

Seventh-day Adventists file suit over door-to-door solicitations

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c. 2012 Religion News Service BIRMINGHAM, Ala. (RNS) Seventh-day Adventists have filed a federal lawsuit challenging the constitutionality of two ordinances in an Alabama city that the church says bars it and other religious groups from door-to-door solicitations unless they first register and pay license fees.

The lawsuit was filed after a member of the church's Summer Student Missionary Program was ticketed in June by a police officer for selling books door-to-door without a City of Alabaster permit, the lawsuit states. After the citation, the group suspended its program in Alabaster, which is about 20 miles south of Birmingham.

"The City of Alabaster has enacted two sweeping ordinances that unconstitutionally restrict the exchange of beliefs and religious principles within the Alabaster city limits," the lawsuit states. The ordinances were enacted in 1994.

The lawsuit seeks a court order that declares the ordinances unconstitutional and bars the city from enforcing them.

U.S. District Judge Karon O. Bowdre has set a hearing in the case for Wednesday (July 18).

Efforts to reach Alabaster Mayor David Frings or attorneys representing the city were unsuccessful.

Todd R. McFarland, associate general counsel with the General Conference of Seventh-day Adventists in Maryland, said that the church has had police officers in other cities ticket student missionaries under similar laws in those places. But they can work it out with the city on most occasions, he said.

In the case of Alabaster, they weren't able to work out a solution and filed the lawsuit Friday, McFarland said. It is the first lawsuit of its type -- regarding door-to-

door solicitations -- filed by the church in at least a decade, he said.

Under the Summer Student Missionary Program, the lawsuit states, teams travel to a predetermined destination and canvass door to door. The teams offer free literature about the Seventh-day Adventist faith, engage in evangelism and solicit charitable donations to help support the program.

The church in April had sent the Alabaster Police Department a letter explaining its program.

"On constitutional grounds, we must respectfully decline to seek any permit or license. We feel no government has the right to require and order payment of fees or take for the purpose of engaging in this door-to-door ministry," the church's letter said.

Two Alabaster ordinances place restrictions on any person or group engaged in pamphleteering or solicitation anywhere in the city, according to the lawsuit. One is a business license permit ordinance and the other is a solicitation ordinance, according to the lawsuit.

The lawsuit states that Alabaster has a lengthy and financially burdensome solicitation permit process, which includes review by a city council-appointed committee and the potential for a public hearing.

"These ordinances directly target, and impose a prior restraint upon, speech afforded the highest levels of protection by the First Amendment," the lawsuit states. "Courts have routinely rejected governmental efforts to impose this sort of sweeping prior restraint on speech, and particularly so when the speech involved lies at the very core of our constitutional system."