

Court Urges Louisville Mayor Not to Ban Drive-In Church Services

On Saturday afternoon before Easter, Federal District Judge Justin Walker issued a temporary restraining order against Louisville Mayor Greg Fischer's ban on "religious services, even if the congregants remain in their cars during the service." On Fire Christian Center is represented by First Liberty and a Louisville law firm.

The Court enjoined "Louisville from enforcing; attempting to enforce; threatening to enforce; or otherwise requiring compliance with any prohibition on drive-in church services at On Fire [Christian Center]."

Judge Walker begin his opinion by stating: "On Holy Thursday, an American mayor criminalized the continued celebration of Easter." The order continues: "That sentence is one that this Court never expected to see outside the pages of a dystopian novel, or perhaps on the pages of *The Onion*."

Judge Walker stated: "The Mayor's decision is stunning. And it is 'beyond all reason,' unconstitutional."

The well-written decision briefly overviews the history of the Plymouth Colony as Pilgrims settled in the New World "where they would find what they wanted most, what they needed most: the liberty to worship God according to their conscience. The Pilgrim's history of fleeing religious persecution was just one of the many 'historical instances of religious persecution and intolerance that gave concern to those who drafted the Free Exercise Clause' of our Constitution's First Amendment."

The Court noted that the Louisville Mayor and Kentucky Gov. Beshear ordered the police to record the license plates of

each vehicle parked in a church parking lot, accompanied by a notice that the owners of the car would be contacted by the public health department requiring quarantine of each occupant for 14 days.

The Court ruled that the ban on drive-in church violated the First Amendment Free Exercise Clause. "Louisville has targeted religious worship by prohibiting drive-in church services, while not prohibiting a multitude of other non-religious drive-ins and drive-throughs – including, for example, drive-through liquor stores. Moreover, Louisville has not prohibited parking in parking lots more broadly – including, again, the parking lots of liquor stores. When Louisville prohibits religious activity while permitting non-religious activities, its choice 'must undergo the most rigorous of scrutiny.'"

The Court rejected the argument that the members of the church could participate in an online service. The Court stated, "some members may not have access to online services. And even if they all did, the Free Exercise Clause protects their right to worship as their conscience commands them. It is not the role of the court to tell religious believers what is and isn't important to their religion, so long as their belief in the religious importance is sincere. The Free Exercise Clause protects sincerely held religious beliefs that are at times not 'acceptable, logical, consistent, or comprehensible to others.'"

The Court even noted that "the Greek word translated 'church' in our English versions of the Christian scriptures is the word 'ekklesia,' which literally means 'assembly.'"

Liberty Counsel Founder and Chairman Mat Staver said, "The decision by Judge Justin Walker underscores the fact that the First Amendment does not evaporate even during a crisis. Many of the restrictions across the country on churches and houses of worship are unconstitutional because they prohibit religious gatherings while allowing a multitude of

nonreligious gatherings. Mass gatherings are permitted in liquor stores, Home Depot, and a multitude of retail stores. When smaller and less frequent gatherings are prohibited in church parking lots or with social distancing inside the church while allowed in a myriad of secular commercial locations, the First Amendment demands rigorous scrutiny of the government's choices." {eo}

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