

Tony Perkins: Religious Liberty Means COVID-19 Restrictions Cannot Target Churchgoers

Fellowship is to Christianity as air is to the body. It is not just a social nicety, something secondary or even frivolous. Followers of Christ are called to a shared life in their Lord in spiritual community. Not to be in communion with others is to see your spiritual life begin to atrophy.

That's one of the reasons COVID-19 has been difficult for so many. Friendship in Christ is about being able to gather for worship, teaching and prayer. It is the simple act of being with others who claim Jesus as their Savior. Not assembling together has disrupted not just the rhythms of ordinary life but the needs of believers' souls.

Christians across the country have tried many innovative ways to stay connected while honoring the government's rules about large gatherings. We've gotten used to "virtual" church, courtesy of online streaming services. Some churches have gone to "parking lot" worship—driving to their houses of worship to listen to their pastors preach from makeshift podiums and just say a "6-foot hello" to people they know and love.

Churches are also reaching out by opening food banks, providing meals to health care providers and creating hotlines for people feeling depressed or frightened by the danger of COVID-19. Churches like the Church of the Highlands in Birmingham, Alabama, have even opened up virus testing sites in their church's parking lot.

These sincere efforts to maintain their fellowship and witness while abiding by the law have also brought some controversy.

Last month, the city of Greenville, Mississippi, fined attendees at one such service at Temple Baptist Church \$500 per person. Their crime? Sitting in their vehicles and listening through their car radios to their pastor speak.

This decision, whatever its motive, makes no sense, especially since the drive-in restaurant just down the street from the church had people in their cars eating their dinner and listening to their radios.

That's why the U.S. Department of Justice swung into action. In the words of Attorney General William Barr, "even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers." On April 14, Mr. Barr filed a statement of interest on behalf of Temple Baptist. The city of Greenville has dropped the fines, but it is still preventing people from meeting—in their cars, with the windows rolled up and no close social interaction.

Another example of overreach came in Wake County, North Carolina, where local officials banned drive-through Communion and offerings. They changed course when lawyers with the Alliance Defending Freedom wrote them explaining how "illogical" it is to say church giving is unsafe but exchanging money in a grocery store or other businesses isn't. ADF's Ryan Tucker wrote, "We support the efforts of public officials to prioritize health and safety," but, he said, it's "unconstitutional to apply government orders in a way that singles out churches for harsher treatment."

To clarify things, the Justice Department is taking a close look at how to protect our First Amendment liberties while ensuring public well-being. The attorney general has assigned an assistant attorney general "to oversee and coordinate our efforts to monitor state and local policies and, if necessary, take action to correct them." As Mr. Barr said in the

memorandum issuing this decision, “the Constitution is not suspended in times of crisis. We must therefore be vigilant to ensure its protections are preserved, at the same time that the public is protected.”

This effort to balance our historic freedoms with our present needs is not some extreme demand that local and state governments let people meet at will. It’s designed to make sure people of faith are not discriminated against. If you can wander through a big-box retailer with a couple of hundred others, why can’t you sit in your family car on a Sunday and listen to a sermon? Putting it pretty simply, religious liberty doesn’t stop when a virus starts.

President Trump’s three-phase plan for “Opening Up America Again” offers a common-sense plan for “large venues,” including such things as “sit-down dining, movie theaters, sporting venues (and) places of worship.” The Trump administration is not advocating we suddenly resume precoronavirus life. It’s advancing a well-thought-out agenda to return a country of roughly 330 million people to the normal pace of the life we’ve always lived.

Family Research Council has developed some ideas about how faithful worshippers can begin to meet again while keeping social distance and following best practices. For example, don’t pass offering plates. Instead, collect tithes and offerings in a box or basket near the door or at the back of the sanctuary. And encourage online giving.

And don’t hand around things like church bulletins or sermon outlines. Make sure ushers are wearing gloves. Put up hand-sanitizing stations. Keep checking out what the Centers for Disease Control and Prevention are saying.

But one thing we can’t allow is the singling-out of houses of worship for some kind of extra penalty. In FRC’s recent publication, “Restrictions on Religious Freedom During the

Coronavirus Crisis,” we argue that “to comply with the Constitution, it is imperative that the government does not target and single out religious gatherings or activities for restriction during the coronavirus response.”

“Our community with one another consists solely in what Christ has done” for us, wrote theologian Dietrich Bonhoeffer in his classic book, “Life Together.” “We have one another only through Christ, but through Christ we do have one another, wholly, for eternity.”

Christians have one another always but need fellowship to be reminded of their common Lord and common work in the world. Let’s defend ourselves from disease but also keep upholding the religious liberty that’s a lifeblood of our country. {eo}

(Tony Perkins is president of the Family Research Council and is an ordained Southern Baptist pastor. The views expressed in this commentary do not necessarily reflect those of Religion News Service.)

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