Legal Rights

U.S. and Oregon Constitutions
U.S. and Oregon Case Law

Rights of Citizens

Keep this booklet on your person to protect your rights to preach the Gospel! God bless!

U.S. Constitution: Bill of Rights

Amendment I:

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.

Oregon Constitution: Bill of Rights

Article I:

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.—

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religeous [sic] opinions, or interfere with the rights of conscience.—

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.—

Case Law:

"Defendant could not, constitutionally, be convicted of violating ECC section 4.725(a), (b) or (d). The trial court erred in concluding otherwise. Consequently, defendant's conviction for disorderly conduct under the ordinance must be reversed."
(CITY OF EUGENE, Respondent, v. DANIEL JOHN LEE, Appellant. 259919655; A110035: Oregon Court of Appeals)

"The injunction then mandates that "[n]either the City nor any permit holder shall prevent plaintiff or others similarly situated from wearing signs or passing out pamphlets." These provisions, like the one discussed in the preceding paragraph, could be read to occasion absurd consequences contrary to the district court's intent and irrelevant to the constitutional concerns in this dispute. For instance, the court's reference to an "impediment to pedestrian or vehicular traffic" could be literally interpreted so that it prevents the City from evicting an attendee at an event who violates a legitimate statute, but who does so without causing a sufficiently "insurmountable" impediment to traffic. Similarly, the modified injunction could be construed to enjoin the City from preventing "plaintiff or others similarly situated from wearing signs or passing out pamphlets," notwithstanding that we have upheld instances in which a state has validly prohibited the use of certain kinds of signs. See, e.g., Vlasak v. Superior Court of California, 329 F.3d 683 (9th Cir. 2003) (upholding Los Angeles ordinance prohibiting the possession, during demonstrations, of wooden objects exceeding certain thickness)."

"We find persuasive the reasoning of the Sixth Circuit in a case with facts similar to these. In Parks v. City of Columbus, 395 F.3d 643, 654 (6th Cir.2005), the court held that a municipality could not evict a controversial street preacher from a permitted event held on a public street simply because the event's organizers found the preacher's message to be odious." (Gathright v. City of Portland Oregon 439 F3d 573, No. 04-35402.* No. 05-35506. *United States Court of Appeals, Ninth Circuit.)

"A function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech…is…protected against censorship or punishment…There is no room under our Constitution for a more restrictive view" (Terminiello v. City of Chicago, 337US 1 (1949(at 3-5).

"Leafleting, sign display, and oral communications are protected by the First Amendment." Hill v. Colorado, 530 U.S. 703, 715 (2000).

"It is well settled that a municipality cannot place content-based restrictions on the protected exercise of speech." Deborah Kay Anderson et al v. Charter Township of Plymouth, Michigan, et al, USDC CN.02-73056 in order granting Preliminary Injunction.

"The fact that the messages conveyed by [leafleting, sign displays and oral communications] may be offensive to their recipients does not deprive them of constitutional protection." Glasson v. City of Louisville, 518 F.2d 899, 904 (6th Cir 1975).

"We have repeatedly referred to public streets as the archetype of a traditional public forum." Frisby v. Schultz, 487 U.S. 474, 479 (1988).

"Offended viewers can 'effectively avoid further bombardment of their sensibilities simply by averting their eyes." Hill v. Colorado, 530 U.S. 703, 715 (2000).

"Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purpose of assembly, communicating thoughts between citizens, and discussing public questions." Hague v. C.I.O., 307 U.S. 496 at 515 (1939).

"Our decisions establish that mere public intolerance or animosity cannot be the basis for abridgement of these constitutional freedoms...The First and Fourteenth Amendments do not permit a state to make criminal the exercise of the right to assembly simply because its exercise may be "annoying" to some people." Coates v. City of Cincinnati, 402 U.S. 611, 91 S.Ct. 1686, 1689 (1921).

"Reasonable time, place and manner restrictions on free expression and their enforcement cannot be based on speech thereby restricted." Davenport v. City of Alexandria, Virginia 683 F.2d 853, on rehearing 710 F.2d. 148.

"Indeed there was once a time in this country when a minister, whose voice would not have carried for a greater distance than two city blocks, would certainly have been accepted with greatly restrained enthusiasm, and most likely would have been regarded even by his most faithful parishioners, as a downright failure in the ministry." City of Louisiana v. Bottoms, 300 S.W. 316 (Mo.1927) at 318.

