

Freedom of Speech – Open Air Preaching

- I. Open air preaching is protected by the United States Constitution: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
- II. We have the right to pass out literature, preach, and display signs on public areas (Coates v. Cincinnati, 402 U.S. 611 / Edwards v. South Carolina, 372 U.S. 299 / Furr v. Town of Swansea, F. Supp. 1543).
- III. We have the right to exercise our religion and speak in all quintessential public forums (Frisby vs. Schultz, 487 U.S. 474 / U.S. v. Grace, 461 U.S. 171, 176).
- IV. We have a “guaranteed access” to streets, parks, and other “traditional public forum” and mere inconvenience to the government will not outweigh our free speech interests (Hague v. C.I.O. 307 U.S. 496).
- V. Our freedom of speech may not be prohibited merely because it offends some listeners (Cantwell v. Connecticut, 310 U.S. 296 / Simon & Shuster v. New York State Crime Victims Bd, 502 U.S. 105 / N.Y. Times v. Sullivan, 376 U.S. 254).
- VI. A city may not consider the listener’s reaction when permitting free speech activity (Forsyth County v. The Nationalist Movement, 505 U.S. 123).
- VII. Hecklers do not have veto power over a speaker’s right of free speech but Police must control a crowd rather than arrest the speaker in order to maintain order (Cox. v. Louisiana, 379 U.S. 536).
- VIII. We have the right to be loud enough to be heard (Saia v. New York, 334 U.S. 1943).
- IX. We have the right to be protected by law enforcement if the crowd is offended by what we are preaching and becomes hostile (Hedges v. W.C.U.S.D. No. 118, et al. 9F.3d 1295).
- X. Permits are not allowed to be used to restrict a speaker’s right of free expression and permits may not be used as a prior restraint on free speech (Kunz v. New York, 340 U.S. 290).
- XI. A free speech lawsuit is a Federal case and allows us to sue Policemen and guards in their official capacity and as individuals (Freedom Restoration Act, Title 42, Section 2000aa.).
- XII. A freedom of speech lawsuit will subject them to pay our damages and all our attorney fees (42 U.S.C. §§ 1983 and 1988).