



# How the Supreme Court's 2020 Ruling in *Calvary Chapel Dayton Valley* Affects Churches and Ministries

## **CALVARY CHAPEL DAYTON VALLEY V. STEVE SISOLAK, GOVERNOR OF NEVADA, ET AL.**

In *Calvary Chapel Dayton Valley*, the Supreme Court declined to provide emergency relief to a Nevada church that was being treated worse than similarly-situated businesses in COVID-19 regulations. The Court's ruling does not end the church's case; it simply declined to halt Nevada's unequal treatment of the church while the case continues in lower federal courts.

Alliance Defending Freedom represents Calvary Chapel Dayton Valley as the church requests equal treatment and respect for its religious freedom at the U.S. Court of Appeals for the Ninth Circuit. In this case, the church is addressing discrimination in the Governor's orders that allow casinos and other organizations to operate at half of their in-person capacity but restricts churches to 50 persons regardless of the size of the church facility. So if a casino and a church both have a capacity of 2,000, the casino can entertain 1,000 gamblers while the church can host only 50 worshippers. Such discriminatory treatment is unconstitutional as it treats religious organizations worse than non-religious organizations that host large gatherings.

## **WHAT PROTECTIONS AGAINST UNEQUAL TREATMENT EXIST FOR CHURCHES AND MINISTRIES?**

The Supreme Court majority did not give any reason for denying Calvary Chapel Dayton Valley emergency relief from the unequal treatment it was experiencing. In dissent, Justices Thomas, Alito, Gorsuch, and Kavanaugh gave many reasons why the church should win. If the case reaches the Supreme Court again, the church will have the opportunity to defend its rights with significant Supreme Court precedent in its favor.

The Constitution does not allow the government to disfavor religious speech. The Supreme Court discussed the dangers of viewpoint discrimination in the ADF case *Reed v. Town of Gilbert*, where it ruled that government officials in Arizona could not treat temporary church signs worse than temporary political signs. Such unequal treatment is not allowed under the First Amendment. This reasoning may be applied to Calvary Chapel Dayton Valley or others who are prevented from reaching people with God's word at church services while commercial speech at casinos and mass protests in the streets abound. Churches, who have a religious message, cannot be treated worse than casinos or protests.

Additionally, in 2017, the Supreme Court ruled in ADF's *Trinity Lutheran* case that the government cannot treat religious organizations worse than similarly-situated organizations when it comes to providing public benefits like grants. And, in 2020, the Supreme Court expanded on *Trinity Lutheran* when it ruled in *Espinoza* that states cannot deny religious schools access to tax credits based solely on their religious status. Both of these cases illustrate that government laws and regulations cannot treat religious organizations worse than secular organizations. The same understanding should apply when it comes to COVID-19 regulations – churches should not experience greater restriction than casinos.

## WHAT QUESTIONS STILL REMAIN AFTER THE CALVARY CHAPEL DAYTON VALLEY RULING?

Because the Supreme Court did not address the underlying facts of the *Calvary Chapel Dayton Valley* case in its ruling about emergency relief, and because applications for emergency relief are subject to much higher standards, the core questions still remain:

- Can states treat religious activity worse than other, similarly-situated activities?
- Is the government able to suspend constitutionally protected activity in the midst of a pandemic, in favor of activity that is not explicitly protected (i.e. gambling)?
- How much can the government infringe on the preeminent right of religious freedom?
- Can protests of any nature be treated better than Church messages?

## WHAT CHALLENGES ARE AHEAD FOR CHURCHES AND MINISTRIES?

Churches and ministries continue to face government regulation that treats their religious activity worse than similar (but non-religious) activity. Because the Supreme Court did not stop such anti-religious discrimination in Nevada, litigation continues in lower courts.

It is troubling that the government can target places of worship with unfair restrictions, as states have done across the country. This is cause for future concern. When the government believes it has the power to ban singing in church, drive-in church services, or worship services that comply with all neutral safety precautions, religious freedom is in jeopardy.

## WHAT IF MY CHURCH OR MINISTRY NEEDS LEGAL HELP?

If your church or ministry is treated worse than similarly-situated secular organizations, please contact us immediately by [requesting legal help here](#). We recommend seeking legal advice before responding in any manner.

To request legal help, follow these three easy steps:

- (1) Go to the [legal intake form](#).
- (2) Fill out [the form](#), and in the “Brief description of your legal situation” section, state that you are an ADF Church Alliance or ADF Ministry Alliance member requesting consultation on a legal matter.
- (3) After you submit this form, an ADF attorney will contact you about your legal matter.



## WHAT CAN MY CHURCH OR MINISTRY DO BEYOND LEGAL PREPARATION?

Many have rejected the importance of local churches. Believers and non-believers alike need to be reminded of the beauty of the Church, its role in spreading the Gospel, and its impact on the culture at large. Church is essential, and we can all do our part to remind others of that fact.

*Members of ADF Ministry Alliance and ADF Church Alliance can access this and many other resources within the members-only website.*

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1-800-835-5233  
ADFLegal.org