

What the US Supreme Court says about gospel tract distribution.



Here are some noteworthy decisions of the US Supreme Court that defend the rights of those who give out gospel tracts. Don't let anyone intimidate or discourage you from the gospel tract ministry! In the USA the law is actually on your side as a Christian. Even if it wasn't on your side, then Acts 5:29 kicks in, of course. But the words of the highest court in the US should be an encouragement to all Christians who have a burden for the lost and perishing to embark on a ministry of personally witnessing or publicly preaching or handing out gospel tracts. Ask the people you meet "Will you have a gospel tract?", say "Here is some good news for you!" or "Here is a message from the word of God for you!" Pray about this work and ask God to bless it.

U.S. Supreme Court

JONES v. CITY OF OPELIKA, 319 U.S. 105 (1943)

319 U.S. 105

MURDOCK v. COMMONWEALTH OF PENNSYLVANIA and seven other cases.

Nos. 480-487.

Argued March 10, 11, 1943. Decided May 3, 1943.

Petitioners spread their interpretations of the Bible and their religious beliefs largely through the hand distribution of literature by full or part time workers. 4 They claim to follow the example of Paul, teaching 'publicly, and from house to house.' Acts 20:20. 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.

The hand distribution of religious tracts is an age-old form of missionary evangelism-as old as the history of printing presses. 5 It has been a potent force in various religious movements down through the years. 6 This form of evangelism is utilized today on a large scale by various religious sects whose colporteurs carry the Gospel to thou- [319 U.S. 105, 109] sands upon thousands of homes and seek through personal visitations to win adherents to their faith. 7 It is more than preaching; it is more than distribution of religious literature. It is a combination of both. Its purpose is as evangelical as the revival meeting. This form of religious activity occupies the same high estate under the First Amendment as do worship in the churches and preaching from the pulpits. It has the same claim to protection as the more orthodox and conventional exercises of religion. It also has the same claim as the others to the guarantees of freedom of speech and freedom of the press.

The integrity of this conduct or behavior as a religious practice has not been challenged. Nor do we have presented any question as to the sincerity of petitioners in their religious beliefs and practices, however misguided they may be thought to be Moreover, we do not intimate or suggest in respecting their sincerity that any conduct can be made a religious rite and by the zeal of the practitioners swept into the First Amendment.

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They may not prohibit the distribution of handbills in the pursuit of a clearly religious activity

merely because the handbills invite the purchase of books for the improved understanding of the religion or because the handbills seek in a lawful fashion to promote the raising of funds for religious purposes.' But the mere fact that the religious literature is 'sold' by itinerant preachers rather than 'donated' does not transform evangelism into a commercial enterprise. If it did, then the passing of the collection plate in church would make the church service a commercial project. The constitutional rights of those spreading their religious beliefs through the spoken and printed word are not to be gauged by standards governing retailers or wholesalers of books. The right to use the press for expressing one's views is not to be measured by the protection afforded commercial handbills. It should be remembered that the pamphlets of Thomas Paine were not distributed free of charge. It is plain that a religious organization needs funds to remain a going concern. But an itinerant evangelist however misguided or intolerant he may be, does not become a mere book agent by selling the Bible or religious tracts to help defray his expenses or to sustain him. Freedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way.

U.S. Supreme Court
SCHNEIDER v. NEW JERSEY, 308 U.S. 147 (1939)
308 U.S. 147
Nos. 11, 13, 18, and 29.
Argued and Submitted Oct. 13-16, 1939.
Decided Nov. 22, 1939.

Although a municipality may enact regulations in the interest of public safety, health, welfare or convenience, these may not abridge the individual liberties secured by the Constitution to those who wish to speak, write, print or circulate information or opinion.

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This court has characterized the freedom of speech and that of the press as fundamental personal rights and liberties. 9 The phrase is not an empty one and was not lightly used. It reflects the belief of the framers of the Constitution that exercise of the rights lies at the foundation of free government by free men. It stresses, as do many opinions of this court, the importance of preventing the restriction of enjoyment of these liberties.

In every case, therefore, where legislative abridgment of the rights is asserted, the courts should be astute to examine the effect of the challenged legislation. Mere legislative preferences or beliefs respecting matters of public convenience may well support regulation directed at other personal activities, but be insufficient to justify such as diminishes the exercise of rights so vital to the maintenance of democratic institutions. And so, as cases arise, the delicate and difficult task falls upon the courts to weigh the circumstances and to appraise the substantiality of the reasons advanced in support of the regulation of the free enjoyment of the rights.

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As said in *Lovell v. City of Griffin*, supra, pamphlets have proved most effective instruments in the dissemination of opinion. And perhaps the most effective way of bringing them to the notice of individuals is their distribution at the homes of the people. On this method of communication the ordinance imposes censorship, abuse of which engendered the struggle in England which eventuated in the establishment of the doctrine of the freedom of the press embodied in our Constitution. To require a censorship through license which makes impossible the free and unhampered distribution of pamphlets strikes at the very heart of the constitutional guarantees.

U.S. Supreme Court
LOVELL v. CITY OF GRIFFIN, GA., 303 U.S. 444 (1938)
303 U.S. 444
No. 391.

