

Lawsuit seeks to block Idaho restrictions due to virus

by KEITH RIDLER Associated Press | Friday, May 1st 2020



Idaho Capitol (Tom Barnes)

BOISE, Idaho (AP) - Three northern Idaho residents have filed a federal lawsuit challenging statewide restrictions ordered by Gov. Brad Little due to the coronavirus, saying it violates their religious freedoms.

Two religious leaders and a churchgoer filed the lawsuit Thursday against Little and Idaho Department of Health and Welfare Director Dave Jeppesen.

The lawsuit targets Little's stay-at-home order as unconstitutional and specifically cites restrictions on religious gatherings. That order expired Thursday and was replaced by one that allows church gatherings, but still requires social distancing.

But attorneys said Friday the remaining restrictions on churches remain unconstitutional and they plan to request a temporary restraining order to have them lifted.

They also said they're concerned Little could reinstate the stay-at-home order should Idaho see a spike in infections and deaths due to the virus.

"To dictate that we may not worship by gathering together means we actually can't worship," said Nathan MacPherson, an attorney who filed the lawsuit and who also lives in northern Idaho.

He said it wasn't exactly clear how the lawsuit might affect other types of gatherings, such as in movie theaters. He said the lawsuit was filed specifically for religious gatherings.

Scott Graf, spokesman for Attorney General Lawrence Wasden, said his office had no comment.

Wasden has previously said Little's stay-at-home order to limit the spread of the coronavirus is legal and clearly defined by law. In a release, he also said that both the director of the Department of Health and Welfare and local public health districts have authority to issue quarantine and isolation orders.

Josh Jones, Michael Gulotta and Scott Herndon filed the lawsuit. Jones is a pastor at Laclede Community Church in Laclede. Gulotta is a pastor at Grangeville Christian Reformed Church in Grangeville. Herndon is a Sagle resident who attends church. Herndon in 2018 ran unsuccessfully in the Republican primary for a state Senate seat.

MacPherson said worshipers will likely respect social distancing requirements as a matter of safety, but that the government shouldn't be allowed to dictate such requirements to religious groups. He also took issue with churches not being considered essential under Little's stay-at-home order.

"How can something that is a fundamental constitutional right not be essential?" he said. "It's just mind-blowing that a government official would make such a distinction."

Idaho had its first confirmed coronavirus infection on March 13, and within three weeks another 1,000 people had been infected with the virus spreading through a community in central Idaho and highly populated southwestern Idaho. Little responded with an emergency declaration on March 13 and on March 25 issued a

statewide stay-at-home order for Idaho's 1.75 million residents that also shut down nonessential businesses.

Little on Thursday allowed the five-week stay-at-home order to expire, and put in place Friday the first of his four-stage plan to recover from the economic damage caused by the virus. Each stage lifts restrictions as long as there isn't a second wave of infections.

On Friday, Idaho had more than 2,000 confirmed cases with at least 60 deaths due to the virus, according to a tally by Johns Hopkins University.

For most people, the coronavirus causes mild or moderate symptoms, such as fever and cough, that clear up in two to three weeks. But it can cause more severe illness, including pneumonia, and death for some people, especially older adults and people with existing health problems.