



Written by [Michael Tennant](#) on April 20, 2020

Kentucky Church Sues Governor Over Coronavirus Order Enforcement

A Kentucky church is suing Governor Andy Beshear (shown) for enforcing his anti-gathering orders against its congregation on Easter Sunday.

On Good Friday, Beshear, a Democrat, issued a [press release](#) stating that “Kentucky State Police will be recording the license plate numbers of any vehicle seen at” in-person church services, after which “local health officials” would require the owners to “self-quarantine for 14 days.”



Despite the fact that the very next day a federal judge [enjoined the mayor of Louisville](#) from enforcing Beshear’s orders against a drive-in service at On Fire Christian Center, Beshear proceeded to have state police appear at the Maryville Baptist Church on Easter and not only record the license plate numbers of all cars in the parking lot but also place a notice on each car informing the owner that the occupants of the car were in violation of Beshear’s orders.

According to the [lawsuit](#), filed Friday in U.S. District Court in Louisville, Maryville Baptist held an in-person Easter service in its 700-seat sanctuary, which only a few people, who practiced social distancing, attended. Most congregants remained in their cars, listening to the service on outdoor loudspeakers. Nevertheless, police posted notices on every car in the parking lot, regardless of whether it was occupied, including vehicles belonging to members of the media, who are supposedly exempt from Beshear’s orders.

“Kentucky State Police did not enter the church building at Maryville Baptist Church, did not verify that any occupant of any car in the parking lot was actually inside the church building, and did not witness the social distancing and hygiene practices employed by Maryville Baptist Church inside its building on Easter Sunday,” reads the complaint. “The Kentucky State Police placed its notice on cars in the church’s parking lot solely because it was a parking lot associated with their targeted religious gathering.”

Owners of the offending cars received a follow-up letter advising them to self-quarantine for 14 days following the service. “The mandatory quarantine letter,” says the suit, “purports to require each member of the household to sign an acknowledgement of the mandatory requirements of the quarantine, including reporting a daily temperature reading to the Bullitt County Health Department, not going to work, school, church, or any public place, and not traveling outside Kentucky or Bullitt County without government approval — all on pain of enforcement actions by ‘public health authorities.’”

The plaintiffs in the case, who are being represented by Christian legal organization Liberty Counsel, argue that they “have been explicitly targeted, singled out, and punished for participating in a religious or ‘faith-based’ gathering” at the same time as other large gatherings in supermarkets and liquor stores were permitted to occur. Indeed, Beshear’s actions — issuing the press release and then ignoring the



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judge's finding that his orders are unconstitutional — make it clear that he was out to get Easter churchgoers.

The plaintiffs also charge that they “have been stigmatized and subjected to adverse employment action ... including immediate furlough” as a result of Beshear's enforcement actions.

They argue that Beshear's orders are unconstitutional for a variety of reasons. First, they interfere with people's rights to freedom of speech, assembly, and religion, and they violate the 14th Amendment's guarantee of equal protection under the law. They also constitute the creation and suspension of law by the governor, yet the Kentucky constitution grants such powers only to the legislature, and the U.S. Constitution guarantees each state “a republican form of government,” which precludes executive law-tampering.

“Churches have a constitutional right to meet and the First Amendment does not disappear during a crisis,” Liberty Counsel founder and chairman Matt Staver said in a [press release](#). “Governor Beshear has clearly targeted this church and violated these church members' religious freedom.”

The plaintiffs asked the court to issue a temporary restraining order preventing Beshear from enforcing his orders against churchgoers and ultimately to declare the orders unconstitutional.

Beshear told the [Lexington Herald-Leader](#) Saturday he is “not concerned about the lawsuit,” and perhaps his optimism is justified: That same day, a federal judge [denied the restraining order request](#).

Even if the church's lawsuit fails, though, Beshear isn't out of the woods. Three Maryville Baptist congregants are separately [suing](#) him over the same incident.



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