



FACT SHEET ***Benham v. City of Charlotte***

ABOUT Benham v. City of Charlotte

After Rev. Philip Benham applied for a “festival permit” for a *Roe v. Wade* anniversary event he was planning for Jan. 22, 2007, the city of Charlotte, N.C., denied the application, claiming that the proposed event was a “demonstration” and not a “festival.” Citing a Charlotte ordinance, which permits festivals and not demonstrations, city officials prohibited the event because of its religious nature. The permit application described the event with the following terms: “Evangelical, Gospel proclamation, praise and worship band, local Christian pastors speaking, post-abortive mothers give testimony, call to repentance.” The lawsuit claims that the city’s subjective decision declaring the event a demonstration is a violation of Benham’s First Amendment rights.

CURRENT STATUS OF Benham v. City of Charlotte AS OF 1/7/09

On Sept. 20, 2007, an ADF-allied attorney filed a lawsuit with the U.S. District Court for the Western District of North Carolina, alleging the city of Charlotte violated Benham’s free speech rights by denying him a “festival permit” and designating his proposed event as a “demonstration” because of its religious content. The city filed a motion for summary judgment on July 31, 2008, and ADF-allied attorney Frederick Nelson filed a memorandum in opposition to the city’s motion for summary judgment on Aug. 18. Nelson will be presenting oral arguments against the motion for summary judgment at a hearing scheduled for Jan. 8.

FOCUS OF HEARING – WHAT IS AT STAKE?

A ruling against Benham would hand government officials the authority to unconstitutionally squelch Christian free speech using arbitrary standards. This would give the city the unbridled power to prohibit public celebrations based on their religious content.

CONTACT

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Frederick Nelson

Frederick H. Nelson is an allied attorney with the Alliance Defense Fund, litigating religious liberty and free speech cases since 1993. President of the Florida-based Law Offices of Frederick H. Nelson, P.A., Nelson also serves as the president and general counsel of American Liberties Institute. Earning his J.D. from Stetson University College of Law, he is a member of the bar in Florida, the U.S. Supreme Court, the U.S. Court of Appeals for the 2nd through 11th circuits and the District of Columbia, and the U.S. District Court for the Eastern District of Wisconsin.