

California Is Only State With Complete In-Person Worship Ban

The U.S. Supreme Court is set to rule on behalf of Harvest Rock Church and Harvest International Ministry's pending emergency injunction pending appeal against California Governor Gavin Newsom's unconstitutional worship ban and discriminatory treatment.

Liberty Counsel represents the California churches that are now waiting for the high court's decision. This is the second time Liberty Counsel has appealed to the Supreme Court on behalf of these churches.

California has the most severe restrictions in the nation on places of worship with its total ban on in-person worship. All but six states have abandoned numerical caps on worship and only one state—California—bans indoor worship entirely. Only six states and the District of Columbia employ numerical caps that apply regardless of a facility's size. Two of these six states, New York and Connecticut, cannot enforce their caps following the Second Circuit's recent precedential decision invalidating New York's 10- and 25-person caps. Of the four remaining states with numerical caps, Maine limits in-person worship to 50 persons, New Jersey to 150 and Rhode Island to 125. Washington, D.C., caps indoor religious gatherings at 250 persons.

The 'No Worship' Timeline for California

March 19 – May 25: No worship.

May 26 – July 12: 25% capacity but no more than 100 people.

July 13 – Present: No worship for over 90% of California.

Therefore, except for 48 days where worship was allowed at 25% capacity but not more than 100 people, this *no worship* ban has been in place for 318 days as of Feb. 1, 2021. Since August, Pastor Ché, staff and parishioners face *daily* criminal charges

of one year in jail and \$1,000 in fines every day that Harvest Rock Church remains open.

The 9th Circuit Court of Appeals granted the injunction pending appeal for Tiers 2-4 of Newsom's "Blueprint" but denied it for Tier 1 and the Regional Stay-at-Home Order. Tiers 2-3 placed a 100- and 200- person cap on all houses of worship despite the size of the building. Tier 1 bans *all worship* in houses of worship. The three-judge 9th Circuit panel for Harvest Rock Church said it was bound to follow the recent panel decision in *South Bay United Pentecostal Church v. Newsom*, which was released on Jan. 22. Before the Supreme Court, the churches challenge the restrictions in Tiers 1-4 since they all violate the First Amendment by affording much more favorable treatment to hundreds of so-called "Critical Infrastructure" compared to places of worship. Hundreds of categories are exempt from the capacity or numerical caps.

Last year, the U.S. Supreme Court granted an emergency petition for an injunction pending appeal on behalf of New York City synagogues and Roman Catholic churches in *Roman Catholic Diocese of Brooklyn v. Cuomo* and *Agudath Israel v. Cuomo*. On Dec. 3, 2020, the high court granted the petition by Harvest Rock Church and Harvest International Ministry, setting aside all the lower court orders and directing them to follow its ruling in *Roman Catholic Dioceses*. When the lower courts refused to strike down California's restrictions, the case returned to the Supreme Court.

Liberty Counsel founder and Chairman Mat Staver said, "We are waiting for the high court to end Gov. Gavin Newsom's executive edicts banning worship. California is the *only* state with a complete ban on worship. The high court has already issued the Constitutional roadmap, but Gov. Newsom refuses to comply." {eo}

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