

Bond Case Briefs

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FIRST AMENDMENT - PUERTO RICO

Watchtower Bible and Tract Society of New York, Inc. v. Municipality of San Juan

United States Court of Appeals, First Circuit - November 20, 2014 - F.3d - 2014 WL 6482932

Distributors of religious tracts brought § 1983 action against municipalities, alleging implementation of Puerto Rico's Controlled Access Law (CAL), which allowed municipalities to authorize neighborhood associations to erect gates enclosing public streets, violated First Amendment right to free speech. The District Court imposed remedial scheme requiring unmanned gated communities provide distributors with gate keys upon distributors' disclosure of their identities and purpose. Parties cross-appealed.

The Court of Appeals held that:

- Action was not moot;
- Substantial evidence supported district court's factual findings;
- Municipalities bore legal responsibility for injury caused to distributors as result of implementation of CAL;
- District court sufficiently explained reasons for issuing injunction;
- District court did not violate mandate rule;
- District court's remedial scheme was narrowly tailored; and
- Distributors were not prejudiced by district court's sua sponte dismissal of Commonwealth defendants.

In § 1983 action alleging Puerto Rico's Controlled Access Law (CAL), which allowed municipalities to authorize neighborhood associations to erect gates enclosing public streets, violated First Amendment rights of religious tract distributors who sought access to those streets for protected speech activities, district court sufficiently explained reasons for issuing injunction requiring municipalities to allow distributors access to gated public streets upon distributors' disclosure of their purpose and identities, where, in crafting injunction, court sought to balance parties' rights of free speech and personal security, while avoiding the imposition of undue administrative and financial burdens on municipalities and gated communities.