

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

## Syllabus

**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

Respondent Village of Stratton (Village) promulgated an ordinance that, *inter alia*, prohibits “canvassers” from “going in and upon” private residential property to promote any “cause” without first obtaining a permit from the mayor’s office by completing and signing a registration form. Petitioners, a society and a congregation of Jehovah’s Witnesses that publish and distribute religious materials, brought this action for injunctive relief, alleging that the ordinance violates their First Amendment rights to the free exercise of religion, free speech, and freedom of the press. The District Court upheld most provisions of the ordinance as valid, content-neutral regulations, although it did require the Village to accept narrowing constructions of several provisions. The Sixth Circuit affirmed. Among its rulings, that court held that the ordinance was content neutral and of general applicability and therefore subject to intermediate scrutiny; rejected petitioners’ argument that the ordinance is overbroad because it impairs the right to distribute pamphlets anonymously that was recognized in *McIntyre v. Ohio Elections Comm’n*, 514 U. S. 334; concluded that the Village’s interests in protecting its residents from fraud and undue annoyance and its desire to prevent criminals from posing as canvassers in order to defraud its residents were sufficient bases on which to justify the regulation; and distinguished this Court’s earlier cases protecting the Jehovah’s Witnesses ministry.

*Held:* The ordinance’s provisions making it a misdemeanor to engage in door-to-door advocacy without first registering with the mayor and receiving a permit violate the First Amendment as it applies to religious proselytizing, anonymous political speech, and the distribution of handbills. Pp. 9–18.

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(a) 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, e.g., *Schneider v. State (Town of Irvington)*, 308 U. S. 147, 164, but recognize the legitimate interests a town may have in some form of regulation, particularly when the solicitation of money is involved, e.g., *Cantwell v. Connecticut*, 310 U. S. 296, 306, or the prevention of burglary is a legitimate concern, *Martin v. City of Struthers*, 319 U. S. 141, 144; make clear that there must be a balance between such interests and the effect of the regulations on First Amendment rights; e.g., *ibid.*; and demonstrate that the Jehovah's Witnesses have not struggled for their rights alone, but for those many who are poorly financed and rely extensively upon this method of communication, see, e.g., *id.*, at 144–146, including nonreligious groups and individuals, see, e.g., *Thomas v. Collins*, 323 U. S. 516, 539–540. Pp. 9–13.

(b) The Court need not resolve the parties' dispute as to what standard of review to use here because the breadth of speech affected by the ordinance and the nature of the regulation make it clear that the Sixth Circuit erred in upholding it. There is no doubt that the interests the ordinance assertedly serves—the prevention of fraud and crime and the protection of residents' privacy—are important and that the Village may seek to safeguard them through some form of regulation of solicitation activity. However, the amount of speech covered by the ordinance raises serious concerns. Had its provisions been construed to apply only to commercial activities and the solicitation of funds, arguably the ordinance would have been tailored to the Village's interest in protecting its residents' privacy and preventing fraud. Yet, the Village's administration of its ordinance unquestionably demonstrates that it applies to a significant number of non-commercial "canvassers" promoting a wide variety of "causes." The pernicious effect of the permit requirement is illustrated by, e.g., the requirement that a canvasser be identified in a permit application filed in the mayor's office and made available for public inspection, which necessarily results in a surrender of the anonymity this Court has protected. Also central to the Court's conclusion that the ordinance does not pass First Amendment scrutiny is that it is not tailored to the Village's stated interests. Even if the interest in preventing fraud

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could adequately support the ordinance insofar as it applies to commercial transactions and the solicitation of funds, that interest provides no support for its application to petitioners, to political campaigns, or to enlisting support for unpopular causes. The Village's argument that the ordinance is nonetheless valid because it serves the two additional interests of protecting residents' privacy and the prevention of crime is unpersuasive. As to the former, an unchallenged ordinance section authorizing residents to post "No Solicitation" signs, coupled with their unquestioned right to refuse to engage in conversation with unwelcome visitors, provides ample protection for unwilling listeners. As to the latter, it seems unlikely that the lack of a permit would preclude criminals from knocking on doors and engaging in conversations not covered by the ordinance, and, in any event, there is no evidence in the record of a special crime problem related to door-to-door solicitation. Pp. 13–18.

240 F. 3d 553, reversed and remanded.

STEVENS, J., delivered the opinion of the Court, in which O'CONNOR, KENNEDY, SOUTER, GINSBURG, and BREYER, JJ., joined. BREYER, J., filed a concurring opinion, in which SOUTER and GINSBURG, JJ., joined. SCALIA, J., filed an opinion concurring in the judgment, in which THOMAS, J., joined. REHNQUIST, C. J., filed a dissenting opinion.