

Police Threaten Christian With Jail for Handing Out Tracts

Police threatened to arrest a Christian man for peacefully sharing his faith on public streets and sidewalks during an Italian festival last year. Now, the Alliance Defense Fund (ADF) is striking back in federal court.

ADF attorneys on Thursday filed a federal lawsuit against the city of Buffalo, N.Y., over the incident. Police ordered the man to leave the festival, which was free and open to the public, if he intended to continue handing out Christian literature.

As one officer told the man, "If you hand out one more tract, you're going to jail."

"People of faith shouldn't be threatened with arrest for peacefully expressing their beliefs," says ADF attorney Nate Kellum. "The Constitution and court precedent in these types of cases is clear: officials cannot toss someone out of a public event simply because they don't like the views he's expressing. This is a classic example of free speech that the **First Amendment** protects."

Here's the backstory: Gregory 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 peacefully 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.

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.

“Exercising your constitutionally protected free speech rights is not a crime,” says ADF litigation staff counsel Jonathan Scruggs. “Threatening to arrest Christians simply because they choose to exercise those rights in a public place is a clear violation of the **First Amendment**.”

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