"The right to speak carries the right to be heard…Freedom to be heard is as vital to freedom of speech, as is freedom to circulate is to freedom of press… [When] the right to be heard is placed in the uncontrolled discretion of the Chief of Police…He stands athwart the channels of communication as an obstruction which can be removed only after criminal trial and conviction and lengthy appeal. A more effective previous restraint is difficult to imagine." Saia v. New York, 334 U.S. 559.

"Freedom of speech is protected against censorship or punishment unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest…There is not room under our Constitution for a more restrictive view." Edwards v. South Carolina, 372 U.S. 229 (1963) at 703.

"Noise can be regulated by regulating decibels." Saia v. New York, 334 U.S. 1943.

[For Pennsylvania Use] "Civil law may, at times, give way to religious beliefs." Commonwealth v. Barnhart, 345 Pa. Supp. Ct. 9.

"The prohibition of noise per se is unconstitutional." Edwards v. South Carolina, 372 U.S. 229, 83 S. Ct. 680/ Gardner v. Ceci, 312 F. 2d. 516.

"City ordinance which, inter alia, prohibited 'loud' and 'boisterous' language is unconstitutional." Edwards v. South Carolina, 372 U.S. 229/ Landry v. Daley, 280 F. Supp. 968.

"Freedom to be heard is as vital to freedom of speech, as is freedom to circulate is to freedom of press." Saia v. New York, 334 U.S. 1943/ Lovell v. Griffin, 303 U.S. 444.

"Thus [an] ordinance is vague, not in the sense that it requires a person to conform his conduct to an imprecise but comprehensible normative standard, but rather in the sense that no standard of conduct is specified at all." Coates v. Cincinnati, 402 U.S. 611, 91 S. Ct. 1686.

"The ordinance also proscribes conduct that tends to disturb or annoy. The language of the ordinance is both vague and overbroad. The constitutionally protected exercise of free speech frequently causes a disturbance, for the very purpose of the First Amendment is to stimulate the creation and communication of new, and therefore often controversial ideas. The prohibition against conduct that tends to disturb another would literally make it a crime to deliver an unpopular speech that resulted in a disturbance. Such a restriction is a clearly invalid restriction of constitutionally protected free expression." Gardner v. Ceci, 312 F2d. 516/ Landry v. Daley, 280 F. Supp. 968.

"Annoyance at ideas can be cloaked in annoyance at sound." Saia v. New York, 334 U.S. 562.

"The phrases leave determination of what is legal behavior to the unfettered and arbitrary discretion of the individual "person in authority", and is unconstitutionally broad." Shuttleworth v. city of Birmingham, 394 U.S. 147/ 89 S. Ct. 935/ Gardner v. Ceci, 312 F2d. 516.

"A clear and precise enactment may nevertheless be "overbroad" if in its reach it prohibits constitutionally protected conduct." Grayned v. city of Rockford, 408 U.S. 104, 92 S. Ct. 294.

"The native power of human speech can interfere little with the self-protection of those who do not wish to listen." Saia v. New York, 334 U.S. 558, 568.

"The fact that society may find speech offensive is not a sufficient reason for suppressing it. Indeed, if it is the speaker's opinion that gives offense, that consequence is a reason for according it Constitutional protection." Simon & Shuster, Inc. v. Members of New York State Crime Victims Bd., 502 U.S. 105, 118 (1991). See also Forsyth County v. Nationalist Movement, 505 U.S. 123, 134-35 (1992)/ Erznoznik, 422 U.S. at 210/ Cohen v. California, 403 U.S. 15,21 (1971).

"The fact that the messages conveyed by [leafleting, sign displays and oral communications] may be offensive to their recipients does not deprive them of constitutional protection." Glasson v. City of Louisville, 518 F.2d 899, 904 (6th Cir 1975).

Federal Court of Appeals, Florida, 1972: Hostile audience is not basis for restraining otherwise legal first amendment activity. U.S.C.A. Const. Amend. I (Collie v. Chicago Park Dist., 460 F. 2d. 746).

Federal Court of Appeals, Florida, 1974: Public expression of ideas may not be prohibited merely because ideas are themselves of offensive to some of their hearers. West's F.S.A. 877.03; U.S.C.A. Const. Amend. I (Wiegand v. Seaver, 504 F. 2d. 303).

Federal Court of Appeals, Indiana, 1974: Freedom of expression (does not mean freedom to express only approved ideas; it means freedom to express any idea. (Perry v. Columbia Broadcasting System, Inc. 499 F. 2d. 797).

