any wise rebuke thy neighbour, and not suffer sin upon him. . . . but thou shalt love thy neighbour as thyself: I am the LORD.

The passage says that you rebuke your neighbor and warn him that his sin is taking him to hell and it further says – if you don't do that – you hate your neighbor in your heart.

I want to do well! I am going to serve the Lord my God with all my heart, soul, might and mind!

We have been on the mean streets of this nation for 15 years criss-crossing this country warning you that if you do not turn from your evil ways and your

FEDERAL AND STATE AFFAIRS

Date 3-13-06

Attachment 14

abominations that the wrath of God was going to pour out on you! Our method is WORDS! From the beginning we came to you with a plea really – hat in hand, sincere hearts, because (2Co 5:11) “Knowing therefore the terror of the Lord, we persuade men” Our message was – there IS a God, a standard set by God that He expects His creatures to obey, a hell and a Day of Judgment and it is NOT okay to be gay. We warned you that this nation was awash in idolatry, adultery, murder (23 of every 100 pregnancies end in murder), fornication, vicious, hateful conduct toward each other and you taught your children that God is a liar – you broke their moral compass.

NOW, if that was not bad enough, this nation has now risen up with ONE VOICE to say it is okay to be gay! That conduct that the Lord your God calls an abomination, you say is okay. You worship the works of your own hands, you worship things that are not gods, you worship yourselves, you have corrupted your children from the womb! You worship the military and you worship that flag. Today that flag represents a rebellious people that will NOT obey the voice of the Lord their God! The red on that flag stands for the rectal blood of the perverts that run this country and the river of blood from the millions of babies that you slaughter on the altar of your filthy sex acts! You make a mock of sin. America is Brokeback Mountain!

You mocked the message – every day for 15 years it is a close question who we should keep a closer eye on – the rabble, that is the confused young people that don't have a CLUE what the law of man or God is, or the law enforcement officers that took an oath to uphold and defend the constitution which means they must obey the Supreme Court when they said that the public rights of way are held in trust for robust public debate. Today you also must factor in the biker chicks – the mo ped mamas – if there is media present in sufficient numbers – or on a national scale, they stick to their stated goal – that is to make a public display of their hatred of our gospel message. If no media is present to record them – they divert into mischief like hitting our people and trying to steal our property.

It is the very picture of this: 2 Chro. 36:14 Moreover ... the ... priests, and the people, transgressed very much after all the(ir) abominations ...; and polluted the house of the LORD ...15 And ...God ...sent to them by his messengers, rising up betimes, ...; because he had compassion on his people, and on his dwelling place:
16 But they mocked the messengers of God, and despised his words, and misused his prophets, until the wrath of the LORD arose against his people, till there was no remedy.

Today, our message has become sharper and has morphed into a message to you from your God – it is now a pronouncement and a determination to help you connect the dots! You have crossed the line – now God is your enemy.

You have indeed incurred the wrath of God against yourselves. The Lord your God is fulfilling his promises as follows:

Hosea 9:9 They have deeply corrupted themselves, as in the days of Gibeah: (see Judges 19, 20 and 21 to understand exactly what that means that you have done!) therefore he will remember their iniquity, he will visit their sins . . . they separated themselves unto . . . shame; and their abominations were according as they loved. . . .
12 Though they bring up their children, yet will I bereave them, that there shall not be a man left: yea, woe also to them when I depart from them!

Isaiah 65: 11 ¶ But ye are they that forsake the LORD, that forget my holy mountain, . . . 12 Therefore will I number you to the sword, and ye shall all bow down to the slaughter: because when I called, ye did not answer; when I spake, ye did not hear; but did evil before mine eyes, and did choose that wherein I delighted not.

In short – you turned this country over to the fags, now those soldiers are coming home in body bags. You raised your young people for the devil and now God is punishing you for that! He is taking the joy of your eyes from you. NEVERTHELESS, we must do our job! Cause America to KNOW her abominations. We are putting the cup of the fury and wrath of God to your lips and making you drink it. Since God is punishing you and his weapon of choice is the sword, killing your children in battle, our forum of choice to do our job must be the funerals of those dead children.

NOW, this legislative body, called in scripture, a throne of iniquity are setting about to frame your mischief by a law: It is called Senate Bill 421.

Your proposed bill is a policy of Hell and his majesty the Devil.

You have gone along serving yourselves and living like the very devil himself and then we come along and remind you of WHAT YOU KNOW ALREADY, to wit: The destroyer of Sodom and the ante-diluvium world is NOT DEAD, and he is on the way and he is raging mad! So you rage and imagine that you can break these bands and cords of conscience off your back if you can just make us shut up! Well – God is laughing at your efforts – they won't work!

