

# Christian Vindicated After Buffalo Police Threaten Arrest for Sharing Faith

Gregory Owen won't be kicked out of this year's Italian Festival for handing out religious material—but it took a court order to make it happen.

In 2011, Buffalo, N.Y., police threatened to arrest Owen for peacefully sharing his faith on the public streets and sidewalks during the festival. Police ordered Owen to leave the festival, which was free and open to the public, if he intended to continue handing out Christian literature. One officer also threatened to arrest him.

**"People of faith** shouldn't be threatened with arrest for peacefully expressing their beliefs," says Nate Kellum, chief counsel with the Center for Religious Expression and one of more than 2,100 attorneys in the Alliance Defense Fund (ADF). "The city has done the right thing in allowing Gregory to peacefully speak with willing passers-by and hand out literature this year, just as the Constitution allows."

Here's the backstory: Owen, together with a friend and members of his family, walked up and down Hertel Avenue during the 2011 Greater Buffalo Italian Heritage Festival to hand out Christian literature and discuss his faith with willing passers-by.

Although the road is a public street in a section of town known as "Little Italy," police approached Owen and told him to leave under threat of arrest, claiming that his speech violated an agreement with festival organizers. As one officer told the man, "If you hand out one more tract, you're going to jail."

In truth, the city issued a non-exclusive use permit to festival organizers that does not prohibit members of the public from exercising their free speech rights protected by the **First Amendment**. The event was free and open to the public, and the street remained at all times a public thoroughfare.

ADF attorneys filed the suit, *Owen v. City of Buffalo*, with the U.S. District Court for the Western District of New York on May 10.

“Court precedent in these types of cases is clear: Officials can’t toss someone out of a public event simply because they don’t like the views he’s expressing,” said Jonathan Scruggs, ADF litigation staff counsel. “Our lawsuit will continue until the city makes needed changes to fully respect the constitutionally protected rights of faith-based speakers. City officials should be commended for taking a great first step in that direction.”