



**JAMISON v. TEXAS**  
**SUPREME COURT OF THE UNITED STATES**  
**318 U.S. 413**  
**March 8, 1943**  
**[7 - 1]**

**OPINION: BLACK...The appellant, a member of the Jehovah's Witnesses, was charged with distributing handbills on the streets of Dallas, Texas, in violation of an ordinance of that city which prohibits their distribution. She was convicted...and is here on appeal...**

We think the judgment below must be reversed because the Dallas ordinance denies to the appellant the freedom of press and of religion guaranteed to her by the First and Fourteenth Amendments of the Federal Constitution.

[The appellant], after three years of special training, had devoted many years to the work of the **Jehovah's Witnesses**. At the time of her arrest, the appellant was distributing handbills in an orderly and quiet manner to pedestrians whom she met on the street. On one side of the handbill was an invitation to attend a gathering in a Dallas park which was to be one of fifty simultaneous gatherings of Jehovah's Witnesses in as many cities to hear an address by a leader of the group on 'Peace, Can It Last'. The other side of the handbill repeated the invitation and described at the bottom two books which explained the Jehovah's Witnesses' interpretation of the Bible and set out their religious views. This was followed by a statement that the books would be mailed 'Postage Prepaid on your contribution of 25¢'. While the books were not actually sold on the streets, the appellant would have delivered them to the home of any one who made the twenty-five cents contribution. The books would have cost her more than twenty-five cents...

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First. The city contends that its power over its streets is not limited to the making of reasonable regulations for the control of traffic and the maintenance of order, but that it has the power absolutely to prohibit the use of the streets for the communication of ideas...Of course, states may provide the control of travel on their streets in order to insure the safety and convenience of the traveling public. They may punish conduct on the streets which is in violation of a valid law. *Chaplinsky v. New Hampshire*<sup>1</sup>. **But one who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion. This right extends to the communication of ideas by handbills and literature as well as by the spoken word. Here, the ordinance as construed and applied prohibits the dissemination of information by handbills. As such, it cannot be sustained.**

**Second. The right to distribute handbills concerning religious subjects on the streets may not be prohibited at all times, at all places, and under all circumstances...The city contends...that...the prohibition is permissible because the handbills, although they were distributed for the unquestioned purpose of furthering religious activity, contained an invitation to contribute to the support of that activity by purchasing books related to the work of the group. The mere presence of an advertisement of a religious work on a handbill of the sort distributed here may not subject the distribution of the handbill to prohibition...**

**The state can prohibit the use of the street for the distribution of purely commercial leaflets, even though such leaflets may have 'a civic appeal, or a moral platitude' appended. *Valentine v. Chrestensen*<sup>2</sup>. 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.**

Reversed.

[Justice Rutledge took no part in this decision.]

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<sup>1</sup> Case 1A-S-8 on this website.

<sup>2</sup> Case 1A-R-013 on this website.