

Supreme Court Rules Newsom's Home Bible Study, Worship Restrictions in Violation of First Amendment

In a 5-4 decision, the U.S. Supreme Court granted an emergency injunction pending appeal, thus finding that California Gov. Gavin Newsom's restrictions on home Bible study and worship violate the First Amendment.

The Court wrote: "This is the fifth time the Court has summarily rejected the Ninth Circuit's analysis of California's COVID restrictions on religious exercise. See *Harvest Rock Church v. Newsom*, 592 U. S. ____ (2020); *South Bay*, 592 U. S. ____; *Gish v. Newsom*, 592 U. S. ____ (2021); *Gateway City*, 592 U. S. _____. It is unsurprising that such litigants are entitled to relief. California's Blueprint System contains myriad exceptions and accommodations for comparable activities, thus requiring the application of strict scrutiny. And historically, strict scrutiny requires the State to further 'interests of the highest order' by means 'narrowly tailored in pursuit of those interests.' *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U. S. 520, 546 (1993) (internal quotation marks omitted). That standard 'is not watered down' it 'really means what it says.' *Ibid.* (quotation altered)."

The Court also gives a summary list of everything Liberty Counsel has been arguing for the last year:

"First, government regulations are not neutral and generally applicable, and therefore trigger strict scrutiny under the Free Exercise Clause, whenever they treat any comparable secular activity more favorably than religious exercise.

Second, whether two activities are comparable for purposes of the Free Exercise Clause must be judged against the asserted government interest that justifies the regulation at issue.

Third, the government has the burden to establish that the challenged law satisfies strict scrutiny. To do so in this context, it must do more than assert that certain risk factors ‘are always present in worship, or always absent from the other secular activities’ the government may allow.

Fourth, even if the government withdraws or modifies a COVID restriction in the course of litigation, that does not necessarily moot the case. And so long as a case is not moot, litigants otherwise entitled to emergency injunctive relief remain entitled to such relief where the applicants ‘remain under a constant threat’ that government officials will use their power to reinstate the challenged restrictions.”

Liberty Counsel represents Harvest Rock Church and Harvest International Ministry, in which the Supreme Court ruled in favor of the churches twice. This case is now pending at the 9th Circuit Court of Appeals where Liberty Counsel is moving to strike down all the remaining restrictions under Gov. Newsom’s unconstitutional scheme.

Liberty Counsel founder and chairman Mat Staver said, “Gov. Gavin Newsom has lost every time before the Supreme Court regarding these worship bans. You would think he would wake up by now. The Ninth Circuit Court of Appeals has been wrong every time regarding the worship restrictions. We will not rest until all these unconstitutional restrictions are struck down. It’s been more than one year since we began the fight to prove that the constitutional rights of churches under the First Amendment do not evaporate in a time of crisis. We cannot allow one person, whether state or local, to have the unchecked discretion to write a church into or out of existence by one word—‘essential.’ Such authority is

extraordinary and runs counter to American history.” {eoa}

This article originally appeared at .

Read articles like this one and other Spirit-led content in our new platform, CHARISMA PLUS.