



Written by [Bob Adelman](#) on May 6, 2020

Trump Nominates Justin Walker to D.C. Circuit Court of Appeals

On April 3, President Trump nominated District Judge Justin Walker (shown) to fill a vacancy on the Washington, D.C., U.S. Court of Appeals.

On April 11 Walker [proved in spades](#) why he is qualified for the promotion.

His credentials are impressive: He earned his Bachelor of Arts, summa cum laude, from Duke University; he earned his Juris Doctor, magna cum laude, from Harvard University; he interned for Senate Majority Leader Mitch McConnell; he served as a law clerk to then-Judge Brett Kavanaugh while he served on the same court to which Trump has just appointed him; and he defended Kavanaugh during the travesty of his confirmation "hearings," giving 119 interviews to a hostile media.



But Walker showed his true mettle [when he ruled](#) that the Mayor of Louisville, Kentucky, stepped way out of line in his efforts to quash the spread of the COVID-19 virus.

On the Tuesday before Easter, Louisville Mayor Greg Fischer banned all religious services, even if worshippers remained in their cars. On that Thursday, Fischer expanded on his edict:

We are not allowing churches to gather either in person or in any kind of drive through capacity.

Ok so, if you are a church or you are a churchgoing member and you do that, you're in violation of the mandate from the governor, you're in violation of the request from my office and city government to not do that.

We're saying no church worshiping, no drive-throughs.

In case that wasn't clear enough of a threat, Fischer continued on Good Friday:

In order to save lives, we must not gather in churches, drive-through services, family gatherings, social gatherings this weekend.

If there are gatherings on Sunday, Louisville Metro Police Department will be there on Sunday handing out information detailing the health risks involved, and I have asked LMPD to record license plates of all vehicles in attendance.

We will share that information with our public health department, so they can follow up with the individuals that are out in church and gathering in groups, which is clearly a very, very unsafe practice.

On Fire Christian Center filed suit, asking for a decision before Easter. On the day before Easter,



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Walker granted a temporary restraining order:

On Holy Thursday, an American mayor criminalized the communal celebration of Easter.

That sentence is one that this Court never expected to see outside the pages of a dystopian novel, or perhaps the pages of *The Onion*. But two days ago, citing the need for social distancing during the current pandemic, Louisville's Mayor Greg Fischer ordered Christians not to attend Sunday services, even if they remained in their cars to worship — and even though it's Easter.

The Mayor's decision is stunning.

And it is, "beyond all reason," unconstitutional.

Walker's [20-page memorandum](#) is worth reading in its entirety. But here are the salient parts:

The COVID-19 pandemic has upended every aspect of our lives: how we work, how we live, how we celebrate, and how we mourn. We worry about our loved ones and our nation. We have made tremendous sacrifices. And the Constitution is not "a suicide pact."...

Constitutional rights still exist.

Among them is the freedom to worship as we choose.

The brief history at the outset of this opinion does not even scratch the surface of religious liberty's importance to our nation's story, identity, and Constitution.

But mindful of that importance, the Court believes there is a strong likelihood *On Fire* will prevail on the merits of its claim that Louisville may not ban its citizens from worshipping — or, in the relative safety of their cars, from worshipping together.

Walker noted that his issuance of the temporary restraining order would enrage some people, and hoped that his lengthy review of America's history as a Christian nation would provide some explanation and background for it.

But the Christians of *On Fire*, however,

owe no one an explanation for why they will gather together this Easter Sunday to celebrate what they believe to be a miracle and a mystery.

True, they can attempt to explain it. True, they can try to teach. But to the nonbeliever, the Passion of Jesus — the betrayals, the torture, the state-sponsored murder of God's only Son, and the empty tomb on the third day — makes no sense at all. And even to the believer, or at least to some of them, it can be incomprehensible as well.

But for the men and women of *On Fire*, Christ's sacrifice isn't about the logic of this world.

Nor is their Easter Sunday celebration. The reason they will be there for each other and their Lord is the reason they believe He was and is there for us. For them, for all believers, it isn't a matter of reason; finally, it's a matter of love.

The D.C. Circuit court is often referred to as the "second-highest" court in the land and a stepping-stone to the Supreme Court. In fact, four of the current Supreme Court Justices — John Roberts, Clarence Thomas, Ruth Bader Ginsburg, and Brett Kavanaugh — all served on the D.C. Circuit court bench before being nominated to the Supreme Court.

Speaking of Ginsburg, it has just been learned that the elderly justice has suffered another health



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challenge — a gallbladder issue that was resolved “without surgery.”

Photo: AP Images

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American, writing primarily on economics and politics. He can be reached at badelman@thenewamerican.com.



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