**Argued and Submitted Feb. 4, 1938.
Decided March 28, 1938.**

We think that the ordinance is invalid on its face. Whatever the motive which induced its adoption, its character is such that it strikes at the very foundation of the freedom of the press by subjecting it to license and censorship. The struggle for the freedom of the press was primarily directed against the power of the licensor. It was against that power that John Milton directed his assault by his 'Appeal for the Liberty of Unlicensed Printing.' And the liberty of the press became initially a right to publish 'without a license what formerly could be published only with one.' 1 While this freedom from previous restraint upon publication cannot be regarded as exhausting the guaranty of liberty, the prevention of that restraint was a leading purpose in the adoption of the [303 U.S. 444, 452] constitutional provision. See *Patterson v. Colorado*, 205 U.S. 454, 462, 27 S.Ct. 556, 10 Ann.Cas. 689; *Near v. Minnesota*, 283 U.S. 697, 713-716, 51 S.Ct. 625, 630; *Grosjean v. American Press Company*, 297 U.S. 233, 245, 246 S., 56 S.Ct. 444, 447. Legislation of the type of the ordinance in question would restore the system of license and censorship in its baldest form.

The liberty of the press is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets. These indeed have been historic weapons in the defense of liberty, as the pamphlets of Thomas Paine and others in our own history abundantly attest. The press in its connotation comprehends every sort of publication which affords a vehicle of information and opinion. What we have had recent occasion to say with respect to the vital importance of protecting this essential liberty from every sort of infringement need not be repeated. *Near v. Minnesota*, supra; *Grosjean v. American Press Company*, supra; *De Jonge v. Oregon*, supra. 2 The ordinance cannot be saved because it relates to distribution and not to publication. 'Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation, the publication would be of little value.' Ex parte Jackson, 96 U.S. 727, 733. The license tax in *Grosjean v. American Press Company*, supra, was held invalid because of its direct tendency to restrict circulation.

As the ordinance is void on its face, it was not necessary for appellant to seek a permit under it. She was [303 U.S. 444, 453] entitled to contest its validity in answer to the charge against her. *Smith v. Cahoon*, 283 U.S. 553, 562, 51 S.Ct. 582, 585

The judgment is reversed and the cause is remanded for further proceedings not inconsistent with this opinion. It is so ordered.

WATCHTOWER BIBLE & TRACT SOCIETY OF NEW YORK, INC., et al. v. VILLAGE OF STRATTON et al.

certiorari to the united states court of appeals for the sixth circuit

No. 00-1737.

Argued February 26, 2002--Decided June 17, 2002

For over 50 years, this Court has invalidated on First Amendment grounds restrictions on door-to-door canvassing and pamphleteering by Jehovah's Witnesses. See, e.g., *Murdock v. Pennsylvania*, 319 U. S. 105 . Although those cases do not directly control the question at issue, they yield several themes that guide the Court. Among other things, those cases emphasize that the hand distribution of religious tracts is ages old and has the same claim as more orthodox practices to the guarantees of freedom of religion, speech, and press, e.g., *id.*, at 109; discuss extensively the historical importance of door-to-door canvassing and pamphleteering as vehicles for the dissemination of ideas.

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In addition, the cases discuss extensively the historical importance of door-to-door canvassing and pamphleteering as vehicles for the dissemination of ideas. In *Schneider v. State (Town of Irvington)*, 308 U. S. 147 (1939), the petitioner was a Jehovah's Witness who had been convicted

of canvassing without a permit based on evidence that she had gone from house to house offering to leave books or booklets. Writing for the Court, Justice Roberts stated that "pamphlets have proved most effective instruments in the dissemination of opinion. And perhaps the most effective way of bringing them to the notice of individuals is their distribution at the homes of the people. On this method of communication the ordinance imposes censorship, abuse of which engendered the struggle in England which eventuated in the establishment of the doctrine of the freedom of the press embodied in our Constitution. To require a censorship through license which makes impossible the free and unhampered distribution of pamphlets strikes at the very heart of the constitutional guarantees." *Id.*, at 164 (emphasis added).

Some of the above court cases involve the cult of the "Jehovah's Witness" who deny the deity of Christ, deny the immortality of the soul, deny the facts about hell, deny their members blood transfusions and have falsely prophesied the end of the world. However, they have been diligent in publicly distributing their literature, however, for a wrong motive and for a wrong idea. Shouldn't those who really believe the Bible and serve the Lord with a pure heart be more diligent in spreading the gospel publicly? Those who believe in the true way of salvation should not leave the field of public ministry to the enemy's deceivers who spread a false gospel.

If you are truly born again by trusting in the shed blood of Jesus Christ, could it be that God is calling you into a form of gospel tract or public ministry? I hope you pride, your social status, your reputation, your name or whatever obstacle will not hinder you from following the Lord's call.

Use gospel tracts to fill the land with the doctrine of God. Acts 5:28. Use gospel tracts so that the word of God will grow mightily and prevail. Acts 19:20. Use gospel tracts to publish the word of the Lord throughout all the region. Acts 13:49.