

***INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS v. LEE***

**(1992)**

The court decided a First Amendment challenge raised by the Hare Krishna faith. Members of the sect perform a religious ritual called *sankirtan*, which includes the distribution of Krishna literature and solicitation of funds. The New York Port Authority had banned the in-person solicitation of funds and the distribution of literature inside the airport terminals. This regulation effectively prevents Krishna followers from performing *sankirtan* in the terminals.

The Krishna claim that the terminals are traditional public forums (like sidewalks) and, therefore, speech cannot be restricted unless the state passes a regulation narrowly tailored to support a compelling state interest. When this standard has been required in the past, courts have usually struck down state efforts to regulate speech.

In a 6-3 decision, the Court upheld the New York Port Authority's ban on soliciting funds in the terminals (while allowing solicitation on the sidewalks outside the terminals). The Court found that terminals are not public forums. Therefore, government regulation need only be reasonable to pass constitutional muster.

Justice Rehnquist stated that the primary purpose of airports is to facilitate air travel. Solicitation in terminals can disrupt the schedules of travelers or take advantage of persons vulnerable to fraud.

However, a 5-4 bloc, led by Justice O'Connor, held that distribution of literature was protected by the First Amendment. Handing out leaflets does not interfere with travel because a person is not required to stop and receive the message, as is the case with face-to-face solicitation. Justice Souter's dissent would have struck down both bans.