

Shepard 'monument' plan thwarted in Casper

City council says Phelps anti-gay monument will never be placed on city property

by Ronald Neame

CASPER, Wyo. — Rabid, anti-gay minister Fred Phelps' plans to place a monument here declaring that slain gay University of Wyoming student Matthew Shepard is in hell have been squashed by the city council.

Phelps had tried to take advantage of an ongoing debate surrounding a Ten Commandments monument that was originally placed in a city park in Casper in 1965.



Shirley Phelps-Roper says the Westboro Baptist Church will "explore our options" in their continued efforts in Casper.

Based on an earlier ruling in a similar case in Utah, the city of Casper would have been required to allow Phelps to place his monument in the park if they had left the Ten Commandments monument in place.

That debate came to an end for the city on Oct. 28. On a five to four vote the council passed a motion to remove the Ten Commandments monument from the city park. The council also unanimously voted to reject an offer from Phelps, of the Westboro Baptist Church of Topeka, Kan., to place his monument anywhere on city property.

In a special session the council was presented with three options for the Ten Commandments monument: let the monument remain; return it to the original donor; or

move it to an historical site on city property.

The majority agreed on the third option, passing a motion to move the tablets to a separate plaza with other historical monuments.

During the meeting Phelps and his followers were denounced and Casper Mayor Barbara Peryam said that she was "not afraid to stand up to what may lie ahead."

"If we are going to be taken to court for this action, then so be it," Peryam added. "Bring it on because this is a battle I firmly believe we can win."

Spokespersons for both the Freedom From Religion Foundation of Madison, Wis., and the Westboro Baptist Church said the move is nothing more than an attempt to circumvent the law laid down by the 10th Circuit Court of Appeals in 2002 when it ruled in the case of *Summan v. Ogden*, which states a city that displays a Ten Commandments monument must also display monuments espousing more unpopular beliefs.

"It looks like a ruse; it looks like a trick for them to keep it," said Dan Barker of the Freedom From Religion Foundation. "It would probably be unconstitutional because the intention of the city is to maintain a religious document. The reason they are doing that is to keep the Ten Commandments."

Shirley Phelps-Roper of the Westboro Baptist Church agreed with Barker.

"What they have done is a thinly veiled attempt to do an end-run around the Constitution," she said. "What they did here was try to create a way to avoid having to deal with what the 10th Circuit said they must do."

Barker was unable to say what his organization's next move on the matter of Casper's Ten Commandments will be.

Phelps-Roper, however, said her church will "explore our options." Asked if those options include litigation, her response was, "Of course they do."

After the city council approved moving the Ten Commandments to the new plaza, Casper Vice-Mayor Barbara Watters introduced a measure to give the monument back to the original donors if a lawsuit is filed against the city challenging the constitutionality of the historic plaza. The measure failed.

City Manager Tom Forslund said the Ten Commandments monument will probably be removed from City Park and placed in temporary storage some time in the next month. He was unsure, exactly when the move will be done.

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