

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND – BALTIMORE DIVISION

ALBERT SNYDER,
Plaintiff,

vs.

Case No. 1:06-cv-1389-RDB

FRED W. PHELPS, SR.;
SHIRLEY L. PHELPS-ROPER;
REBEKAH A. PHELPS-DAVIS; and,
WESTBORO BAPTIST CHURCH, INC.,
Defendants.

ATTACHMENT 21

IN SUPPORT OF
MOTION OF DEFENDANTS
PHELPS-DAVIS & PHELPS-ROPER
TO DISMISS OR FOR SUMMARY JUDGMENT

Excerpts of Deposition
Of Fred Phelps

1 .
2 IN THE UNITED STATES DISTRICT COURT
3 DISTRICT OF MARYLAND

4 .
5 ALBERT SNYDER,

6 Plaintiff,

7 vs. Civil Action No. 1:06-CV-1389-RDB

8 Judge Bennett

9 FRED W. PHELPS, SR.,

10 SHIRLEY L. PHELPS-ROPER,

11 REBEKAH A. PHELPS-DAVIS, and

12 WESTBORO BAPTIST CHURCH, INC.,

13 Defendants.
14 .

15 VIDEOTAPED DEPOSITION OF

16 FRED PHELPS,

17 taken on behalf of the Plaintiff,

18 pursuant to Third Amended Notice of

19 Deposition, beginning at 8:59 a.m., on

20 the 16th day of April, 2007, at the

21 Marriott Kansas City Airport Hotel, in

22 the City of Kansas City, County of

23 Platte, and State of Missouri, before

24 Jill A. Whetter, C.C.R.
25 .

1 A. They speak often one to another.

2 Q. No, how do you decide what event,
3 like a funeral, a wedding, someone
4 else's church, how do you decide what
5 you're going to picket?

6 A. We talk often. They speak often
7 one to another, we work in close
8 harmony, mutual collaboration, mutual
9 respect for the opinions and ideas of
10 each other. It's a functioning
11 organism, like a church ought to be.

12 Q. And I'm trying to understand the
13 thought process, what makes you decide
14 to picket a funeral versus the park, or
15 Wal-Mart, or something like that?

16 A. We talk, early and often, and
17 arrive at decisions, and pray about
18 them. That's how we decide.

19 Q. And what criteria do you use to
20 decide whether to picket a funeral, or
21 wedding, or something else?

22 A. Criteria will only be a sense
23 that we have come to that this is the
24 will of God for this. We believe the
25 Lord wants us to do this. And there are

1 not going to be found any other criteria
2 for the church of the Lord Jesus Christ,
3 and that we think is the Lord's will,
4 and we pray about it a lot, and talk
5 about it a lot, and come to conclusions
6 until -- the verse is, They are all of
7 one accord and one place, and then we
8 function.

9 Q. Do Westboro Baptist Church
10 members picket each and every military
11 funeral?

12 A. No.

13 Q. How do you decide which ones to
14 picket?

15 A. We talk. I don't want to go
16 through that all again, that answer I
17 have given you two or three times now,
18 but that's the answer.

19 Q. Okay. Prior to March of 2006,
20 did you know Al Snyder?

21 A. No. I don't know him now.

22 Q. Okay. Prior to March in 2006,
23 did you know anyone in the Snyder
24 family?

25 A. No. Don't know them now.

1 Q. All right. In March of 2006, did
2 you travel to Maryland?

3 A. Yes.

4 Q. And did anyone accompany you?

5 A. Yes.

6 Q. And who was it?

7 A. Or I accompanied them, rather.

8 Q. All right. So how about we use
9 the terminology, did you travel
10 together?

11 A. Yes.

12 Q. All right. What mode of travel
13 did you use?

14 A. Well, I don't remember precisely,
15 but usually we fly.

16 Q. Do you rent a car when you get
17 there?

18 A. Yes.

19 Q. All right. So who traveled with
20 you to Maryland in March of 2006?

21 A. Shirley, Becky, and some -- some
22 of children, I don't remember exactly
23 who now, but I think that can be -- I
24 think we've already given you that
25 information.

1 Q. And we'll go over their pictures
2 in a second here.

3 A. (Witness shakes head up and
4 down.)

5 Q. So Shirley and Becky were the
6 only -- and you were the only adults,
7 correct?

8 A. Well, I -- the only way I know
9 any of this is by having it shown and
10 told to me in preparation for this
11 deposition.

12 Q. Okay.

13 A. I have no independent
14 recollection of exactly who, but I think
15 that Shirley and Becky were the only
16 adults, as far as I understand it now
17 from others.

18 Q. All right. And I'm going to ask
19 you a few questions, and I don't want to
20 know anything about -- Mr. Katz is your
21 attorney, correct?

22 A. Sir?

23 Q. Mr. Katz sitting right there next
24 to you, he's your attorney, correct?

25 A. Yes.

1 Q. I don't want to know anything
2 about what the two of you discussed.
3 Did you review any documents prior to
4 coming here today?

5 A. Yes.

6 Q. And what did you review?

7 A. The Notice that you sent.

8 Q. You mean the Notice of
9 Deposition?

10 A. Yeah, to take this deposition. I
11 don't remember particularly.

12 Q. Did you spend a lot of time going
13 over documents?

14 A. No.

15 Q. Okay.

16 A. Oh, pardon me. The Answers to
17 Interrogatories that -- that Tim and I
18 gave you a while back.

19 Q. Okay.

20 A. And -- and pardon me, sir, adding
21 five more documents to those that we
22 identified for you in your Request for
23 Production of Documents. No. 1, I think
24 the request was that all the documents
25 referred to, anyway, I found five more

1 that hadn't been identified to you, and
2 I think we brought all of them to you
3 today.

