



**United States Senate**  
MAJORITY LEADER  
WASHINGTON, D.C. 20510

April 9, 2020

The Honorable Greg Fischer  
Mayor of Louisville  
527 West Jefferson Street  
#600  
Louisville, KY 40202

**DELIVERED VIA EMAIL**

Dear Mayor Fischer:

The public health and economic crises caused by COVID-19 have presented unprecedented challenges for state and local officials. I am committed to working with you to protect the health and welfare of our constituents in Louisville.

During any crisis, it is important that we continue to respect and protect the constitutional rights of our citizens. I write to you today to urge you to do everything you can to protect one of the rights dearest to our shared constituents—the right to freely exercise their religion.

It is my understanding that you are prohibiting Christian churches from holding drive-in services in church parking lots for Easter Sunday—the holiest day on the Christian calendar—irrespective of whether those services strictly comply with Centers for Disease Control (CDC) guidelines for mitigating the transmission of COVID-19. But, to my knowledge, the government has not imposed similar wholesale bans on gatherings of people in vehicles for commercial purposes—including large, heavily trafficked retail operations, grocery stores, and many others.

The Supreme Court has repeatedly made clear that the First Amendment prohibits the government from singling out people and businesses for disfavored treatment merely because they are religious. *See, e.g., Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (citing *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 533, 542 (1992)). Kentucky law further prohibits the government from limiting the free exercise of religion by anything other than the least-restrictive means necessary to achieve the government’s important objective. *See* Ky. Rev. Stat. Ann. § 446.350. When the government permits people in vehicles to gather in parking lots for secular purposes but prohibits them from doing so for religious purposes, it raises the specter that the government is singling religious people out for disfavored treatment. It further suggests that a flat prohibition on religious gatherings that are strictly complying with CDC guidelines is not the least-restrictive means necessary to mitigate the spread of COVID-19.

Let me be clear: I believe churches should be following CDC guidance on mitigating the transmission of COVID-19, and support temporary government regulations consistent with that guidance. Religious organizations share the national responsibility to fight the disease’s spread. The reports of churches

meeting in open defiance of CDC guidelines and thereby contributing to the spread of the disease are troubling and disheartening. I do not support those irresponsible gatherings.

But religious people should not be singled out for disfavored treatment. As we all unite to fight COVID-19, Kentuckians, like all Americans, are relying on their faith communities for comfort and guidance, particularly during the holy seasons of Easter and Passover. The government should not flatly prohibit religious gatherings that comply with CDC guidelines unless it has no other choice to stop COVID-19. And given that the government permits gatherings of people in vehicles in parking lots for commercial purposes, I believe the government has means to stop the spread of COVID-19 short of a flat ban on gatherings of people in vehicles for religious purposes. I therefore urge you to permit religious gatherings that carefully and strictly comply with CDC guidelines for combating the spread of COVID-19.

Thank you for your leadership in this crisis. Please join me in safeguarding both the health and constitutional liberties of all Kentuckians.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch McConnell", with a long, sweeping underline.

MITCH McCONNELL  
MAJORITY LEADER

MM/af