

Illinois Government Continues to Impose Irrational Restrictions on Churches

Earlier this week, the American Center for Law and Justice (ACLJ) filed a friend of the court brief with the Supreme Court in *Elim Romanian Pentecostal Church v. Pritzker*, another case in which state officials have imposed discriminatory restrictions on religious worship in the name of protecting against the coronavirus. As we have reported here, many states have attempted to fight the coronavirus pandemic by clamping down on religious worship. One would think that the virus's favorite victims are the religiously devout.

Like so many other leftist government officials, the governor of Illinois issued an order that singled out churches for worse treatment than other comparable organizations. On top of that, the order restricted in-person worship services to 10 persons within churches but allowed unlimited numbers to assemble in the same building for other purposes. The order permitted church members to provide meals and shelter for an unlimited number of people but religious services for only 10 of those same people. One hundred people could eat a meal in the church, but only 10 could receive Communion. When church members were providing secular services, they could serve, for example, 100 people. But once a religious worship service began, 90 of those same people had to leave.

The lower court upheld that irrational and unconstitutional arrangement. Our amicus brief urged the Supreme Court to issue a summary reversal of the lower court's ruling. The court will summarily reverse when a lower court ignores an established principle of law. No oral argument is held.

Our brief argues:

The Free Exercise Clause forbids laws with the object of suppressing religious worship or imposing a special disability on religious practice. Order 32's religious gerrymander accomplishes both. ... The order blatantly targets religious worship for third class treatment by subjecting it to a unique disability inapplicable to all the other activities in the churches. Secular activities are permissible without any numerical limit on persons attending but religious worship is restricted to ten persons. Under Lukumi, Order 32's religious gerrymander cannot survive strict scrutiny.

As Justice Alito recently said, "In certain quarters, religious liberty is fast becoming a disfavored right." Many government officials have exploited the pandemic to impose previously unimaginable restrictions on religious worship. With your help, the ACLJ will continue its fight against the erosion of religious liberty.

We are heartened by the Supreme Court's recent ruling in a church case out of New York where it struck down similar discriminatory coronavirus restrictions imposed on churches. We will also continue to battle in our own lawsuit against California's ban on singing in church. {eo}

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