4 Q. Okay.

5 A. I can name them, if you want me
6 to.

7 Q. Did you discuss -- and again, not
8 with your attorney. Did you discuss
9 with anyone what you thought may or may
10 have happened in March of 2006 in
11 Maryland prior to coming here today?

12 If that was a bad question, let me
13 rephrase it. You said that you didn't
14 have any -- I think you said you didn't
15 have any independent recollection, you
16 had to look at some documents and
17 refresh your memory; is that fair?

18 A. Approximately. I don't remember
19 if that's exactly what I said just now.
20 That's one of the foibles of old age.
21 But my -- my memory was refreshed from
22 time to time, but I'm not sure if it was
23 refreshed specifically for this
24 deposition -

25 Q. Okay.

1 A. -- lately. I have some
2 recollection of my own, but I'm sure
3 we've talked about it.

4 Q. Okay. I think we established the
5 adults that you remember in Maryland in
6 March 2006 were yourself, Shirley, and
7 Becky, correct?

8 A. I think so.

9 Q. Okay. And you said to decide
10 which funeral to protest there's a
11 collective discussion, correct?

12 A. Well, I said it two or three
13 times, Counsel. I -- and that's what I
14 meant to say. If you want me to try to
15 rehearse all that again, I will. Be
16 glad to.

17 Q. Okay. I want to know what
18 thought process went into picketing in
19 March of 2006 in Maryland.

20 A. I couldn't add anything to that
21 testimony I have given earlier. It
22 wasn't anything other than we always do,
23 we meet together, pray together, talk
24 together, they speak often one to
25 another, and reach decisions based upon

1 spend a lot of time and a lot of money
2 collecting real old, old books, mostly
3 by Calvinist theologians of the past,
4 and I read those books, and I
5 incorporate a whole lot of what I read
6 into my sermonizing, and if I could
7 invite you to please listen to some of
8 my sermons.

9 Q. Are you employed in any capacity
10 which you receive compensation?

11 A. No.

12 Q. Are you currently married?

13 A. Oh, yes.

14 Q. Is your wife still alive?

15 A. Yes, sir, thankfully.

16 Q. Is your wife employed in any
17 capacity where she receives compensation?

18 A. No, but she works harder than I
19 do, and she's the joy of my life.

20 Q. Who pays for these flights to the
21 various funerals to picket?

22 A. Well, as a usual matter, each
23 person pays his own, his or her own, out
24 of money that they earn working hard and
25 pay taxes on.

1 Q. Specifically, for Matthew Snyder's
2 funeral, do you know who paid for the
3 travel to get to Maryland?

4 A. Well, I wouldn't have any
5 separate, independent, distinct knowledge
6 of that one picket. It was just one of
7 hundreds, thousands, but I presume, if
8 you want me to presume, that it was done
9 like I told you, that each person pays
10 his own, his or her own. And I suppose
11 that the children were paid by the
12 parent, and if they were Shirley's
13 children, she would have routinely,
14 normally, I believe, have paid for those
15 children's fares, and room and board.

16 Q. Does anyone ever pay your travel
17 expenses to picket a funeral?

18 A. Not that I know of. I remember
19 one time I used my whole Social Security
20 check at one picket.

21 Q. And can we agree that March of
22 2006 was the Matthew Snyder's funeral?

23 A. It's all right with me if we
24 agree to that. I think that's true.

25 Q. And the funeral was in

1 front of you?

2 A. Yes, sir.

3 Q. And could you flip to the second
4 page, please? Do you have the second
5 page there?

6 A. Yeah.

7 Q. And if you go about
8 three-quarters of the way down the page,
9 there's a paragraph that starts out
10 with, The protest was tinged; do you see
11 that?

12 A. Yes.

13 Q. In there there's a quote from --
14 actually two quotes, the first quote is
15 reportedly by Shirley Phelps-Roper
16 claiming Snyder's parents hated him in
17 life and they hate him in death; do you
18 see that?

19 A. Yes.

20 Q. Were you -- were you present when
21 Shirley Phelps-Roper made that statement?

22 A. No.

23 Q. In that same paragraph, I'll just
24 read the entire sentence, the group's
25 website refers to the church that hosted

1 another is something on a website.

2 Q. Correct. And I-- let's just back
3 up because I think we're not on the same
4 page. The first one is a quote that is
5 attributed to Shirley Phelps-Roper at
6 the picket of Matthew Snyder's funeral,
7 and it's, quote, Hated him in life, and
8 they hated him in death, period, end
9 quote; do you see that?

10 A. Yeah, that's -- I'm not -- I see
11 it. I'm not agreeing that Shirl said
12 that, but I'm also saying if she did say
13 that she would have abundant scripture
14 to support it.

15 Q. Okay. And my only question with
16 that quote was did you hear her say that
17 at Matthew Snyder's funeral?

18 A. No.

19 Q. Okay. And then the last sentence
20 in that same paragraph quotes the
21 group's website, and it's, quote, A
22 pedophile whorehouse a/k/a St. John
23 Catholic Church, end quote; do you see
24 that?

25 A. Yes.