

2. Fundraising and Free Speech

In 1980, the Supreme Court held that a town ordinance that regulated door-to-door or on-street solicitation of contributions was unconstitutionally overbroad. Village of Schaumburg v. Citizens for A Better Environment, 444 U.S. 620 (1980). The ordinance allowed solicitations only if the soliciting organization could show, in applying for a permit, that 75% of its receipts would be used directly for charitable purposes. Salaries or commissions for solicitors and administrative costs and overhead could not be considered as used directly for charitable purposes under the ordinance.

The Court, in an 8-1 decision, concluded that, although soliciting financial support is subject to reasonable regulation, the Schaumburg ordinance was drafted more broadly than reasonably necessary to regulate solicitation. As a result, the ordinance interfered with First and Fourteenth Amendment guarantees of the right of free speech and assembly.

Although it may not be apparent at first how solicitation of funds can be equated with the exercise of free speech, the Court was concerned that the ordinance in Schaumburg would prevent fundraising organizations that necessarily had high administrative costs from disseminating information from door-to-door or on the street. The organization in Schaumburg used a substantial part of its receipts for the salaries of its door-to-door solicitors, who distributed information on environmental issues as they asked for contributions. Without a salaried staff of solicitors, the organization would have been less able to obtain the help needed to make its information available to the public. The strict 75% requirement discouraged fundraising and public contacts by organizations that relied primarily

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