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PASTORS SUE IDAHO FOR CRIMINALIZING HISTORICAL AMERICAN RELIGION WITH “STAY-HOME ORDER”

BOISE, Idaho - On April 30, two pastors and a congregant filed a complaint in federal court against Idaho Governor Brad Little and Director of Idaho Department of Health and Welfare Dave Jeppesen, to declare the “Stay-Home Order” of the Idaho Governor unconstitutional as it applies to churches and religious gatherings.

The 30-page complaint alleges 13 violations of the U.S. Constitution, Idaho Constitution, federal statute, and Idaho statute. Plaintiffs are represented by an Idaho law firm, Boyles Law PLLC, and the nationwide tax defense firm The MacPherson Group, LLC.

“There is a self-evident constitutional problem when beer, wine, whiskey, guns, and abortions are permitted in Idaho (see Section 8 of the Stay-Home Order), but an ordinary Sunday church service, the same as has been practiced since the Pilgrims arrived here, is illegal,” the complaint alleges.

Boyles and the MacPhersons allege that, “the Stay-Home Order has been interpreted by local law enforcement such that most churches have

closed and most religious gatherings have ceased, and those that continue do so under actual threat of intervention by local and state law enforcement.”

Even though the Governor has begun to “reopen Idaho,” the Order still discriminates against religious activities, considering them as not “essential,” though religious freedom is a fundamental right, both under Idaho law and federal law.

The aim of the lawsuit is to have the Order struck down as unconstitutional and send the message that no government official should ever even consider attacking such fundamental constitutional rights. The Governor prohibited church services during Lent and Easter, and there is concern that he will prohibit church services again during Advent and Christmas, should the virus flare up again as some predict. The complaint points out that in 1964 the U.S. Supreme Court “rejected the notion that the Fourteenth Amendment applies to the States only a watered-down, subjective version of the individual guarantees of the Bill of Rights.”

Boyles Law represents clients on a wide array of constitutional issues including religious discrimination under the 1st Amendment. Since 1978, The MacPherson Group has focused on federal and state tax defense, both civil and criminal, including representing churches and pastors before IRS and on 1st Amendment and 5th Amendment Due Process matters. The lawsuit along with more information can be found at <https://www.beatirs.com/macpherson-defends-constitution>.