

California Governor's Ban on Worship and Home Bible Studies Faces Legal Challenge

Liberty Counsel filed a lawsuit in federal court seeking a temporary restraining order and preliminary injunction on behalf of Harvest Rock Church and Harvest International Ministry against Governor Gavin Newsom's unconstitutional COVID-19 orders prohibiting all indoor worship services, including home Bible studies and fellowship, while encouraging mass gatherings of protesters throughout the state.

On March 19, 2020, Gov. Newsom issued an executive order and public health order that "directed all Californians to stay home except to go to an essential job or to shop for essential needs," which includes a total prohibition on religious worship services, regardless of the number attending or whether social distancing and personal hygiene practices were followed, including attendance at in-home worship services. The governor does not consider religious services "essential" so people cannot leave their homes to go to church or to other homes for a Bible study.

On May 25, the governor issued "Guidance for Places of Worship and Providers of Religious Services and Cultural Ceremonies" which stated: "Places of worship must therefore limit attendance to 25% of building capacity or a maximum of 100 attendees, whichever is lower." It also indicated that religious worship services would only be permitted after "a county public health department's approval of religious services."

On July 1, the governor issued revised "worship guidance" that imposed mandatory requirements such as "Places of worship must therefore discontinue singing and chanting activities and

limit indoor attendance to 25% of building capacity or a maximum of 100 attendees." It also restricts churches to hold outside services to the number of people where "strict physical distancing measures of a minimum of 6 feet between attendees of different households" could be managed. Thus, the governor imposed numerical restrictions on even outdoor worship services in California.

On July 6, 2020, the governor issued yet another revised "Worship Guidance" document which states unequivocally: "Places of worship must therefore discontinue singing and chanting activities and limit indoor attendance to 25% of building capacity or a maximum of 100 attendees."

On July 13, 2020, Gov. Newsom announced that the counties appearing on the California Department of Health's County Monitoring List would be required to return to Stage 1 and must close all indoor operations. This includes churches, as worship services would no longer be permitted in those counties. The July 13 Public Health Order also stated that counties would be monitored to see if additional counties would be placed on the list, which is currently more than 30 counties, or 80 percent of the population.

However, while discriminating against churches and worship services, the governor has proceeded multiple times to encourage thousands of protesters to gather throughout the state without any safety precautions or criminal sanctions. For example:

—May 31, 2020 — Gov. Newsom released an official statement praising and encouraging the protesters in California to continue to gather in large numbers despite the flagrant violation of his orders. He said: "We have seen millions of people lift up their voices in anger, rightfully outraged . . . Every person who has raised their voice should be heard." He continued, "I want to thank all those ... who exercised their right to protest peacefully."

–June 1, 2020 – Gov. Newsom held a press conference in which he expressed appreciation and gratitude for the thousands of protesters gathering in the streets in California in violation of his own orders. In response to the weekend violence Newsom said, “You are right to feel wronged. Those that want to express themselves and have, ‘Thank You! God bless You. Keep doing it.’”

–June 5, 2020 – Gov. Newsom not only continued his support for mass protests that continually disregard his orders, but he said new standards should be applied for such protests. He continued his encouragement of willful violations of his orders by stating: “Protesters have the right not to be harassed ... Protesters have the right to protest peacefully. Protesters have the right to do so without being arrested.”

–June 6, 2020 – Thousands of protesters assembled in Sacramento, right outside the governor’s office, in blatant violation of the governor’s orders, and no criminal citations or threats were made against them for their violation of the orders.

–June 7, 2020 – Approximately 100,000 protesters, rioters and looters were permitted to gather in Los Angeles in close proximity without any threat of criminal sanction for violating the governor’s orders.

In the Q&A section posted on the California government website, , under the “Are Gatherings Permitted” section, it states:

“State public health directives prohibit professional, social and community gatherings. Gatherings are defined as meetings or other events that bring together persons from multiple households at the same time for a shared or group experience in a single room, space, or place such as an auditorium, stadium, arena, large conference room, meeting hall, or other indoor or outdoor space... Crowds and limited physical

distancing increase the risk for COVID-19. If you attended a protest, remember that confidential, free testing is available. Find a testing location near you. If you test negative it does not mean that you may not develop COVID-19 later on. Therefore, it is advisable that you self-isolate for 14 days if possible.”

And, to the question, “Can I attend church,” it states: “indoor services in places of worship must be discontinued.” To the question, “Can I practice my religious faith,” the state says, “in-person religious gatherings ... have been restricted...”

However, in response to the question, “Can I engage in political protest gatherings,” California officials state: *“Yes, although in-person protests present special public health concerns. ... In particular, activities like chanting, shouting, singing, and group recitation negate the risk-reduction achieved through 6 feet of physical distancing.* For this reason, people engaging in these activities should wear face coverings at all times. Therefore, it is strongly recommended that those exercising their right to engage in political expression (including, for example, their right to petition the government) should utilize alternative channels, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings. However, state public health directives do not prohibit in-person outdoor protests as long as you maintain a physical distance of 6 feet between persons or groups of persons from different households at all times.” (emphasis added). {eoa}

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