

STATE OVERREACH THREATENS RELIGIOUS LIBERTY

On March 27, Bill Donohue addressed the conflict between public health restrictions and religious liberty protections. "Whenever religious liberty collides with public health, the government is obliged to put the least restrictive measures on religion."

On April 11, U.S. District Judge Justin Walker invoked a temporary restraining order blocking Louisville Mayor Greg Fischer's ban on drive-in church services. The Kentucky governor, Andy Beshear, did not support the ban but he still warned against drive-in church services.

The Catholic League stands with Judge Walker. The Louisville mayor's directive is a classic case of government overreach: his ban was clearly not "the least restrictive measure." Judge Walker called his decision "stunning" and "unconstitutional." Moreover, the mayor's reasoning is deeply flawed.

Once the coronavirus pandemic hit, and social distancing was recommended, the clergy from many religions acted prudently by discontinuing services in church. But some sought to be creative by allowing drive-in services in church parking lots. Instead of applauding these efforts where they made sense (they are impractical when the weather is cold), Louisville Mayor Fischer banned them.

What infuriated Christians in Louisville was the decision to allow drive-through restaurants and liquor stores. Judge Walker seized on this disparity, noting that parking lots of liquor stores were not prohibited.

"When Louisville prohibits religious activity while permitting non-religious activities," he said, "its choice 'must undergo the most rigorous of scrutiny.' That scrutiny requires

Louisville to prove its interest is 'compelling' and its regulation is 'narrowly tailored to advance that interest.'"

House Freedom Caucus Chairman Andy Biggs and Rep. Jody Hice have sent a letter to President Trump, Vice President Pence and Attorney General Bill Barr asking them to address restrictions placed on religious liberty. Barr said he is "monitoring" this issue and may take action.

The clergy have, for the most part, been reasonable in balancing public health and religious liberty interests, and so have most mayors and governors. But the exceptions are egregious, and none more than the decision by Louisville Mayor Greg Fischer to ban drive-in church services on Easter Sunday. The Department of Justice should weigh in without delay.