



Written by [Michael Tennant](#) on March 26, 2021

Idaho Churchgoers Arrested for Violating Mask Mandate File Federal Lawsuit Against City Officials

Three Idaho residents who were arrested last year for attending an outdoor church service without masks are suing city officials in federal court for violating their constitutional rights.

On September 23, Moscow's Christ Church held a "psalm sing" outside Moscow City Hall. The event was intended as both a worship service and a protest of Mayor Bill Lambert's mask mandate, which has been repeatedly extended since it was first issued last March.



The church had held other psalm sings under similar circumstances, but city officials apparently decided to make an example of these believers. Police painted social-distancing circles in the parking lot where the event was to occur and then waited to catch violators, whereupon they issued their very first mask-mandate citations.

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Ultimately, they arrested five people. Among them was Gabriel Rench, a deacon in the church. In an interview with the [Daily Wire](#),

Rench explained that police approached his mother during the psalm sing and asked if she was with him. A mother standing with her son was presumably acceptable because she was family, but when Rench placed his arm around his friend and told the officers that he was also with him, they asked for his identification.

State law does not require Idaho residents to identify themselves to law enforcement if they are not driving.

Rench refused to provide it, urging the officers instead to join him in exercising his First Amendment rights, at which point he was cuffed and led away to the county jail along with [Sean and Rachel Bohnet].

Sean Bohnet told the website that while they were arrested for not wearing masks in an open-air situation, the police didn't seem too concerned about their spreading COVID-19 in jail.

"We thought a city that would premeditatively break the law in order to detain and jail those lawfully not wearing masks would at least offer one to incarcerated people," Bohnet said. "However, we were in good company. Staff at the jail occasionally had no issue with letting their faces freely shine too."

In January, under legal pressure from the Thomas More Society, city attorneys [dismissed the charges](#) against the five, explaining that while the Moscow City Code gave the mayor the power to issue public-health emergency orders, it also stated, "Unless otherwise specifically prohibited by a Public Health



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Emergency Order,' any and all expressive and associative activity that is protected by the United States and Idaho Constitutions, including speech, press, assembly, and/or religious activity[,] is exempt."

Stung by this defeat, the Moscow city council amended the law to remove the automatic exemptions. Thus, religious events and political protests, among other things, are now subject to emergency orders.

Rench and the Bohnets are [suing](#) City Supervisor Gary Riedner, City Attorneys Mia Bautista and Elizabeth Warner, Police Chief James Fry, and the arresting officers. They argue that these officials' actions occurred despite their knowledge that the psalm sing was exempt from the emergency order and that such actions, order or no order, violated the First and Fourth Amendments.

"A motto of government in prosecuting its citizens is that 'ignorance of the law is no defense,' and when they recklessly deprive its citizens of their freedoms, ignorance will not be a defense for the government," Thomas More Society special counsel Michael Jacques told the Daily Wire.

The plaintiffs are asking the court to declare that their arrests were unconstitutional and to award them damages. They are also hoping that their lawsuit will spur the city council to revisit its changes to the emergency law. According to the Daily Wire, "Jacques asserts [removing the exemptions] renders the ordinance unconstitutional on its face, and he maintained ... that the lawsuit is mainly intended to stress to local authorities their constitutional limitations."

Regardless of the outcome of the case, however, the damage caused by the tyrannical, unscientific orders has been done. Rench told the Daily Wire "he has been flipped off and cussed out by some of his fellow Moscow residents." And Nathan Wilson, son of Christ Church senior pastor Douglas Wilson, said, "It's just kind of sad to discover where we are now and what all this COVID tension and all these mask orders and everything else have turned us into."



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