

ELECTRONIC PRIVACY INFORMATION CENTER

Watchtower Bible and Tract Society Of New York, Inc.

v.

Village of Stratton, Ohio

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO,

EASTERN DIVISION

Case No. C2-99-526

61 F. Supp. 2d 734; 1999 U.S. Dist. LEXIS 12968

August 6, 1999, Decided

August 6, 1999, Filed

DISPOSITION: [**1] Plaintiffs' motion for preliminary and permanent injunction (Doc. 3) granted in part and denied in part. Case DISMISSED.

CASE SUMMARY

PROCEDURAL POSTURE: Plaintiffs, religious groups, sought injunctive relief against enforcement by defendant village of Stratton, Ohio, Ordinance 1998-5, which regulated the activities of solicitors and canvassers by limiting solicitation to specified times of day and by imposing registration requirements.

OVERVIEW: Plaintiffs, religious organizations including Jehovah's Witnesses, sued for preliminary and permanent injunctive relief against defendant village's enforcement of Stratton, Ohio, Ordinance 1998-5, regulating the activities of solicitors and canvassers. The court found that § 116.05 of the ordinance, which provided that no permitted activity should commence prior to 9:00 a.m. nor continue after 5:00 p.m., on its face constituted an invalid restriction of a canvasser's right to visit homes during reasonable hours which unnecessarily chilled plaintiffs'

right to free speech under U.S. Const. amend. I. The court ordered that the ordinance be modified to allow covered activities, including welcome door-to-door solicitation, to occur during reasonable hours of the day. The court further ordered that a separate listing of plaintiff Jehovah's Witnesses on the registration form designed to identify organizations seeking to obtain a permit to canvass, unnecessarily isolated that group and ordered that item stricken from the registration form.

OUTCOME: The court held that the section of the ordinance limiting solicitation to specified times of the day was a facially invalid restriction of plaintiffs' First Amendment rights to visit homes during reasonable hours, and ordered that it be modified. The court further held that the registration form's singling out of the Jehovah's Witnesses unnecessarily isolated that group from other religious groups and ordered that the listing be modified.