



December 3, 2025

Mr. Thomas Jasien
Interim President & CEO
Metropolitan Transit Authority of Harris County, Texas
P.O. Box 61429
Houston, TX 77208-1429

***Re: Unconstitutional Removal and Trespass Notice Issued Against Mr. Howard Camp at the
Scottcrest Drive METRO Terminal***

Sent via FedEx and electronic mail (tom.jasien@ridemetro.org)

Mr. Jasien,

The American Center for Law & Justice¹ represents Mr. Howard Camp regarding the unlawful removal of, detention of, and issuance of a criminal trespass warning against him at the Metropolitan Transit Authority of Harris County (METRO) terminal located at 6000 Scottcrest Drive in Houston, Texas. As explained below, METRO's actions were not based on any violation of METRO's published rules or policies, violated Mr. Camp's rights under the First and Fourteenth Amendments, and rest on an unconstitutional application of unwritten METRO rules.

¹ By way of introduction, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion. *See Pleasant Grove City v. Summum*, 129 S. Ct. 1523 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept counter-monuments when it has a war memorial or Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

Statement of Facts

Mr. Camp has been conducting street preaching and evangelism at the outdoor bus terminal at 6000 Scottcrest Drive for approximately two years. During this time, he has regularly visited the location, typically several times per month, to share his religious beliefs with members of the public who utilize the transit facility. His activities have consistently been peaceful and non-disruptive.

The bus terminal in question is an outdoor, covered structure where multiple bus routes converge. It features an open-air canopy providing shelter for passengers waiting to board buses. The facility is owned and operated by METRO, a governmental entity, and is freely accessible to members of the public who use the transit system or simply pass through the area. No purchase is necessary in order to access the terminal.

Prior to September 19, 2025, Mr. Camp had only one negative interaction at the location. On that earlier occasion, another individual became belligerent with Mr. Camp, disputing his religious message and eventually engaging in a shoving match. Mr. Camp was the victim in that altercation. When a police officer arrived, the officer stated that the property was “private” and asked both individuals to leave. Mr. Camp complied immediately and left for the day without incident.

After researching the matter, Mr. Camp determined that the METRO bus depot was operated by a governmental transit authority and that the sidewalks were indistinguishable from any other sidewalks. Confident in his constitutional right to engage in expressive activity at this public location, Mr. Camp returned to the bus terminal approximately one month later. On that occasion, he encountered no problems and was not approached by any officers or officials.

On September 19, 2025, Mr. Camp returned to the bus terminal and engaged in his typical evangelistic activities. On this occasion, he utilized a portable amplification device to project his voice. He had been present at the location for approximately three and a half to four hours when METRO police officers approached him. The officers informed Mr. Camp that he needed a permit to conduct his activities. When Mr. Camp questioned this requirement, the officers claimed that the bus terminal was “private property” and that he therefore needed permission to be present. Mr. Camp calmly but firmly disputed this characterization. A supervisor arrived and similarly demanded that Mr. Camp obtain a permit and reiterated the claim that the property was “private.”

The officers then handcuffed and detained Mr. Camp. He remained calm and non-confrontational throughout the encounter but continued to dispute the officers’ legal conclusions. Mr. Camp was eventually released but was issued a criminal trespass warning. He was informed that if he returned to the location, he would be subject to arrest and criminal prosecution for trespassing.

Mr. Camp was not provided with any written citation specifying what rule, regulation, or law he had allegedly violated. The trespass warning remains in effect to this day. Mr. Camp has not been criminally charged, but he faces the threat of arrest if he returns to exercise his constitutional rights at the bus terminal. Out of an abundance of caution and a desire to resolve this matter without further incident, Mr. Camp has refrained from returning to the location while seeking legal representation.

A review of METRO's publicly available Code of Conduct reveals several rules applicable to METRO facilities. However, none of these rules prohibit Mr. Camp's activities or provide a legitimate basis for his detention and exclusion from the property. The METRO's Code of Conduct's list of prohibited conduct includes:²

- 5. Do not congregate or loiter or otherwise disrupt METRO operations. Persons cannot use any METRO facility for non-transit related purposes without written permission.
- 20. A prohibition on "aggressive panhandling, sell[ing] or solicit[ing] for donations."
- 23. A prohibition on "impairing or interrupting public transportation operations."
- 25. Do not "[p]lay any radio receiver, magnetic tape player, or other electronic device without using earphone(s) while on any METRO vehicle."

