



Written by [C. Mitchell Shaw](#) on April 11, 2020

Kansas AG and Legislative Coordinating Council Overturn Ban on Church Services

On the heels of the report that a pastor in Chincoteague, Virginia, was issued a criminal summons for holding a religious service, there is better news from Kansas. Attorney General Derek Schmidt and the Legislative Coordinating Council overturned Governor Laura Kelly's executive order prohibiting religious and funeral services with more than 10 people in attendance.



After initially issuing a stay-home order as many states have done, Governor Kelly replaced that order with a new one — Executive Order 20-18 — specifically restricting religious and funeral services. As this writer commented in a [previous article](#) about the Chincoteague pastor's criminal summons, businesses, such as stores, are considered "essential" and allowed to stay open with scores — even *hundreds* — of customers milling around, but churches are ordered to close. From that article:

That store was crowded — with at least 150 people milling around the store. But a pastor, who dares to minister to 16 people, is issued a summons. The incongruity is based in the liberal view of the value of religion. Because of the liberal worldview held by the Democrat leadership in Virginia, grocery stores are (correctly) considered "essential" while churches are not.

And:

Besides the innate value of religion to society — understood and promulgated by generations of Americans, including the Founding Fathers — there is the salient fact that the charitable work provided by this and other churches is absolutely "essential" to those who receive it. But, a government run by people who can't see the value of religion is not likely to see the charity of a church as anything other than competition.

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Again, in Kansas, we see another example of the same mindset in a liberal Democrat governor. Fortunately, that state's AG and Legislative Coordinating Council had both the authority and correct thinking to override Kelly's idiotic order. According to a [press release](#) from Liberty Counsel — a nonprofit, litigation, education, and policy organization dedicated to advancing religious freedom, the sanctity of life, and the family — "Attorney General Derek Schmidt said that while Executive Order 20-18 was 'sound public-health advice that Kansans should follow,' he discouraged law enforcement agencies and prosecutors from enforcing the ten-person limit on churches, stating it violated the Kansas



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Constitution.” After his statement — which essentially stripped the order of any enforcement power — on April 8 the Legislative Coordinating Council overturned Kelly’s order regarding churches.

Kelly immediately blasted the the decision and her state’s AG, calling the overturning of her restrictive order “overtly political” and “an unnecessary distraction.” AP [reported](#) that Kelly is suing over the issue:

Kansas’ Democratic governor filed a lawsuit Thursday after a Republican-dominated legislative panel overturned her executive order banning religious and funeral services of more than 10 attendees during the coronavirus pandemic.

Gov. Laura Kelly said “the last thing” she wants to do is get involved in a legal dispute, but the panel’s ruling Wednesday left her no choice.

“I will not stand by when lives are in jeopardy, and I will not allow the rule of law or the constitution to be trampled on during an emergency,” Kelly said during a news conference.

As Liberty Counsel’s press release states:

AG Schmidt issued a response following yesterday’s [April 8th’s] news conference in which Gov. Kelly said lawmakers’ overturning of her executive order on religious-group sizes was “overtly political” and “an unnecessary distraction.” Schmidt said, “I certainly disagree with the governor’s assessment that adhering to the laws and Constitution of this state is an ‘unnecessary distraction’ – rather, that is precisely what is required of each of us, especially during stressful times. My point of view should not have been surprising to the governor because my office repeatedly advised against issuing the overreaching executive order regulating churches and notified her I would express my concerns publicly if she proceeded. She did, and so did I...The important point for all Kansans is this: Follow sound public health advice and do not gather for religious services or for any other reason until the COVID-19 crisis has passed. I am confident Kansans of faith can be trusted to follow that important advice without their government threatening criminal sanctions for disobedience.”

Schmidt went on to say, “Kansas statutory and constitutional law, which remain in effect, provide substantially more protection for Kansans’ fundamental religious freedoms than does federal law. Because no Kansan should be threatened with fine or imprisonment, arrested, or prosecuted for performing or attending church or other religious services..., law enforcement officers are advised to encourage cooperative compliance with the new provisions of EO 20-18 and to avoid engaging in criminal enforcement of its limitations on religious facilities, services or activities.”

Speaker of the House Ron Ryckman stated that he also thinks Kelly’s order was a bridge too far, saying, “Faith leaders accept a tremendous responsibility to look out for those who look to them for guidance. In these uncertain times we need to grant these leaders the flexibility to serve their congregation while also trusting them not to do anything that would put their congregation at risk.” He added, “No evidence has been shown to indicate that faith leaders are violating that trust.”

Instead of singling out churches as she did, Ryckman said Kelly should “work collaboratively with local governments, faith leaders, and the Legislature to find the right balance between public health practices and preservation of fundamental constitutional rights so we can come through this pandemic together.”

That, of course, assumes that she can grin and bear working with religious groups. Her order — seizing



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the moment to attack religion in her state — indicates a dismissal (if not hatred) of religion. This is an indication that she will not likely take Ryckman’s wise advice.

But at least Kansans have an AG and a state legislature willing to place themselves between the governor and the rights of the people and act as defenders of those rights. It is encouraging to see elected officials keep their oaths of office.

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C. Mitchell Shaw is a freelance writer and public speaker who addresses a range of topics related to liberty and the U.S. Constitution. A strong privacy advocate, he was a privacy nerd before it was cool.





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