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Taking the Gospel to the Streets

Taking the Gospel to the streets is a commission and a commandment for believers. Responding obediently to the Commission and hitting the streets, we receive grace and power to fulfill the Lord's commands. Hitting the streets always has had a personal cost. Consider the price paid by Stephen, who became the first martyr for preaching the Gospel. And remember Peter, James and John, who preached in the name of Jesus, even though threatened with imprisonment.

Today, however, American Christians face no such cost for preaching the Gospel. The streets and sidewalks of the United States are an open forum for evangelism.

Isn't it strange that when the time comes to hit the streets, many Christians with willing hearts hesitate for fear that their preaching may result in arrest and prosecution. True, from time to time those who preach the Gospel are challenged by government officials regarding the use of public streets, parks and sidewalks for evangelism activities. But, as a general rule, such fears are unfounded.

In the following pages, we show how the Constitution guarantees your right to preach the Gospel in public places. For over 60 years, the Supreme Court has examined cases involving preaching (or other speech activities) on the streets. These cases provide ready answers to those who challenge your right to take the Gospel to the streets.

What do you mean by "taking the Gospel to the streets?"

Taking the Gospel to the streets means using written and unspoken words to tell the man or woman on the street about Jesus. Taking the Gospel to the streets means giving away tracts, pamphlets, and other printed material that presents the Gospel. Taking the Gospel to the streets means speaking to people on the streets -- telling them about the Lord and his free gift of salvation.

What laws protect my right to take the Gospel to the streets?

When you give away Gospel tracts in public places -- streets, sidewalks and parks -- you are engaged in a form of speech and publication protected by the United States Constitution and civil rights laws. When you speak with someone about the Gospel while in a public place, you enjoy constitutional protection.

The laws of this nation and of your state, which protect other forms of speech and press, protect your rights to evangelize. As American citizens, we are protected by the United States Constitution from government interference with our right of free speech. Also, the Constitutions of

every state in our country include guarantees of free speech, which are at least as protective of free speech as the American Constitution. Some state constitutions (including California and New Jersey) are more protective of speech than the First Amendment.

The First Amendment to the United States Constitution says: "Congress shall make no law . . . abridging the freedom of speech" The Fourteenth Amendment says: "nor shall any State deprive any person of life, liberty, or property, without due process of law"

The Supreme Court has ruled that these two parts of the Constitution severely limit the power of federal, state, and local governments to interfere with speech activities on sidewalks, streets and in parks.

When I have handed out Gospel literature in the past, police have stopped me and told me that soliciting is not allowed. Am I soliciting when I share the Gospel?

No! Giving away free Gospel tracts and talking to people about salvation are not the same thing as soliciting. The Supreme Court recently decided a case involving the difference between soliciting and leafletting. In the Kokinda case, the Supreme Court permitted the postal service to enforce a rule against asking (soliciting) for donations on postal property. In that case, political activists were asking for donations while standing on a sidewalk leading from the post office building to the post office parking lot.

However, the court suggested that it would reject a rule that banned free distribution of literature on such properties. Discussing the difference, the Court said,

As residents of metropolitan areas know from daily experience, confrontation by a person asking for money disrupts passage and is more intrusive and intimidating than an encounter with a person giving out information. One need not ponder the contents of a leaflet or pamphlet in order mechanically to take it out of someone's hand, but one must listen, comprehend, decide and act in order to respond to a solicitation. [FN1]

In the ISKCON, Inc. v. Lee and Lee v. ISKCON, Inc cases, the Supreme Court considered a restriction on leafletting and another restriction on solicitation of donations in airport terminals operated by the Port Authority of New York and New Jersey. The Court concluded that, despite the fact that the airport terminals were nonpublic forums, a regulation barring the distribution of free literature in the terminals was unreasonable and unconstitutional. The Court also held that solicitation is separate from literature distribution and can thereby be banned, even though literature distribution cannot be banned.

ISKCON together with Kokinda reinforce the concept that solicitation and the distribution of literature are separate. While a city official may, in some instances, not allow solicitation, such a regulation may not be broadened to include literature distribution.