Notably, Rule 25 expressly applies only to activities conducted "on any METRO vehicle," not to the outdoor terminal facility where Mr. Camp was conducting his activities. The other rules are either inapplicable to Mr. Camp's conduct or are impermissibly vague and overbroad, as discussed below.

Mr. Camp's activities were entirely peaceful and non-disruptive. He did not block access to buses, interfere with boarding or deboarding, obstruct pedestrian traffic, or create any impediment to Metro operations. He was not aggressive in his approach and never forced anyone to listen to his message or accept materials. Any member of the public was free to ignore him and go about their business. The only "disruption" that occurred was caused by the officers' own decision to detain and remove Mr. Camp from the property.

Statement of Law

I. The Bus Terminal is a Public Forum Subject to First Amendment Protections

The outdoor bus terminal at 6000 Scottcrest Drive is public property operated by METRO, a governmental transit authority. For First Amendment purposes, the Supreme Court recognizes

² METRO Code of Conduct, <https://www.ridemetro.org/riding-metro/metro-police-safety/code-of-conduct> (last visited November 25, 2025).

three categories of government property: traditional public forums, designated public forums, and nonpublic forums. *Minnesota Voters Alliance v. Mansky*, 585 U.S. 1, 11-12 (2018). Traditional public forums include streets, sidewalks, and parks—spaces that “have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.” *Perry Education Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 45 (1983) (citation omitted). In such forums, content-based restrictions on speech are subject to strict scrutiny, and viewpoint-based restrictions are categorically prohibited. *Pleasant Grove City v. Summum*, 555 U.S. 460, 469 (2009).

The outdoor areas of the METRO bus terminal are a public forum. Like public sidewalks and parks, the terminal is openly accessible to the public and serves as a gathering place where members of the community congregate as they go about their daily activities. The terminal is outdoors, unenclosed, and sits adjacent to public roadways and walkways. Members of the public are free to come and go without restriction and to engage in a wide variety of activities while present, including conversation, waiting for transportation, and other expressive conduct.

Courts have recognized that outdoor areas of government-owned facilities may function as public forums when they are open and accessible to the general public. *See United States v. Grace*, 461 U.S. 171, 177 (1983) (noting that sidewalks, even those on government property, retain their character as traditional public forums when they are “indistinguishable from any other sidewalks” and ruling that the sidewalks surrounding the Supreme Court are public forums). The outdoor areas at issue here align with *Grace*. The METRO bus terminal is an open-air structure that functions much like a public sidewalk or plaza. Indeed, there is no barrier or clear designation between the public sidewalks of Houston and the concrete paths of the Scottcrest Drive METRO bus depot. This aligns closely with *Grace*: “The sidewalks comprising the outer boundaries of the Court grounds are indistinguishable from any other sidewalks in Washington, D. C., and we can discern no reason why they should be treated any differently.” *Grace*, 461 U.S. at 179.

Even assuming, *arguendo*, that the bus terminal constitutes a nonpublic forum, METRO’s restrictions on Mr. Camp’s speech cannot survive constitutional scrutiny. While in *Int’l Soc’y for Krishna Consciousness, Inc. (ISKCON) v. Lee*, 505 U.S. 672 (1992), the Supreme Court held that an airport terminal was not a public forum, and thus the *solicitation of funds* could appropriately be limited, the Supreme Court simultaneously held that the *distribution of literature* could not be prohibited in the terminal because it does not pose the same concerns about disruption as other forms of solicitation. *Compare ISKCON v. Lee*, 505 U.S. 672 with *Lee v. ISKCON*, 505 U.S. 830 (1992). In a nonpublic forum, restrictions on speech must be reasonable in light of the purpose of the forum and must be viewpoint neutral. *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U.S. 788, 806 (1985). METRO has failed to articulate any reasonable justification for excluding Mr. Camp’s peaceful expressive activities, much less one that is viewpoint neutral. Indeed, the expulsion of Mr. Camp was done in the absence of any policy or rule violation.

