

STREET PREACHING MAN - GREGORY GORDON REFLECTS ON A RECENT APPEAL



He wore a rainbow tie and a large mermaid pendant with a tail of blue gemstone, but it was the painted nails of the Crown Prosecution Service paralegal who sat behind me throughout the appeal that really made the statement: shimmering pink, deftly applied. The court's Clerk returned after lunch with a rainbow mug - it must have been the first to hand - emblazoned in capitals with "NOBODY KNOWS I'M GAY". Rarely had court 1, Bristol Crown Court, seen so much colour.

There was colour in the Appellants' language also. Homosexuality was "an abomination and disgusting before the God of the Bible"; Mohammed of the Qur'an was "a liar and a thief, just like you and me."

Michael Overd, a South West local from Taunton, and Michael Stockwell, visiting from Long Island, New York, had been preaching with two other men to a growing and restless crowd of shoppers in Bristol city centre. It was a hot day in July 2016 and passions were running high. "Shut your mouth," one young Muslim man shouted at Mr Overd, who was in the middle of his exposition on Mohammed, "Shut your mouth. Shut your mouth," and then "Shut up," and then four more times "Shut up," in case the preacher hadn't received the message. "Buddha is a liar like you and me," Mr Overd ploughed on, his voice, amplified by a microphone and speaker, rising higher over the heckling. Some in the crowd would try to pull out the mic's cable. "You're preaching hate!" several shouted. Some tried to engage with the preachers; others threw them abuse. Only in Bristol could Christian street preachers be challenged by self-described feminists, Muslims and vegans standing side by side.

The preachers' warnings for non-believers were diffuse. "If you're trying to come in through Islam, through Catholicism, through Jehovah's Witness [sic], through Mormonism," Mr Stockwell admonished, taking his turn with the mic on the soapbox, "the Bible says you're a thief and a liar and a thief comes back to steal, kill and destroy."

This was nothing more than free speech in action, exercised on the streets of a freedom loving country, the Appellants averred in court. They had been charged by the prosecution with a religiously aggravated Public Order Act offence, of using abusive words likely to cause harassment, alarm or distress, and motivated at least in part by religious hostility. This was the offence that I had been engaged to prosecute at their appeal. But his words were of *love*, not hostility and hate, insisted Mr Overd when giving his evidence; it is a loving act to be honest with people; loving to confront them with their sins.

The criminal law is an imperfect brute in the realm of free speech - a raging, blindfolded bull on land where angels ought fear to tread. People say offensive things; there is no right not to be insulted. Or, as Mr Overd said in the witness box, "Be a man." So you don't like what the preacher says about gays? So you find his Islamophobia inexcusably intolerant? Walk away. But though the preachers denied it, the Crown's case was that the Appellants didn't want people to walk away; they goaded and inflamed; they wanted a reaction and a reaction is what they got. "You're talking shit" and "You're a fucking idiot," Mr Stockwell was told by those in the crowd, and, right in his face, "Fuck you." If that reads like an inflamed reaction, it hadn't sounded so to Mr Stockwell's American ears, who told the court under my cross examination that this is everyday language on the streets of Britain. Perhaps his colleagues didn't agree - as Mr Stockwell preached, Mr Overd and another stepped in to form a protective barrier from the hostile crowd. "We'll just block him if we have to, just protect him."

This is where the criminal law steps in. Counsel for Mr Stockwell warned that, placing too much emphasis on the reaction of the crowd "would be the end of free speech in Britain. ... A hostile audience would hold us all to ransom." But successive High Court judgements have done their best to navigate the nuance between our Article 10 right to freedom speech and the risk of disorder and violence. Only where *the line between legitimate freedom of expression and a threat to public order has been crossed* do preachers, using abusive language, commit an offence.

Much of that which the preachers preached was unimpeachable: there is one true God; all who live in sin, repent; God is love, etc. Even the inflammatory language - liar; abomination; thief; disgusting - if said in calm conversation around the coffee table wouldn't have brought the full force of the law upon them. Context matters. Using an amplifier to shout people down, or using a hostile tone to whip up the crowd: context matters. Mr Overd told the court that he simply didn't engage the hecklers - that he was only preaching to those who cared to listen - but that wasn't quite right. We know it wasn't, because he recorded 75 minutes of the four men's preaching on a GoPro camera hanging around his neck. "How intolerant you people are," Mr Overd shouted at the crowd. "Why are you so intolerant?" "We're not intolerant, you're preaching hate," came the reply, but on went Mr Overd, shouting over their heads: "Why are you so close-minded?"

In court, Mr Overd and Mr Stockwell were the models of tolerance and love. "I love [Muslims] to bits," Mr Overd said. Following their two day appeal in Bristol Crown Court, both men's convictions were overturned. There was no racial motivation, no hostility to their words; the Appellants were "...fine to say that as far as we can see," ruled the Judge. The Clerk's rainbow mug sat empty on the desk in front. Though Mr Overd "appeared to take some satisfaction from working the crowd," the Appellants did nothing more than "express [their] no doubt honestly held beliefs," albeit in a "rambunctious" fashion. Free speech won out. Mr Overd shook my hand - we need prosecutors, and I had done a good job, he said; the most damning of sincere praise. Tolerance and love? Or had, as the prosecution suggested, the preachers shown their true colours on the street?

On the street outside, God worked in metaphor: as I walked past Mr Overd who was giving an interview to camera, the handle of the cardboard box I had requisitioned from the robing room gave way, ejecting lever arch files and case papers across the pavement. Two men from the Appellants' team of supporters, including Adrian Clark, a Bristolian and a fellow preacher who had previously been acquitted for his involvement at the Magistrates' Court, hurried over to help - doing the Christian thing, showing me their colours. Box repacked, Mr Clark handed me a gigantic American dollar, inscribed with Christian teaching. "You can't leave a Christian preacher without one of our leaflets," he smiled. "At least now you'll know what you don't believe!"

I believe in free speech - don't we all, until outrage bites? - and the freedom to offend; but also in tolerance. I believe shouting inflammatory rhetoric over the heads of passers-by is counterproductive. And I wonder who wins. Not those who were offended but forced to listen as they went about their shopping; not the police, called to deal with needless mounting hostilities; not the preachers' American ministry, who funded the defence with actual dollars; not the preachers themselves, for whom this case represents 12 months of their lives. But just maybe the criminal justice system emerged with some credit. Slow, cumbersome, inappropriate; in judgment not condoning those who caused genuine offence, but not branding them criminals either. What's missing from the verdict wasn't colour, though, but shades of grey. Criminal justice doesn't allow for that.