

New York Church Challenges State Ban on Firearms in Houses of Worship

First Liberty Institute, Clement & Murphy, and Ganguly Brothers challenge law adopted by NY legislature just days after Supreme Court struck down numerous state restrictions on firearms

Rochester, NY—First Liberty Institute and the law firms Clement & Murphy PLLC and Ganguly Brothers PLLC filed a federal lawsuit against the state of New York challenging the state’s prohibition on firearms at houses of worship. The suit was filed on behalf of His Tabernacle Family Church, a nondenominational Christian church in Horseheads, New York, founded by Pastor Micheal Spencer.

You can read the complaint [here](#).

Erin Murphy, Partner at Clement & Murphy said, “No American should be forced to sacrifice one constitutionally protected freedom to enjoy another. Houses of worship have a constitutionally protected freedom to decide for themselves whether to allow otherwise legally possessed firearms into their facilities.”

“Singling out houses of worship for total disarmament demonstrates hostility toward religion, leaves them defenseless to rebuff violent attacks, and defies at least two recent Supreme Court rulings against New York. Religious leaders are no less qualified than secular business owners to determine whether to allow carrying a firearm for self-defense, and New York should end its defiant assault on First and Second Amendment freedoms,” added Jordan Pratt, Senior Counsel at First Liberty Institute.

In late 2020, the Supreme Court issued its opinion in *Roman Catholic Diocese of Brooklyn v. Cuomo*, chiding New York for singling out religious groups and restricting how they worship in violation of the First Amendment. And in June 2022, the Court issued its opinion in *New York State Rifle & Pistol Association v. Bruen*, invalidating New York’s unprecedented effort to limit individuals’ ability to carry a firearm outside the home. Just days later, New York enacted expansive new laws restricting the carrying of firearms outside the home, including a total ban on carrying in houses of worship. New York now imposes criminal liability on any person who carries a firearm into a place of worship regardless of whether that person possesses a license to carry a firearm under New York law, and regardless of whether the religious community would prefer to authorize congregants to carry a firearm. Secular business owners, by contrast, are allowed to choose for themselves whether to allow firearms on their premises.

“Those decisions,” the complaint states, “should have taught New York to proceed with extreme caution where First or Second Amendment rights are at stake going forward. Instead, the state recently doubled down on its rights-denying tendencies—by infringing two fundamental liberties at the same time. New York now puts houses of worship and religious adherents to an impossible

choice: forfeit your First Amendment right to religious worship or forfeit your Second Amendment right to bear arms for self-defense.” The complaint adds, “New York’s attempt to force houses of worship and their parishioners to choose between their First Amendment rights and their Second—an outlier policy shared by no other state in the Nation—stands as an act of defiance to the Supreme Court’s recent and emphatic holdings protecting *both*.”

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About First Liberty Institute

[First Liberty Institute](#) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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