Mr. Camp’s activities—preaching, distributing religious literature, and sharing his religious beliefs—constitute core protected speech under the First Amendment. The act of distributing literature and engaging in one-on-one conversations with willing listeners is a time-honored form of protected expression. *See, e.g., McCullen v. Coakley*, 573 U.S. 464, 488-89 (2014). Mr. Camp’s activities fall squarely within this tradition. He was not engaging in obstructing pedestrian or vehicular traffic or creating any genuine disruption. He was simply sharing his beliefs with the public in a peaceful, non-coercive manner. Such conduct is precisely what the First Amendment was designed to protect.

II. Mr. Camp’s Speech is Protected by the First Amendment

Mr. Camp’s activities—preaching, distributing religious literature, offering water and food to passersby, and sharing his religious beliefs—constitute core protected speech under the First Amendment. “The freedom to speak one’s mind is not only an aspect of individual liberty—and thus a good unto itself—but also is essential to the common quest for truth and the vitality of society as a whole.” *Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, 503-04 (1984). Religious speech, in particular, is entitled to the highest degree of constitutional protection. As the Supreme Court explained in *Murdock v. Pennsylvania*:

The hand distribution of religious tracts is an age-old form of missionary evangelism – as old as the history of printing presses. It has been a potent force in various religious movements down through the years. This form of evangelism is utilized today on a large scale by various religious sects whose colporteurs carry the Gospel to thousands upon thousands of homes and seek through personal visitations to win adherents to their faith. It is more than preaching; it is more than distribution of religious literature. It is a combination of both. Its purpose is as evangelical as the revival meeting. This form of religious activity occupies the same high estate under the First Amendment as do worship in the churches and preaching from the pulpits. It has the same claim to protection as the more orthodox and conventional exercises of religion. It also has the same claim as the others to the guarantees of freedom of speech and freedom of the press.

319 U.S. 105, 108-09 (1943) (footnotes omitted). The Supreme Court has repeatedly emphasized that the government may not discriminate against religious speech in public forums. *Lamb’s Chapel v. Center Moriches School District*, 508 U.S. 384, 394 (1993); *Good News Club v. Milford Central School*, 533 U.S. 98, 112 (2001); *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 831 (1995).

The act of distributing literature and engaging in one-on-one conversations with willing listeners is a time-honored form of protected expression. While in *ISKCON v. Lee*, the Supreme Court held that an airport terminal was not a public forum, and thus the solicitation of *funds* could appropriately be limited, the Supreme Court simultaneously held that the distribution of *literature*

could not be prohibited in the terminal because it does not pose the same concerns about disruption as other forms of solicitation. *ISKCON*, 505 U.S. at 685 (O'Connor, J., concurring in part and concurring in the judgment). Compare *ISKCON v. Lee*, 505 U.S. 672 with *Lee v. ISKCON*, 505 U.S. 830 (1992). Justice O'Connor emphasized in the *ISKCON* cases that "the right to distribute flyers and literature lie at the heart of the liberties guaranteed by the Speech and Press Clauses of the First Amendment." *Id.* at 702-03.

III. METRO's Rules Cannot Justify Mr. Camp's Exclusion

METRO has not provided any clear explanation of what rule or regulation Mr. Camp allegedly violated. The officers who detained him cited the need for a "permit" and claimed the property was "private," but these justifications lack any legal foundation. If METRO relies on Rule 2 of its Code of Conduct—which prohibits persons from using "any METRO facility for non-transit related purposes without written permission"—such a rule is impermissibly vague and overbroad in violation of the First Amendment. See, e.g., *Forsyth County v. Nationalist Movement*, 505 U.S. 123, 131 (1992). Countless activities occur at bus terminals that are not directly related to boarding a bus: reading a newspaper, making a phone call, eating lunch, engaging in conversation, observing the surroundings, or simply resting. If METRO is permitted to exclude any person engaging in activity that is not strictly "transit related," then virtually any speech or expressive conduct could be prohibited at the government's whim. Such standardless discretion is precisely what the First Amendment forbids.

