



Written by [Michael Tennant](#) on January 19, 2021

Idaho City Drops Mask, Social-distancing Charges Against Outdoor Worshippers

The city of Moscow, Idaho (shown), has dropped misdemeanor charges against five individuals who participated in an outdoor “psalm sing” in apparent violation of the city’s COVID-19 restrictions.

On September 23, Moscow’s Christ Church held a “psalm sing” outside the municipality’s city hall. By that time, the mayor had already issued an order mandating masks and social distancing at both indoor and outdoor events, and the city council had extended it until January 5 (and has since extended it until June). According to the [Moscow-Pullman Daily News](#):



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Ben Zornes, a Christ Church pastor and organizer of the event, said the church hosts psalm, or hymn, events about once a month at places like Friendship Square, East City Park or at a house. He said Wednesday’s psalm sing was also a fitting way to show that residents want a return to normalcy in the face of COVID-19.

“We wanted to make a statement we’re ready to head back to normal,” Zornes said. He said it is time to start pushing back against “largely groundless” laws — referencing the mask order — that are being passed and enforced without giving heed to what residents want.

The church made no secret of its plans, so the city was prepared to do battle with anyone who showed up for the event. It began by painting social-distancing circles in the city hall parking lot. Police then stood by to catch offenders, which wasn’t difficult since most attendees weren’t wearing masks or keeping their distance from each other.

Five people were cited and charged with misdemeanors, each of which “carries a maximum punishment of six months in jail and a \$1,000 fine,” noted the *Daily News*. Two of the five were arrested for allegedly resisting or obstructing an officer. Deacon Gabriel Rench was arrested, but not charged, for allegedly refusing to identify himself to police.

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Moscow Police Chief James Fry told the *Daily News* the mask-order citations were the first ones his department had issued.

On January 8, under legal pressure from the Thomas More Society, the city’s legal department asked the court to dismiss the charges against the five who had been cited. In a [press release](#), the city explained that while the Moscow City Code allows the mayor to issue public-health emergency orders, it also states that “‘Unless otherwise specifically prohibited by a Public Health Emergency Order,’ any and all expressive and associative activity that is protected by the United States and Idaho Constitutions,



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including speech, press, assembly, and/or religious activity[,] is exempt.”

In other words, whether one considers the “psalm sing” a worship service, a political protest, or both, it was clearly permissible, without restrictions, under the city code.

“The city of Moscow, Idaho, appears to have been so anxious to make an example of Christ Church’s opposition to their desired COVID restrictions that they failed to follow the mandatory exemptions articulated in their own laws,” Thomas More Society special counsel Michael Jacques said in a [press release](#).

“Mr. Rench and the other worshippers who were arrested had their constitutionally protected liberties violated and their lives disrupted — not only by the inappropriate actions of law enforcement officers, but also by city officials who did not immediately act to correct this unlawful arrest,” Jacques added.

City Supervisor Gary Riedner expressed regret over the “confusion” caused by the city’s failure to include language in its mask order overriding the statutory exemptions but said he was “proud of the City Attorney’s office for discovering the omission, and dismissal of the citations is the right thing to do.”

City Attorney Mia Bautista reminded citizens that the order remains in effect and that violators will be prosecuted. “In addition,” she said, “the Mayor and City Council have directed that staff prepare recommended amendments to Moscow City Code to address” the exemption issue.

The city council is scheduled to vote Tuesday on [amendments](#) that would, among other things, strike the language granting automatic exemptions to constitutionally protected activities, giving the city “emergency” authority over all activities.

Thus, while the victory for Christ Church is welcome, it may well turn out to be Pyrrhic, for it alerted the authoritarians in Moscow to the fact that some things had escaped their grasp — and that, as far as they are concerned, cannot be allowed to stand.



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