

## The *Calvary Chapel Dayton Valley* Case

**Case Name:** *Calvary Chapel Dayton Valley v. Sisolak*

**Case Action:** Appealed to U.S. Court of Appeals for the 9<sup>th</sup> Circuit

**Significance:** Whether the government should be able to treat churches worse than it treats casinos, gyms, and indoor amusement parks.



**Background:** Calvary Chapel Dayton Valley, a church in rural Dayton, Nevada, has been prevented from holding anything approximating its normal religious services since Governor Sisolak imposed COVID-19 restrictions. The church waited for restrictions to lift, but when Gov. Sisolak prioritized secular businesses, such as casinos, over churches, it was a clear violation of the First Amendment. Gov. Sisolak's reopening plan allows casinos, gyms, amusement parks, and more to operate at 50% capacity, while churches are limited to a maximum of 50 people, regardless of their buildings' size or any health and safety precautions they implemented. For instance, a casino with a capacity of 2,000 could entertain 1,000 patrons while a church of the same size could host only 50. Alliance Defending Freedom attorneys are asking courts to uphold the First Amendment and guarantee that churches are not treated worse than similarly situated gatherings of people.

### Key Points

- Public officials have the authority to protect health and public safety, but the First Amendment—including the free exercise of religion—is never suspended.
- If people are able to gather in other spaces, the government should not play favorites and treat churches differently.
- Churches and their ministries are desperately needed during this pandemic to help serve those who are suffering.
- It is always wrong for government officials to treat churches worse than other businesses and organizations.

### Key Facts

- Casinos, restaurants, theme parks, and gyms are allowed to operate at 50% capacity, but churches are restricted to 50 or fewer people regardless of the size of the building or safety precautions taken.
- If the churches do not follow the 50-person limit, they are subject to criminal and civil penalties.
- Governor Sisolak has favored secular assemblies over religious organizations by implementing these policies and has violated the constitutional right to free exercise of religion, free speech, and the right to peaceably assemble.
- Calvary Chapel Dayton Valley developed comprehensive health and safety measures which included social distancing but was still not allowed to operate at the same capacity as other secular spaces.

**The Bottom Line:** Even during a pandemic, the government cannot treat religious organizations differently than secular organizations because the First Amendment is never suspended.