

Liberty Counsel Predicts Victory for California Churches Will Have Domino Effect

As a result of Harvest Rock Church and Harvest International Ministry's victory against California Gov. Gavin Newsom, other churches across the state and the nation will experience a positive impact from the first state-wide permanent injunction in the country against COVID restrictions on churches and places of worship.

Pastor Ché Ahn, founder of Harvest Rock Church and Harvest International Ministry, previously received a letter from the Pasadena criminal prosecutor threatening him, the staff and anyone who attends church with daily criminal charges each up to one year in prison, and daily fines of \$1,000. As a result of the recent settlement with the state and Newsom, those fines are now dropped, and California may no longer impose discriminatory restrictions upon houses of worship. The governor must also pay Liberty Counsel \$1,350,000 to reimburse attorney's fees and costs.

Other churches in the state also faced incredible fines which will now have to cease. For example, Calvary Chapel San Jose, led by Senior Pastor Mike McMclure, accrued more than \$3 million in fines. In addition, the bank that holds the church's mortgage was threatening to call its loan and demanded an immediate \$1.2 million payment.

Jack Trieber, pastor of North Valley Baptist Church in Santa Clara, moved services outdoors after his church was fined \$5,000 for every indoor service. Grace Community Church in Los Angeles County and Godspeak Calvary Chapel in Thousand Oaks

also incurred fines.

All churches and places of worship now have the protection of the statewide permanent injunction. Many of these cases will also have to be compensated by the state and/or local city or county.

This victory against Gov. Newsom is also being filed in pending church cases across the nation.

Maine now has the dubious distinction of imposing the most severe restrictions on churches and places of worship limited to no more than 50 people despite the size of the building. The governor has allowed many commercial and nonreligious gatherings without restrictions or threat of criminal sanctions. Calvary Chapel of Bangor has filed an emergency injunction pending disposition of its cert petition at the U.S. Supreme Court against Maine Gov. Janet Mills. Liberty Counsel is requesting the District Court and the Supreme Court to block the discriminatory restrictions on churches.

In Illinois, Liberty Counsel has filed a response on behalf of Elim Romanian Pentecostal Church and Logos Baptist Ministries regarding Gov. J.B. Pritzker's motion to dismiss the federal lawsuit for his unconstitutional executive orders. Under Gov. Pritzker's previous executive orders, churches could have an unlimited number of people for nonreligious activities to feed, shelter and provide social services, which includes unemployment or disability counseling. However, religious gatherings, in the same church with the same people, were limited to 10.

These restrictions were removed in May 2020 when Liberty Counsel filed a petition for an injunction pending appeal at the Supreme Court. However, during oral argument last year at the court of appeals, the governor argued that he should be able to impose his discriminatory orders once again. Therefore, there must be a judicial declaration to prevent

Gov. Pritzker from imposing his restrictions again. Liberty Counsel will also soon file a motion for summary judgment to the district court on behalf of the two Romanian churches.

In Virginia, police served a summons last year on Palm Sunday to Pastor Kevin Wilson of Lighthouse Fellowship Church for holding a church service for 16 people spaced far apart in a sanctuary that is rated for 293 people. Under the governor's original unconstitutional orders, the church could hold meetings with an unlimited number of people to feed, shelter and provide social services, but religious services were restricted to no more than 10 people. The charge was violating Virginia Gov. Northam's COVID Order 55 with a penalty up to a year in jail and/or a \$2,500 fine. Yet, commercial establishments in the area were filled with people.

The Commonwealth of Virginia has since dropped the criminal charges against Pastor Wilson.

Lighthouse Fellowship Church has filed the opening brief for the second time to the Fourth Circuit Court of Appeals in the federal lawsuit against Gov. Ralph Northam for violating its religious freedom by targeting churchgoers. The Fourth Circuit previously denied the motion for preliminary injunction and sent it back to the district court. Then Judge Arenda L. Wright Allen dismissed the lawsuit by incorrectly ruling that the church could not sue the governor. Every other case in the country involving COVID executive orders include the respective governors as a defendant. In fact, since 1908, the 11th Amendment states governors are not immune if the lawsuit is asking for an injunction.

In Kentucky, Liberty Counsel won an injunction pending appeal from the Sixth Circuit Court of Appeals and from the federal District Court granting the request for parking lot and in-person church services on behalf of Maryville Baptist Church and its pastor Dr. Jack Roberts. The March 19, 2020 and March 25, 2020 orders issued by Gov. Beshear previously prohibited

all religious services, while allowing many secular services. The executive orders clearly targeted religious services for discriminatory treatment. Under the orders, the church could hold meetings to feed, shelter and provide social services to an unlimited number of people, but religious services were banned in the same building where non-religious services could be held.

As the case continues in the lower court, the Court of Appeals stated Gov. Beshear needs to decide whether he still intends to defend his prior orders that have been enjoined. Despite the lower court's injunction protecting the church and two 3-0 injunctions pending appeal at the Sixth Circuit, Gov. Beshear continues to defend his past orders and has argued these court decisions are wrong. In this respect, the Court of Appeals also stated that if Gov. Beshear continues his defense and attempts to reimpose restrictions on churches, the doors of that appeals court are open for the case to return to the same panel of judges.

Last year, the U.S. Supreme Court granted an emergency petition for an injunction pending appeal on behalf of New York City synagogues and Roman Catholic churches in Roman Catholic Diocese of Brooklyn v. Cuomo and Agudath Israel v. Cuomo. On Dec. 3, 2020, the High Court granted the petition by Harvest Rock Church and Harvest International Ministry, setting aside all the lower court orders and directing them to follow its ruling in Roman Catholic Dioceses. When the lower courts refused to strike down California's restrictions, the case returned to the Supreme Court.

On February 5, 2021, the U.S. Supreme Court ruled in favor of Harvest Rock Church and Harvest International Ministry by enjoining California's total ban on indoor worship. This was the second time Liberty Counsel appealed to the High Court on behalf of these churches. The ruling also included South Bay United Pentecostal Church.

Liberty Counsel founder and chairman Mat Staver said, “The dominoes are falling, and churches are being freed from dictatorial and unconstitutional restrictions. The Supreme Court has intervened multiple times to provide relief. As a result, there will be more restrictions lifted and charges dropped for churches in the near future.” {eo}

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