



Written by [Bob Adelman](#) on October 22, 2020

Two Colorado Churches Win Court Reprieve From Governor's COVID Mandates

Two Colorado churches — the Denver Bible Church and the nearby Community Baptist Church in Brighton — [gained a reprieve last week](#) from U.S. District Judge Daniel D. Domenico. The churches sued Colorado Governor Jared Polis in August over his COVID-related restrictions that were overly vague and applied unevenly between the churches and secular establishments.

Domenico's reason was constitutionally sound in granting the churches a temporary restraining order against Polis:

The Constitution does not allow the State to tell a congregation how large it can be when comparable secular gatherings are not so limited, or to tell a congregation that its reason for wishing to remove facial coverings is less important than a restaurant's or spa's....

The First Amendment does not allow government officials, whether in the executive or judicial branch, to treat religious worship as any less critical or essential than other human endeavors. Nor does it allow the government to determine what is a necessary part of a house of worship's religious exercise.

Judge Domenico noted that the governor's mandates were applied unevenly, to the disadvantage of the churches: "With each exception Colorado makes for secular institutions, the failure to make the same exemption for houses of worship becomes increasingly problematic."

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When Mat Staver, founder and chairman of Liberty Counsel, a non-profit law firm that works to defend state incursions into institutions protected by the First Amendment, heard of the decision by Domenico, he was delighted: "This is a major win for places of worship, the First Amendment, and the people. [His ruling] really underscores what we've been arguing from the very beginning."

Staver is defending Andrew Wommack Ministries, which operates Charis Bible College in Woodland Park, Colorado. The facility has room for 5,100 students and in early October the ministry held a ministers' conference there, attended by at least 1,000 people. This greatly exceeded Polis' mandate that no more than 175 people may gather in one place, and each must practice social distancing and wear face masks. Teller County and the state of Colorado moved to force Wommack to end the



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conference, but by the time all the legal motions were made, the conference had ended. At this writing no fines have been levied on the ministry for failing to follow the state's edicts.

Nor were any fines or sanctions applied when the ministry held a week-long family Bible conference back in early July.

At last count 73 federal court cases have been brought and decided since April, with mixed results, said Staver. But each of them has a common theme: religious and nonreligious gatherings are not being treated equally under various states' mandates.

Reporting on the Wommack Ministries' case the *Colorado Springs Gazette* noted:

The problem, Staver said, is that some nonreligious uses that churches or religious organizations might provide are not restricted on capacity. Sheltering the homeless, feeding the hungry, offering nonreligious counseling, providing unemployment services and other "necessities of life" can occur at facilities in unlimited numbers and with social distancing practices in place.

But "as soon as an activity translates to a religious gathering — prayer, worship, Bible study, meetings, conferences — the limitations kick in," he said.

"Why is one treated differently?"

Colorado is one among only 20 states that still impose COVID-related restrictions.



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