

Church May Peddle and Solicit Freely Without License or Permit From State

The U.S. Supreme Court ruled on June 17, 2002, that an ordinance requiring advocates for religious or political causes to get a permit violates free speech rights. They ruled that a law regulating uninvited peddling and solicitation by any Church group or individual is unconstitutional.

An 8-1 vote favored any Church activity similar to that prohibited by the ordinance of Stratton, Ohio against a local congregation of Jehovah's Witnesses, see Watchtower v. Stratton. This ruling not only favors anonymous free speech in proclaiming the Gospel of Jesus Christ, it also holds that requiring identification from one who solicits support of such activity, is illegal as well. This decision added to a number of Supreme Court rulings that the Jehovah's Witnesses had won in the 1930s and 1940s on First Amendment issues.

Justice John Paul Stevens said for the court majority that this law, as it applies to religious proselytizing, anonymous political speech, or the distribution of handbills, violated First Amendment free speech protections. The law at issue covered "canvassers, solicitors, peddlers (or) hawkers" conducting their activities on private property for the purpose of "advertising, promoting, selling and/or explaining any product, service, organization or cause."

The ordinance required that individuals first must register with the Village of Stratton, providing their name and address, their cause, why they were canvassing, specifically where they intended to go to and how long they planned to solicit. A permit would be provided unless the mayor determined the applicant failed to complete the form, provided fraudulent information, made false statements or misrepresentations, violated any laws, or engaged in trespassing.

Justice Stevens agreed that the Church has no need to "apply for a permit because they derive their authority to preach from Scripture," in quoting *Murdock v. Pennsylvania*, that said "'They take literally the mandate of the Scriptures, 'Go ye into all the world, and preach the gospel to every creature.' Mark 16:15. In doing so they believe that they are obeying a commandment of God.'"

Stevens rejected the village's argument that the ordinance was valid because it protects the privacy of residents and prevents fraud or other types of crime. He stated that it seemed unlikely the lack of permit would stop criminals from engaging in the same activity and there was no evidence of a special crime problem related to such solicitation.

Such ordinances may have application to a significant number of commercial and noncommercial organizations promoting a wide variety of causes, but they do not apply to the mission of the Church.