



Written by [Bob Adelman](#) on August 14, 2020

California Megachurch Sues State Over COVID Mandates

Within days of opening his church to worship services in July, Pastor John MacArthur of Grace Community Church in Sun Valley, California, received a [“cease and desist” order](#) from Los Angeles County.

The order started off gently: “The County requests that you immediately cease holding indoor worship services or other indoor gatherings, and adhere to the Health Officer Order directives governing activities at houses of worship.”



But then the state bared its teeth:

If you or Grace Community Church continues to hold indoor services in violation of the law, you are subject to criminal and civil liability....

Violating these orders is a crime punishable by a fine of up to \$1,000 and imprisonment of up to 90 days. Each day that you conduct indoor services is a separate offense....

Unless written confirmation is received by 5:00 p.m. on July 30, 2020 that Grace Community Church will comply with the law, the County will pursue further action through all available avenues of relief.

That date came and went. MacArthur and his church held those prohibited indoor services on Sunday, August 2 and Sunday, August 9.

On August 12, the church filed a lawsuit claiming that the “law” to which the county referred was unconstitutional and that the church was being discriminated against.

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MacArthur made the “Biblical Case for the Church’s Duty to Remain Open” on July 24:

We cannot and will not acquiesce to a government-imposed moratorium on our weekly congregational worship.... Compliance would be disobedience to our Lord’s clear commands....

When any government official issues orders regulating worship (such as bans on singing, caps on attendance, or prohibitions against gatherings and services), he steps outside the legitimate bonds of his God-ordained authority as a civic official and arrogates to himself authority that God expressly grants only to the Lord Jesus Christ as sovereign over His kingdom, which is the church.

The lawsuit targeted California Governor Gavin Newsom, California Attorney General Xavier Becerra, Los Angeles Mayor Eric Garcetti, and other state officials.

It minced no words:

Having irreparably damaged the confidence of Americans — and Californians especially — who now realize that the pandemic restrictions are neither necessary nor good, on Sunday, July 26, 2020, Grace Community Church decided to resume worship services — joining millions of Americans in deciding that enough is enough.



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With deaths from the “COVID-19 suicide pandemic” exceeding those from the actual coronavirus pandemic, Grace Community Church decided that it would no longer sit by and watch its members and their children suffer from an absence of essential religious worship and instruction.

Perhaps unsurprisingly — perhaps not — this led the County of Los Angeles to submit a demand letter to Grace Community Church, ordering it to comply with the restrictions that Los Angeles County deems unnecessary to enforce against so many others.

Grace Community Church does not intend to comply.

It is time for California to recognize that disfavored religious minorities are not second-class citizens. It is time for California to explain how it can justify banning worship to prevent the spread of a disease (with an overall mortality rate of 0.02%) while it is fine for protestors to spread that disease like wildfire.

It challenges the state to show just where it derives its authority to declare such mandates:

The State of California must answer where it claims to derive such discriminatory authority from the specific, limited powers “We The People” (necessarily including Christians) have granted for our own protection to government.

California has no such power to determine whether churches are “essential,” as the federal and state constitutions have already done so.

The lawsuit seeks relief from the state’s mandates that clearly discriminate against churches and violate their constitutionally guaranteed right to exercise freedom of religion:

Requiring Plaintiffs to only engage in state-approved religious worship, such as outdoors, or without singing, or without the full congregation in attendance, violates Plaintiffs’ free exercise rights under the California Constitution.

This burdening cannot satisfy strict scrutiny because California permits other industries and activities to proceed unhindered....

Requiring Plaintiffs to abstain from religious worship violates their California Constitutional liberty and due process rights....

Defendants’ mandates violate the Liberty of Speech clause, both facially and as-applied to Plaintiffs....

Defendants’ imposition of their mandates is unreasonable and has a chilling effect on protected speech by outright banning in-person church services at the pain of criminal penalty....

Defendants’ mandates are unconstitutionally overbroad, and therefore void as a matter of law, both on their faces, and as it is applied....

Starting on July 13, while protestors were allowed to assemble and exercise their rights to petition under Article I, Plaintiffs were not allowed to similarly exercise their rights to worship freely and enjoy their religion.

Plaintiffs are being discriminated against and protestors are being given preference — even though both are engaged in activities absolutely protected by Article I of the California Constitution, and Defendants admitted they were similarly situated.

The lawsuit challenges the granting of legislative power to the executive branch:



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The statutes and actions restricting civil liberties violate the Separation of Powers Clause in California's Constitution.

Therefore, the Governor's emergency orders are themselves invalid.

The church seeks a ruling that prohibits Newsom, et al., from enforcing their coronavirus pandemic regulations.

Assuming that the state responds negatively, this suit could wend its way to the Supreme Court, where the matter will be resolved as the Founders would.

Image: screenshot from [YouTube video](#)

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