You see – we are what the scripture describes as evil angels – that is – the servants of God that are here to bring you tidings of the evil that he will bring upon you because you will NOT obey. Once we do our job, the wrath of God pours out – THAT is what the scripture tells you! SO – you see – we have done our job, and we are noting that JUST today you see that Texas is in the midst of the worst fire it has ever seen – over 600,000 acres have burned so far and at least seven dead; Illinois, Missouri and Kansas have a string of storms and tornados with at least 10 dead – all your governors are bemoaning this mess – KU had to call off classes because 60% of their buildings have been damaged in storms yesterday. THAT is the wrath of God! And you know it!

Here is the problem that you face: This nation does not want to concede or admit that its manner of life is sinful. They want the government to pass a law in hopes of making these words go away. Making us shut up changes NOTHING – the Lord Jesus Christ said if we shut up, the stones will talk to you! You chose – we don't care! Either way, the word of God is going forth in this land! God is your terrorist! Deal with that!

HERE IS YOUR FIX - If you follow the commandments of that God that created you, and is the only being that can send you to hell for eternity, all these issues will become blessedly simple. “Behold, I set before you this day a blessing and a curse; A blessing, if ye obey the commandments of the LORD your God, ... And a curse, if ye will not obey the commandments of the LORD your God, ...” Deut. 11: 26-28

Now our message is: America has sinned away her day of grace, the wrath of God is pouring out upon you, it's too late to pray, America is doomed!

Thank you!

Testimony of Megan M. Phelps-Roper before the Kansas House of Representatives
in Opposition to Senate Bill 421
Monday, March 13, 2006

“Except the LORD build the house, they labour in vain that build it: except the LORD keep the city, the watchman waketh but in vain.” Psalm 127:1.

The God that holds the keys of hell and death¹ is the only God that can keep this nation. You have enraged that God, such that smoke is pouring from His nostrils, and fire from His mouth. The earth shakes and trembles, killing hundreds of thousands in earthquakes and tsunamis.² He sends floods and hurricanes, uncontrollable fires and tornados, destroying the symbols of your pride and arrogance and glorification of sin. He is sending forth His arrows and scattering your military forces. He is delivering your children to the slaughter, destroying the fruit of this nation.³ Yet and still, you foolishly insist that God bless America, thump your chests with pride, and go inside the houses of false prophets to worship the little pieces of a dead soldier who was dispatched from this earth at the hand of the Lord your God.

But you aren't content to commit these abominations yourselves and bring the wrath of God upon your own houses. You want to make it impossible for the servants of God to warn you of the eternal consequences of those abominations. You want to use the force of law to punish all those who obey God with an honest and pure heart. You want to go a step further than the serpent in the garden of Eden – instead of just encouraging the outright violation of the commandments of Most High, you want to penalize anyone who *won't* join you in doing so.⁴

Anyone with an ounce of sense knows that this bill won't stop the Gospel message of WBC from permeating every nook and cranny of this nation. Everyone knows that we *only* protest lawfully on public sidewalks, thus rendering inapposite the mischief that you've framed by this law.⁵ For passing this bill, whose sole purpose is to vilify and persecute the saints of God, you are counted among the ranks of those who “[run] greedily after the error of Balaam for reward”⁶ – you go to curse the people of God for your own gain, political and otherwise.⁷ But you cannot curse those whom God has already blessed. In all the wresting you've done in trying to silence WBC's message from God, you have only succeeded in publishing it all the more – for which we thank you. But the malicious intent behind this law will be Exhibit A against you in that Great and Terrible Day of Judgment; it's a token of perdition for you, the adversaries of the truth and all righteousness.⁸

Attached are copies of checks that represent the result of this states' experimentation with our First Amendment rights. This is just a tiny bit of the states' cost for making a law respecting an establishment of religion. If the public purse matters to you at all, remember that this doesn't end here.

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“O full of all subtlety and all mischief, thou child of the devil, thou enemy of all righteousness, wilt thou not cease to pervert the right ways of the Lord?” Acts 13:10.

Thank you.

¹ “I am he that liveth, and was dead; and, behold, I am alive for evermore, Amen; and have the keys of hell and of death.” Revelation 1:18

² “The sorrows of death compassed me, and the floods of ungodly men made me afraid. The sorrows of hell compassed me about: the snares of death prevented me. In my distress I called upon the LORD, and cried unto my God: he heard my voice out of his temple, and my cry came before him, even into his ears. Then the earth shook and trembled; the foundations also of the hills moved and were shaken, because he was wroth. **There went up a smoke out of his nostrils, and fire out of his mouth devoured: coals were kindled by it.** He bowed the heavens also, and came down: and darkness was under his feet. And he rode upon a cherub, and did fly: yea, he did fly upon the wings of the wind. He made darkness his secret place; his pavilion round about him were dark waters and thick clouds of the skies. **At the brightness that was before him his thick clouds passed, hail stones and coals of fire. The LORD also thundered in the heavens, and the Highest gave his voice; hail stones and coals of fire. Yea, he sent out his arrows, and scattered them; and he shot out lightnings, and discomfited them.**”

³ “Therefore will I number you to the sword, and ye shall all bow down to the slaughter: because when I called, ye did not answer; when I spake, ye did not hear; but did evil before mine eyes, and did choose that wherein I delighted not.” Isaiah 65:12.

