1. **The right to door-to-door visitation is protected by Supreme Court Ruling**

Courts have acknowledged that allowing residents and non residents to make door-to-door visits to owners or tenants in private apartment complexes, trailer parks, or neighborhood developments is protected by the First Amendment right of free speech The United States Supreme Court in Martin v. Struthers. 319 U.S. 114. 146-47 (1943). held:

> Freedom to distribute information to every citizen wherever he desires to receive it is so clearly vital to the preservation of a free society that, putting aside reasonable police and health regulations of time and manner of distribution, it must be fully preserved.

In Walker v. GeorgeTown Housing Authority, the Massachusetts Supreme Court held that "the constitutional right of authority's tenants to receive communications may not be abridged by the blanket prohibition of campaigning and soliciting." 677 N E2d 1125.1128 (1997), The court recognized that it is up to individual residents, even if they are not owners, to decide whether door-to-door communications are welcome. This court cited to the United States Supreme Court decision in the aforementioned case of Martin v. Struthers.

For centuries it has been a common practice in this and other countries toc persons not specifically invited to go from home to home and knock on or ring doorbells to communicate ideas to the occupants or to invite them to political, religious, or other kinds of public meetings. Whether such visiting shall be permitted has in general been deemed to depend upon the will of the master of each household, and not upon the determination of the community. Martin v. Struthers, supra, 319 U.S. 141, 63 S.Ct 862, 87 L. Ed 1313 Id at 1127.

Note that the issue in this early (1943) Supreme Court decision was door-to-door communication with the purpose of inviting residents to religious meetings, exactly what you are engaged in. It is traditional to allow residents. whether owners or tenants. to decide who they want to listen to at their doorstep. It is not the manager's responsibility to infringe on the tenant's right to choose and certainly not the right of another resident.

A California Appellate decision in Smith v. Silvey. 197 Cal Rptr. 15, 19 (1983), also recognized that it is up to the residents, not a mobile home park owner or apartment manager (or in your Situation. another resident). to dictate which house-to-house distributor's ideas they will listen to.

Silvey's right to contact the residents of the Park through the medium of printed literature or even personal visits is a protected right of expression in the of protest by the recipients. The burden of restricting the "house-to-house distribution of ideas" falls on the homeowner; that is, no governmentally imposed restriction should occur until after the caller has been warned by the householder that the latter does not want to be disturbed.

The court in Walker would extend me same guidelines that governed its ruling to private developments. It is only the resident who has the right to either accept or refuse a visit.

A technical distinction that its ways are accepted public ways but rather appear to be private ways open to the public makes no difference. The constitutional right of the authority's tenants to receive communications may not be abridged by the blanket prohibition of campaigning and soliciting.

ld. at 1128.

Since the 1930s. courts have protected the rights of communication for people who are too poor to own a printing press or other accoutrements for the dissemination of information; and these courts have permitted such persons to disseminate their views by means that are affordable—such as the distribution of free literature, visitation from house to house, and other free speech activities in the public forum areas of city streets and parks. Cases these rights for more than half a century have included Schneider v. State. 308 U.S. 147 (1939), Cantwell v. Connecticut, 310 U.S. 296 (1940) and Murdock v. Pennsylvania. 319 U.S. 105 (1943) - to cite only a few in this long of cases.

2. **Solicitation involves the selling of items. Neither visitation nor the distribution of free literature is legally considered to be solicitation.**

Private religious activities. such as house-to-house visitation or the distribution of free literature to those who want it may be entirely prohibited in America's streets and houses. If religious citizens were forced to restrict private religious Interaction to their own homes and churches, America would sink to the level Of the Soviet Union poor to the of the Berlin Wall. Christians in the Soviet Union were permitted to be religious at home or in church: they were 'merely' prohibited from expressing or exercising their faith in Public. No one would want America to conform to pre-Berlin Wall Russia and exile religious citizens from all public places. Yet that is what the consequence would be if religious citizens were prohibited from freely Interacting and exchanging viewpoints with others who wish to receive such information.

