Minnesota’s ‘Essential’ Churches

By: The Editorial Board
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Tim Walz has seen the light. Or at least the First Amendment.

On Wednesday evening, we broke the news that Catholic and Lutheran leaders in Minnesota, working with the Becket Fund for Religious Liberty, had sent a letter to the Minnesota Governor saying they would reopen their churches this week—without his permission. By Thursday, when the editorial appeared in print, the Governor was meeting with the church leaders. On Friday President Trump said churches were “essential” services and that he would “override” Governors who kept them closed.

By Saturday all parties agreed to an accommodation allowing churches to hold in-person services starting this Wednesday, provided they follow health guidelines such as limiting services to 25% capacity. What changed Mr. Walz’s mind? No doubt he recognized the bad politics of trying to enforce an arbitrary law against people going to church.

President Trump lacks the power to override a Governor’s orders. But his Justice Department can intervene with amicus briefs, and it has been rightly arguing that the First Amendment forbids treating churches differently from other institutions. The federal Sixth Circuit Court of Appeals has overturned a similar rule by the Kentucky Governor. Mr. Walz probably recognized that a court would rule that he too was violating the First Amendment’s religious-liberty protections.

Gov. Walz could have had this deal and avoided the bad PR if he’d shown more good faith from the start. Meantime, we can welcome the accommodation as a sign that political and religious leaders can find ways that protect people from Covid-19 while also honoring the Constitution.