

California Churches Want to Quarantine Governor Newsom

Liberty Counsel filed a reply for the emergency injunction pending appeal to the 9th Circuit Court of Appeals on behalf of Harvest Rock Church and Harvest International Ministry against Gov. Gavin Newsom's unconstitutional discriminatory worship restrictions.

After five reprimands from the U.S. Supreme Court, Newsom responded on Monday to Liberty Counsel's lawsuit that "mandatory limits on attendance are no longer imposed on houses of worship." However, there are still restrictions on singing and chanting, and Newsom wants the freedom to reinstate the same unconstitutional restrictions.

After removing all capacity restrictions on churches this past Monday, Newsom filed his brief at the 9th Circuit. He notes that the capacity restrictions were removed because of the court cases, but he clearly wants to reimpose them.

His brief notes that the "Blueprint" would be lifted by June 15 only if "hospitalizations remain low and all state residents 16 and older have access to the vaccine." The governor states it is unlikely he resurrects the previous restrictions "any time soon." In fact, in his own statement, Newsom explicitly stated that he maintains "the option to revisit the June 15 date if needed."

This case is still pending at the 9th Circuit Court of Appeals requesting that the district court ruling be reversed. Unless there is a judicial declaration that Newsom has acted unconstitutionally, there is nothing keeping him from changing his mind again, whether in this crisis or any future crisis. In addition, the high court has stated three times in recent church cases that modification of limits on religious worship

services do not moot claims for injunctive relief against such restrictions.

The Supreme Court has also affirmed that it is a constitutional violation when some secular gatherings are treated better than religious gatherings. For example, Newsom's new guidance permits religious worship services to include "performers" (but not congregants in the audience) to engage in singing, chanting and similar vocalizations during indoor services. They are subject to a masking requirement in all tiers of the "Blueprint" and a limit of 10 vocal performers and enhanced distancing in Tier 1. Yet there is preference to music, film and television studios because there are no numerical restrictions placed upon singing and chanting.

On April 9, the U.S. Supreme Court granted an emergency injunction pending appeal in *Tandon v. Newsom* and ruled that Gov. Newsom's restrictions on home Bible study and worship violate the First Amendment.

On Feb. 6, 2021, the U.S. Supreme Court ruled in favor of Harvest Rock Church and Harvest International Ministry by enjoining California's total ban on indoor worship. This was the second time Liberty Counsel appealed to the high court on behalf of these churches. The ruling also included South Bay United Pentecostal Church.

Liberty Counsel founder and chairman Mat Staver said, "Gov. Gavin Newsom still wants to return to his unconstitutional restrictions to silence the churches despite five reprimands from the U.S. Supreme Court. Gov. Newsom must be permanently quarantined so that he never imposes unconstitutional restrictions on churches." {eo}

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