

Pentecostal Church Seeks Court Intervention to Save Christmas Services

Attorneys from the Thomas More Society filed an emergency injunction with the 9th Circuit Court of Appeals Tuesday, asking the federal court to allow South Bay United Pentecostal Church to hold Christmas services without fear or threat of repercussion.

California's governor has banned indoor worship for 99.9% of the state.

Mere hours before the Christian holy day of Christmas, the U.S. District Court for the Southern District of California refused to overturn its earlier order denying the church relief against Gov. Gavin Newsom's COVID-19 prompted discrimination. The refusal came despite instructions from the 9th Circuit to revisit the case in light of recent U.S. Supreme Court rulings that upheld religious rights in similar cases.

The church in Chula Vista, California, has been fighting for the right to hold unrestricted indoor worship, something the governor has criminalized. As the clock ticks toward the worldwide celebration of the birth of Jesus Christ, Newsom continues to enforce edicts that are not within his legitimate power to issue.

The South Bay motion emphasizes that the Supreme Court has clearly reinforced the seminal decision that "even in a pandemic, the Constitution cannot be put away and forgotten. The restrictions at issue here, by effectively barring many from attending religious services, strike at the very heart of the First Amendment's guarantee of religious liberty."

“It was for this reason,” says Charles LiMandri, partner at LiMandri & Jonna LLP and special counsel for the Thomas More Society, “that the 9th Circuit—following the Supreme Court’s recent rulings in *Harvest Rock Church v. Newsom* and *Roman Catholic Diocese of Brooklyn v. Cuomo* remanded the South Bay matter to the district court. The high court decisions in favor of religious liberty presented a seismic shift in the landscape—including the current abuses of gubernatorial power that are currently oppressing Americans from coast to coast.”

“Despite the seismic shift, this district court has apparently failed to detect even a tremor affecting its prior errant decision denying South Bay injunctive relief from California’s total ban on indoor worship,” says LiMandri.

South Bay United Pentecostal Church’s Bishop Arthur Hodges III observed the enormous gap between California’s almost total prohibition of in-person worship and the state’s permissive embrasure of the film industry.

“Judge Cynthia Bashant actually cited ‘music, film and TV production’ as among essential services permitted to operate indoors, while denying churches the same consideration,” says Hodges. “In essence, California is barring us from holding indoor worship, but if Hollywood was making a movie and pretending to hold indoor worship, that would be okay.”

Without relief from the court, South Bay’s best option might be to turn Christmas 2020 worship into a movie production set and bring on the film crew. {eoa}

The Thomas More Society is a national not-for-profit law firm dedicated to restoring respect in law for life, family and religious liberty. Headquartered in Chicago, Omaha and Fairfield, NJ, the society fosters support for these causes by providing high quality pro bono legal services from local trial courts all the way up to the U.S. Supreme Court.