⁴ “Wherein they think it strange that ye run not with them to the same excess of riot, speaking evil of you: Who shall give account to him that is ready to judge the quick and the dead.” 1 Peter 4:4-5.

⁵ “Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law? They gather themselves together against the soul of the righteous, and condemn the innocent blood. But the LORD is my defence; and my God is the rock of my refuge. **And he shall bring upon them their own iniquity, and shall cut them off in their own wickedness; yea, the LORD our God shall cut them off.**” Psalm 94:20-23.

⁶ “For there are certain men crept in unawares, who were before of old ordained to this condemnation, ungodly men, turning the grace of our God into lasciviousness, and denying the only Lord God, and our Lord Jesus Christ... Even as Sodom and Gomorrha, and the cities about them in like manner, giving themselves over to fornication, and going after strange flesh, are set forth for an example, suffering the vengeance of eternal fire. Likewise also these filthy dreamers defile the flesh, despise dominion, and speak evil of dignities... But these speak evil of those things which they know not: but what they know naturally, as brute beasts, in those things they corrupt themselves. **Woe unto them! for they have gone in the way of Cain, and ran greedily after the error of Balaam for reward, and perished in the gainsaying of Core.**” Jude 4, 7-8, 10-11.

⁷ Read Numbers 22-24 for more information about Balaam.

⁸ “And in nothing terrified by your adversaries: which is to them an evident token of perdition, but to you of salvation, and that of God.” Philippians 1:28.

STARS

STATE OF KANSAS
 Department of Administration
 Division of Accounts and Reports
 To the Treasurer of State: Topeka, Kansas

NO. 6929671

006929671

Date: 04 03 98

Pay to the order of: PHELPS CHARTERED
 1414 S TOPEKA BLVD
 PO BOX 1886
 TOPEKA KS 66601-1886

Amount
 \$*****170,000.00

ONE HUNDRED SEVENTY THOUSAND DOLLARS AND 00 CENTS

Agy No. Document No.
 002 V1001292

Cash Immediately - Void One Year From Date of Issue

This warrant payable at any Topeka, Kansas bank at par if cleared through regular banking channels.

Shelby A. Moser
 Director of Accounts and Reports
Clayton Charles
 State Treasurer

⑈ 26929671⑈ ⑆ 101101154⑆ 999⑈ 911⑈

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK CERTIFICATION SEAL ON THE BACK. HOLD AT ANGLE TO VIEW SEAL



CITY OF TOPEKA

215 SE 7th Street
 Topeka, KS 66603-3914

Vendor Payment Warrant - Regular
 VOID AFTER 90 DAYS

44-16(9)/1010

Mercantile Bank
Topeka, Kansas

PAY TO THE ORDER OF DATE WARRANT NO. WARRANT AMOUNT

11 10/28/1999 346628

\$*****47,000.00

By Order of the Governing Body

PHELPS CHARTERED
 1414 SW TOPEKA BOULEVARD
 TOPEKA KS 66601-1886

Joan Wagner
 MAYOR OF TOPEKA
Russell P. Hill
 CITY CONTROLLER
Clayton Charles
 CITY TREASURER

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈ 346628⑈ ⑆ 101000187⑆ 931001230 8⑈

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Mar 13 2006 11:14AM

Testimony of Rebekah L. Phelps-Roper before the Kansas House of Representatives
in Opposition to Senate Bill 421
Monday, March 13, 2006

Good morning, my name is Rebekah Phelps-Roper.

Thank you for permitting me to speak to you.

I'm afraid that the Kansas State Senate has become a throne of iniquity per Psalm 94:20.

Nevertheless, I want to talk to you about freedoms. But to understand the importance and gravity and magnificence of those freedoms, I want to put you in remembrance of Ezekiel 16, because I believe it is Ezekiel 16 time and I would hope that all of you would carefully read that chapter. It explains in great detail how God Almighty can have compassion and love for a nation, and strengthen her, and clothe her with beautiful garments, and give her power to win wars and to judge righteously, and establish her as a super power and a great example for the entire world. Then that chapter goes on to describe how that nation trusted in her OWN beauty and strength, and how she went a whoring after other gods – like dead soldiers, flags, pride, lusts, and so on. And then it says that because she did that, God will take away her beauty, and anything that is the least bit comely about her, and all the nations will abhor her, and God will destroy her in His fierce fury.