United States Supreme Court is particularly sensitive to discrimination hat shows hostility towards religion or religious expression Bd. Of Educ. v. Mergens. 496 U.S. 226.250 (1990). The nature of the place dictates what free speech restrictions are reasonable. See, U. S. v. Kokinda. 497 U.S. 720, 732 (1990); Grayned v. city of Rockford, 408 U.S. 104, 116 (1972). ("The crucial question is whether the manner of expression is basically incompatible with the normal activity a particular place at a particular time" ld.) For Example, the Supreme Court held that it is reasonable for a post office to reduce traffic in front of its office and promote efficient mail delivery by restricting solicitation on its walkway. Kohinda, 497 U.S. at 737-738. But, see also International Society for Krishna v. Lee, 505 U.S. 672, 683 (1992), where the Court found that

while it was reasonable for an airport to restrict solicitation—it was not reasonable to also restrict free tract distribution in Its terminals because solicitation would impede travelers from getting to their airplanes on time, while the distribution of free material would not. Similarly, house to house visitation in America is quite common and is therefore, reasonable. In Kokinda, the Court stated: [I]t is unreasonable to prohibit solicitation on the ground that it is unquestionably a particular form of speech that is disruptive to business. Solicitation impedes the normal flow of traffic... [C]onfrontation 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 to take it out of someone's hand, but one must Listen, comprehend, decide, and act in order to respond to a solicitation. Kokinda 497 U.S. at 733-734 (emphasis added) Following Kokinda. Justice O'Connor further distinguished the difference between solicitation and the distribution of free literature (leafleting) in her concurring opinion in International Society for Krishna Consciousness v. Lee. 505 U.S. 672, 830 (1992). she stated, [L]eafleting does not entail the same kinds of problems presented by face-to-face solicitation... With the possible of avoiding litter. It is difficult to point to any problems Intrinsic to the act of leafleting that would make it naturally incompatible with a multipurpose forum such as those at issue here. Id. at 690 (In Lee. the Court upheld the airport's restriction on solicitation, but struck down their restriction on leafleting in airport terminals.)

So the legal distinction between and solicitation and distribution of free literature (which would also include house-to-house visitation with verbal invitations to attend church) is clear. "Solicitation" involves the selling of items. This fact does change when the reasonable venue for a personal visit for the distribution of free literature is a home than a fairground or airport.This conclusion was verified in a more recent United States Supreme Court case that specifically permitted religious colporteurs to visit from house to house. In the case of Watchtower v. Village of Stratton, 122 S. Ct 2080 (U.S. 2002), eight of the nine Supreme Court Justices upheld the First Amendment right to free speech and protected the age-old custom of door-to-door missionary evangelism in America. The soul- winner's Scriptural duty to witness for Christ was very much a part of the Supreme Court's decision in this case. The Justices recognized door-to-door witnessing is as important to some religions as worshiping in a church, both being examples of free speech. The Court acknowledged in its decision in this case that God has commanded His people to preach the Gospel, and that the authority to preach comes from Scripture, not from the state. The Court recognized that soul-winners have a mandate to follow, as found in Mark 16:15, "Go ye into all the world, and preach the gospel to every creature." Recognizing a city ordinance as the authority for soul-winning would give a governmental mandate more authority than a Scriptural mandate, the Court was not willing to do. In addition to Mark 16:15, the Court's written decision also refers to Acts 20:20 and Matthew 28:19.

In the earlier 1943 decision in Murdock v. Pennsylvania, the Supreme Court had also held that religious tracts valued speech in the United States and that the distribution of tracts is a form of religious activity which "occupies the same high estate under the first amendment as do worship in the churches and preaching from the pulpits." The Court said a city must limit permit requirements to those organizations that attempt to solicit or ask for money. The Court recognized that door-to-door soul-winners are not solicitors if they do not ask for money, but only distribute free literature which residents are free to decline. The Court did stress, in protecting the constitutional rights of soul winners, that door-to-door canvassers must honor all "No Solicitation" signs posted by individual residents and not visit those homes. Soul-winners may not visit a home where a "No Solicitation" Sign is posted. or they could be arrested for trespass.

In Conclusion Church visitations to private apartments, neighborhood developments or trailer parks may only be prohibited when the residents themselves choose to object individually to a particular visit. The apartment Complex or trailer park manager may not make a blanket prohibition on behalf of the entire complex. However, if an individual tenant opposes the church visitor's on their doorstep. the visitor must leave immediately not return to that particular address again. If the visitor returns, the tenant or resident of the apartment or trailer could have the visitor arrested for trespass. Even when one particular resident objects, church visitors may continue to visit all other residences in the apartment complex or trailer park when the householders have not objected. It is the responsibility of each individual tenant or resident, not of the complex Manager, to object to a visit. We hope this information is helpful to you. Feel free to share a copy of this memo with the apartment or building owners and managers, police. and city officials.

Sincerely,

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