Federal Court of Appeals, District of Columbia, 1977: The Constitution mandates that access to the streets, sidewalks, parks, and other similar public places for purpose of exercising first amendment rights cannot be denied broadly and absolutely. U.S.C.A. Const. Amend. I (Washington Mobilization Committee v. Cullinane, 566 F. 2d. 107, 184 U. S. App. D. C. 215).

Federal District Court, Tennessee, 1978: The fact that persons might express their religious views at some place other than the public streets, sidewalks, and other areas of the city does not have any consequence in determining the validity of permit requirements with respect to the use of such public areas. U.S.C.A. Const. Amend. I (Smith v. City of Manchester, 460 F. Supp. 30).

Federal Court of Appeals, Virginia, 1982: Reasonable time, place, and manner restrictions on free expression and their enforcement cannot he based on content of speech thereby restricted. A compelling governmental interest unrelated to speech must he served by restriction on speech. Ordinance containing restrictions on free expression must be drawn with narrow specificity to be no more restrictive than necessary to secure such interest. Adequate alternative channels of communication must be left open by restrictions on free expression. Davenport v. City of Alexandria, Virginia, 683 F. 2d. 853, on rehearing 710 F. 2d. 148. Also, see Salahuddin v. Carlson, 523 F. Supp. 314.).

Federal Court of Appeals, Virginia, 1973: The first amendment protects from state interference the expression in a public place of the unpopular as well as the popular and the right to assemble peaceably in a public place in the interest and furtherance of the unpopular as well as the popular. U.S.C.A. Const. Amend. I (National Socialist White People's Party v. Ringers, 473 F. 2d. 1010).

Federal Court uf Appeals, Virginia, 1972: Government may not favor one religion over another. U.S.C.A. Const. Amend. I (U.S. v. Crowthers, 456 F. 2d. 1074).

U.S., Arkansas, 1968: The freedom of religion provision of the first amendment forbids alike the preference of a religious doctrine or the prohibition of a theory which is deemed antagonistic to a particular dogma. The state has no legitimate interest in protecting any or all religions from views distasteful to them. U.S.C.A. Const. Amend. I (Epperson v. State of Arkansas, 89 S. Ct. 266).

Federal Court of Appeals, Texas, 1972: "Controversy" is never sufficient in and of itself to stifle the views of any citizen. U.S.C.A. Const. Amend. I (Shanlcy v. Northeast Independent School Dist., Bexar County, Texas, 462 F. 2d. 960).

U.S, California, 1971: As a general matter, the establishment clause of the first amendment prohibits government from abandoning secular purposes in order to put an imprimatur on one religion, or on religion as such, or to favor the adherence of any sect or religious organization. U.S.C.A. Const. Amed. I (Negre v. Larsen, 91 S. Ct. 828).

United States District Court, E.D. Wisconsin, April 30, 1970: An ordinance that proscribes conduct that tends to "disturb or annoy others" is both vague and overbroad. I he constitutionally protected exercise of free expression frequently causes a disturbance, for the very purpose of the first amendment is to stimulate the creation and communication of new, and therefore, often controversial ideas. The prohibition against conduct that tends to disturb another would literally make it a crime to deliver an unpopular speech that resulted in a "disturbance." Such a restriction is a clearly invalid restriction of constitutionally protected free expression. (Gardner v. Ceci, 312 F. Supp. 516/ see also Landry v. Daley, 280 F. Supp. 968, N.D. 111. 1968).

U.S. Iowa, 1969: Undifferentiated fear or apprehension of disturbance is not enough to overcome right to freedom of expression. U.S.C.A. Const. Amend. I (Tinker v. Des Moines Independent Community School Dist. 89 S. Ct. 733, 393/ U.S. 5()3/21 L. Eid. 2d. 731). Also, see identical ruling, Federal District Court, Texas, 1969: (Calbillo v. San Jancinto Junior College, 305 F. Supp. 857, cause remanded 434 F. 2d. 609, appeal after remand 446 F. 2d. 887).

In the event you are confronted by police or other law enforcement personnel please present this booklet to them and advise them of your rights to be in public preaching the Gospel. However, do so respectfully (Rom. 13, 1 Pet. 2). If forced to leave (or be arrested) get the officer(s) names and let them know that you will be contacting legal counsel and that they will be named in your report.

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