

Churches File Emergency Injunction With SCOTUS After Chicago Threatens to Shut Them Down

Today, two Romanian churches filed an emergency injunction pending appeal to the U.S. Supreme Court. Liberty Counsel represents Elim Romanian Pentecostal Church and Logos Baptist Ministries.

The emergency request was occasioned because of the Chicago Department of Public Health letter sent to the churches this past Saturday, May 23. The city is threatening closure and “summary abatement.” In the threatening letter, Commissioner Allison Arwady, who declared the churches a “public nuisance” for holding services with more than 10 people, wrote: “I am authorized to seek to enjoin such nuisance or to cause the same to be summarily abated in such manner as I may direct...” The letter ended by stating that “the City will take steps necessary to abate, including Summary Abatement.”

According to the Illinois Supreme Court, “Summary abatement would mean to put down or destroy without process. This means the inspector can, upon his own judgment, cause the alleged nuisance to stop on his own authority and effect a destruction of property at his discretion.” *City of Kankakee v. New York Cent. R. Co.*, 387 Ill. 109, 116, 55 87, 90 (1944).

The Seventh Circuit Court of Appeals previously denied the request for an injunction pending appeal, but then ordered expedited briefing with oral argument for June 12. On Friday, Liberty Counsel filed its opening brief in the expedited appeal challenging Illinois Gov. J.B. Pritzker for his unconstitutional executive orders discriminating against

churches by limiting attendance to only 10 people. However, in light of the letter received by email this past Saturday, the churches need immediate relief while the Seventh Circuit considers the appeal, or a petition for cert, if necessary.

There have been five decisions by four separate Circuit Courts of Appeal regarding churches. In Liberty Counsel's case on behalf of Maryville Baptist Church in Kentucky, the Sixth Circuit issued two injunctions pending appeal (one for parking lot and the other for in-person services); the Fifth Circuit also issued an injunction pending appeal. But the Seventh Circuit involving the Romanian Churches and the Ninth Circuit denied injunctions pending appeal (accompanied by a strong dissent arguing in favor of an injunction). There is now a split in the Circuit Courts of Appeal. This week, the Ninth Circuit case has also requested an emergency injunction at the Supreme Court.

One Supreme Court justice is assigned to handle emergency requests for each Circuit Court. Justice Kagan is assigned to the Ninth Circuit and Justice Kavanaugh is assigned to the Seventh Circuit, to which the Romanian churches are appealing. The justices can decide the emergency requests on their own or refer the matter to the full court.

Liberty Counsel Founder and Chairman Mat Staver said, "The threatening letter sent to the Romanian churches over the weekend is breathtaking. The city of Chicago is threatening 'summary abatement,' which in Illinois includes demolishing the building without judicial process. To declare these churches to be a 'public nuisance' for holding a service of more than 10 people is reminiscent of Communist Romania and not America. Our Romanian pastors are familiar with these heavy-handed government tactics but never imagined they would experience the same in the land of the free." {eo}

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