



Written by [Dave Bohon](#) on September 22, 2013

Court Says Man May Distribute Bibles at Minneapolis Gay Event

Following four years of battling with the city of Minneapolis, a Wisconsin man will be back next year at the city's annual gay pride festival in Loring Park, handing out Bibles with no restrictions. The 8th U.S. Circuit Court of Appeals issued an injunction allowing Brian Johnson, who has distributed Bibles at the event since 1998, to continue to do so while his case against the Minneapolis Park Board goes forward.



After handing out Bibles at the event with no complaints for 10 years, Johnson was told by the festival organizers in 2009 that he would not be able to continue because of his opposition to the homosexual lifestyle. That year Johnson and his family, from nearby Hayward, Wisconsin, were preparing to walk through the festival venue and offer Bibles to participants when a festival official ordered them to leave. "A police officer allegedly told Johnson that the park was 'private property' that day, and Johnson was arrested when they didn't leave," reported the *Star Tribune* in 2012. Charges against him were later dropped, but the prohibition against his Christian evangelistic outreach continued.

The city's gay-themed Pride Fest has been an annual event for the past 30 years, with crowds of over 200,000 participants crowding Loring Park and surrounding areas near downtown Minneapolis for concerts, food, and exhibits of unique interest to homosexuals. Johnson said that the venue is ideal "to reach as many people as possible" with the Christian message.

In 2010, when the festival organizers again turned Johnson away, the Minneapolis Park Board appeared to side with him, ruling that his presence and activities were protected by the First Amendment. Festival officials sued the Park Board, leading U.S. District Judge John Tunheim to suggest a compromise. "In theory, Twin Cities Pride could designate 'free-speech zones' on the Pride Festival grounds in which anyone who wishes to distribute literature or display signage may do so," Tunheim wrote in his ruling in the conflict.

The Park Board and festival organizers agreed, resulting in the Park Board prohibiting unapproved materials from the main festival site and requiring Johnson to be isolated with his Bibles to a "no pride zone" that rendered his presence at the festival irrelevant, said attorney Nate Kellum of the [Center for Religious Expression](#), which is representing Johnson in the case.

The *Minneapolis Star Tribune* reported that the compromise "would have confined Johnson to distributing the Bibles at a booth in Loring Park outside the festival area as well as leaving them at a 'material drop area' within the festival grounds."

Kellum noted that the compromise site set up for Johnson "was a tract of land in a corner of the park where nobody would ever go because it was not part of a festival." In similar fashion the material drop area amounted to tables under an unmarked canopy where no one would think to place literature. "The government should not be exiling free speech, it should be protecting it," Kellum said of the "compromise" his group is challenging in the suit on behalf of Johnson. "It's ridiculous to say that the



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only place where people can hand out Bibles is an area where there's no one to hand Bibles to. The Constitution simply does not permit the board to relegate free speech to isolated regions where no one can receive the message. That's not free speech at all. It's pure censorship."

While a U.S. district court ruled against Johnson, saying that the city was within its rights and had sufficiently accommodated his ministry, Kellum appealed the ruling to the 8th Circuit Court of Appeals, which reversed the lower court and opened the way for Johnson to continue next year in offering Bibles to festival participants while his suit against the city is heard in court.

The appeals panel noted that while Johnson said the Bible identifies homosexual behavior as sin, "he tries to avoid the subject of homosexuality when passing out Bibles at the Festival, and he does not believe that homosexual or heterosexual temptations, in and of themselves, constitute sin."

In a press release concerning the case the Center for Religious Expression noted that the 8th Circuit had previously granted Johnson an emergency injunction against the city that allowed him to distribute Bible at the city's 2012 and 2013 gay pride events. After considering the merits of Johnson's case more fully the appeals panel reversed the lower court decision, which will give Johnson unfettered freedom to continue his longtime Christian outreach at the homosexual gathering.

"We are pleased that the appellate court recognizes the fundamental freedoms at stake for Johnson," said Kellum. "In a public place during an event open to the public, Johnson has every right to share his views and contribute to the marketplace of ideas — just like everyone else."

Kellum said that as Johnson's suit against the city moves forward he feels optimistic that the court will rule in favor of his client. "I do think the 8th Circuit has signaled how the law is interpreted," he said. "We feel very optimistic."

Joel Nichols, a professor at Minneapolis' University of St. Thomas School of Law, located just blocks from the pride festival venue, agreed that Johnson's suit has merit, explaining that while the city can impose reasonable restrictions on the time, place, and manner of public speech, the restrictions cannot result in blocking the message from the speaker's intended audience. Nichols told the *Star Tribune* that if Johnson's activities aren't disruptive, "he's clearly allowed to be there."

According to the *Star Tribune*, "Nichols said if [his booth is] tucked into a corner, then Johnson has 'a pretty good claim' that he's not being treated equally. And if the Park Board has a policy allowing free speech but makes an exception for this event, Nichols said, 'then he really is being discriminated against.'"



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