Even if Rule 2 could be construed as a reasonable restriction on the use of the forum, its application to Mr. Camp's conduct was neither reasonable nor viewpoint neutral. METRO has presented no evidence that Mr. Camp's activities interfered with transit operations in any way. He did not obstruct passenger boarding, create safety hazards, or impede the flow of pedestrian traffic. Any claim that his presence was disruptive is contradicted by the fact that he remained peacefully at the location for over three hours before officers intervened—and even then, the officers' stated concern was not disruption but rather the alleged need for a "permit" on "private property."

The Supreme Court has repeatedly invalidated loitering and vagrancy statutes that vest unbridled discretion in law enforcement to determine who may remain in public spaces. *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972); *City of Chicago v. Morales*, 527 U.S. 41 (1999); *Kolender v. Lawson*, 461 U.S. 352 (1983). The government may not empower its officers to remove individuals from public property based on subjective judgments untethered to any objective criteria. METRO's actions toward Mr. Camp run afoul of this principle.

The Supreme Court has also made clear that the government may not use loitering or trespass laws to suppress First Amendment activity. In *Carlson v. California*, 310 U.S. 106 (1940), the Court struck down a statute that allowed the government to prohibit picketing by labor organizers, noting that such restrictions impermissibly burdened speech. Similarly, in *Milk Wagon Drivers Union v. Meadowmoor Dairies, Inc.*, 312 U.S. 287, 293 (1941), the Court recognized that

even conduct that could theoretically be regulated must not be suppressed in a manner that infringes upon First Amendment freedoms. Mr. Camp's peaceful preaching cannot be prohibited under the guise of a loitering or trespass rule.

To the extent METRO seeks to regulate Mr. Camp's use of amplification, such regulation must satisfy the requirements for a valid time, place, and manner restriction. Specifically, any restriction must be content neutral, narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). METRO's Code of Conduct does not impose a blanket prohibition on amplification at its facilities. The absence of any clear rule governing amplification in outdoor terminal spaces underscores the arbitrary nature of the officers' actions in detaining Mr. Camp.

Even if METRO were to articulate a content-neutral rule limiting amplification in certain circumstances, such a rule would need to be narrowly tailored to address a specific governmental interest, such as preventing disruption to transit operations or protecting the comfort of passengers in confined spaces. Here, there is no evidence that Mr. Camp's amplified speech created any such disruption.

IV. Mr. Camp Has Suffered and Continues to Suffer Irreparable Harm

Mr. Camp has already suffered irreparable injury as a result of METRO's unconstitutional actions, and he continues to suffer ongoing harm so long as the trespass warning remains in effect. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Mr. Camp has been effectively banished from a public forum where he has a constitutional right to speak. He has been threatened with arrest and criminal prosecution if he returns to exercise his rights. This chilling effect on his speech is a direct and ongoing violation of the First Amendment.

* * *

Demand

In light of the foregoing, we respectfully demand that METRO take the following actions by **December 10, 2025**:

1. **Immediate Retraction of the Trespass Warning:** METRO must immediately retract the criminal trespass warning issued to Mr. Camp on September 19, 2025, and provide written confirmation that he is free to return to the bus terminal at 6000 Scottcrest Drive without fear of arrest or prosecution.
2. **Written Assurances Regarding Future Speech Activities:** METRO must provide written assurances that Mr. Camp may engage in peaceful, non-disruptive expressive activities at the bus terminal, including preaching, distributing literature, and conversing with willing members of the public, consistent with the First Amendment.
3. **Clarification of Policies:** METRO must clarify, in writing, what specific rules or regulations govern expressive activities at its outdoor terminal/depot facilities, including any restrictions on amplification, and must confirm that any such rules are content neutral, narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication.

We believe this matter can be resolved amicably without the need for litigation. However, should we not receive the requested assurances by **December 10, 2025**, we will have no choice but to pursue all available legal remedies on behalf of our client, including filing suit in federal court.

We look forward to your prompt response and to working with you toward a mutually agreeable resolution. Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,



Liam R. Harrell*

Associate Counsel

AMERICAN CENTER FOR LAW & JUSTICE



**Admitted to practice, in the Federal District Court of the Southern District of Texas*