That is the picture of THIS nation! Our forefathers lived under religious tyranny in England. Then God gave them the strength and will to escape from that suffocating lifestyle and they ended up here. With wisdom given them by God, they set up a constitutional form of government and they put in place the First Amendment to ensure that people could serve the Lord their God and follow their conscience – which to me means to obey the scriptures! That is a freedom! We have that freedom in the providence of God. God alone gave us that freedom, because all things flow from and depend upon the Lord our God (per De 32:39). The Constitution is one of the beautiful garments that God clothed this nation with in its infancy. Then He gave them might, hope, and perseverance to win wars and create justice, thereby establishing this country so all the other nations could see that God was with us! He did that for us, and how has this generation repaid Him? You forgot what God did for us and started serving other gods, YOU spit in His face by ignoring His commandments and building up houses of idols called churches with Madam Pastors teaching the people things they ought not for filthy lucre's sake, AND you are trying to stop God's faithful prophets from doing their duty to Him by passing an unconstitutional law!

This legislative body, which has power and influence over the people, is responsible for the wrath of God coming down upon this nation with FULL STRENGTH! The death of our soldiers, the destruction of our mines and our miners, the multiple hurricanes and tornadoes, unprecedented in their destruction, the demolition of the twin towers and every other disaster that has come upon this debauched country – is on YOUR hands. The ONE thing that a nation can do to anger the Lord even more besides just disobeying Him, is to mess with His people SOLELY because they are diligently serving Him. So if you're going to break your oaths, shame this country, and antagonize God Almighty even more, just remember this verse: Psalm 94:23 And

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he shall bring upon them their own iniquity, and shall cut them off in their own wickedness; yea, the LORD our God shall cut them off.

That's a promise to avenge Himself and His people – and God isn't like men that He should break HIS oaths!

Thank you – it's been a pleasure!

The Testimony given by Stephen Drain, to the Kansas State Senate, in opposition to Senate Bill 421 – March 13, 2006

It is intrinsic to our religious position to preach. It is neither our goal nor our prerogative to convince anyone of anything. It is our mission to publish a message in a timely, topical, and relevant manner, which is specifically why we preach the Word of God at these military funerals. We believe that the deaths of American soldiers is one of the ways in which God reveals His wrath against a disobedient nation. Holding a peaceful protest at a soldier's funeral isn't a disgrace – by the scriptural standard that Christ preached at Matthew 22 and Leviticus 19, it is the only loving thing that we can do for those close to the soldier who have not yet hit the grave. Dying time is truth time - while the necromancers, flag-worshippers and false prophets lie that dead soldier into heaven, we come and tell the truth of God at what is otherwise an orgy of lies, hypocrisy and delusion. We know we won't convince you of the correctness of our position – but you don't even get to delve into making that call in performing your legislative duties.

By even considering SB 421 you manifest, in a bold and clear manner, to anyone who is paying attention, not only a callous disregard for the constraints placed upon you by God's standards of moral conduct, but also for the constraints placed upon you by principles set forth in the

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Constitution. You do not have the constitutional authority to make any law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech. Attempting to remove us from the only relevant audience for our message is a blatant usurpation of constitutionally-guaranteed actions. Indeed, one of your solemn obligations of office is to protect the free exercise of religious expression, and of speech, especially unpopular speech. A remedy already exists, in this country, for those who don't agree with or like a certain message; it's called "averting your eyes."

Let's get right down to brass tacks on this: the palpable hatred of God's word and His standards that has permeated this state legislative body and others like it has reduced America to giving away the only freedoms that have made her stand out amongst the nations of the world. And what is this fire-sale of America's freedoms over? Some pieces of cardboard with words on them that form messages that you don't like? And you call us despicable? If you really think that this issue is worth so much time and effort, and that the so-called 'sanctity' of a dead soldier's funeral is so vital, then you must mean that for soldiers across the nation, not just in this evil state. Why, then, are you spinning your wheels with a penny-ante state law that has already been litigated and settled? You should use all your influence with our

representatives at the national level – Congress – to get a Federal law passed outlawing our funeral picketing. What are you afraid of, that your evil law really IS unconstitutional and your folly will be uncovered?

If this issue really is as important as you suggest, then the national Congress is the only appropriate avenue for relief. Put your money where your mouth is, and commit to every member of the media who asks that you are going to lobby all the members of Congress from Kansas hard to get a Federal bill introduced to make it illegal to preach God's word at the funerals of the fallen fruit of a blood-thirsty, idolatrous, disobedient nation. This isn't a matter of state interest, and if you are really tending to the interests of Kansans, as you pretend, then you'll stop wasting their time and money and get this issue placed in an appropriate forum at the national level.

Thank you