As long as you are giving away your literature for free, and you aren't panhandling for donations, you are engaging in the most protected form of speech. That does not mean that you will never have problems. Although it is often just an excuse for stopping street evangelism, this is one of

the objections to leafletting we hear about most frequently. It often takes a strongly worded letter to attorneys for the city or county involved to resolve the problem.

Where can I go to hand out Gospel tracts to the public?

You can go to any publicly owned street, sidewalk or park. In legal terms, streets, sidewalks and parks are "traditional public forums." That means that these are the places people traditionally relate to public speeches or leafletting; we are accustomed to the presence of newspaper boxes and paperboys on public sidewalks; we expect the candidates in an upcoming election to hold their rallies at the park; and we assume that when some group is unhappy about something they are likely to march down a nearby street. None of these activities surprise us. Why? Because streets, sidewalks and parks are traditionally connected to our history and experience of free speech activities.

Sometimes a city official will get confused about these "traditional public forums." For example, in *Frisby v. Schultz* (487 U.S. 474) the Supreme Court rejected a Wisconsin city's argument that the streets and sidewalks of a residential area were not the sort of "traditional public forums" that the Court had held were generally open to free speech and activities. In that case, the Court showed that it was no longer acceptable for governments to make such arguments because, in the Court's view, a street is a street is a street. The Court noted that the kinds of regulations that would be permissible varied with the nature of the streets at issue. For example, a rule against parades between sunset and sunrise on residential streets serves a valid purpose of protecting the peace of a neighborhood during a time when most residents are resting. A rule against a noisy activity on a hospital street or on a street near a school during school hours are other examples of reasonable rules.

You are not limited to streets, parks and sidewalks for tract distribution. Courts have found many other places to be appropriate. Airport terminals and bus and train stations have all been found by courts to be appropriate locations for leafletting. The walkways and sidewalks surrounding government-owned coliseums and stadiums are also appropriate. Many tourist attractions around the country are appropriate locations, as well. For example, the walkways and paths surrounding the Washington Monument and the Vietnam Veterans Memorial are protected.

When witnessing, sometimes I am on a sidewalk in front of a business. I have had police officers tell me that I must move away from a business or that I must keep moving or I will be "loitering." Is this right?

No! "Loitering" means that you have no legitimate purpose or business for being in a certain place. But your evangelism activities are a legitimate purpose for standing on a sidewalk. Of course, if you try standing in the middle of the street, you may run into a different problem. (But that problem is obstructing the flow of traffic, not "loitering.") The loitering charge, when made against a street evangelist who is actively preaching the Gospel, is invalid.

Of course, you don't have the right to barricade a sidewalk, allowing only those who will take a tract to pass. Your right to use the sidewalks, streets and parks is not a license to make them

unusable for others. Besides, how effective will your preaching be if you anger those around you by treating them rudely or blocking their way?

I don't live in the town where I want to hand out Gospel tracts and preach on the streets. Police tell me that I don't have the same rights when visiting a town or state away from home. Is the right?

You are not limited to the streets, sidewalks and parks in your town. Many cases which we have brought involve visitors from other towns or other states. The constitutional rule is that state and local governments cannot treat visitors from out of town or another state differently than local residents.

I want to get started witnessing to the Good News of the Gospel. What should I do?

First, devote time to prayer and prayerful preparation.

Next, select a target. You may choose some particular place because of the opportunity to reach many people -- outside a sports stadium or near an historic monument. You may have a target group in mind. For example, if your burden is for young people, you will want to select locations where young people pass by or gather.

If the location you choose is not a nice, simple sidewalk location, you should speak to the appropriate authority to discover what rules have been adopted to govern your activities. (This does not mean that you must always accept, like the Ten Commandments, a rule barring leafletting.) Check with a county clerk, the police department, the security office at the stadium or similar offices. This will let you know what to expect when you witness.

Of course, if you are in a public place and are stopped from distributing free Gospel literature, do not assume that it was correct for you to be stopped. Too many Supreme Court cases have been decided against governments on these matters to assume that government is always right. Many seemingly hopeless cases in which leafletters ultimately fight will cause many government units to change policies.