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May 21, 2020

The Honorable Governor Phil Murphy  
Office of the Governor  
225 West State Street  
Trenton, NJ 08625

**Re: Urgent Request to Allow Churches to Reopen and Provide Essential Services  
to New Jersey Residents**

Dear Governor Murphy:

Please be advised that this office represents many pastors of the State of New Jersey led by Almighty God to preach the Word of Jesus Christ to New Jersey residents. The pastors' right to preach to their congregations is enshrined in the United States and New Jersey Constitutions. So too is the right of each and every New Jersey resident to attend church and gather with other like-minded people to worship God if they choose to do so. All people, those of faith or not, are encouraged to attend church as pastors seek to serve all people in the name of Jesus.

The names of each affected pastor and the churches they serve is attached as Exhibit A. On their behalf, we respectfully urge you to modify prior Executive Orders deeming churches "nonessential". We further ask that you allow churches to reopen their physical doors so the people of New Jersey can once again worship God in accordance with their conscience and sincerely held religious beliefs. They have been precluded from doing so for more than eight weeks. Pastors understand the State's health and safety protocols respecting social distancing and sanitization and would, of course, abide by such requirements in resuming in-person church services.

***New Jersey Residents Deprived of First Amendment Right to Worship for More Than Eight Weeks***

The urgency of our plea cannot be overstated. Put simply, by the stroke of your pen, Governor, with no legislative deliberation or consideration by the people, you single-handedly closed the doors of every church, temple, and other house of worship in the entire State of New Jersey. In doing so, you have – and continue to – deprive thousands of New Jersey residents of their First Amendment right to assemble and worship God. Such an act in the absence of a pandemic would be unconscionable. But even in the midst of one, such an act is not only pernicious to the public good, but unconstitutional to the core. "Any state

action that **unduly burdens the free exercise of religion** violates the First Amendment.” *Thomas v. Review Bd. Indiana Emp. Sec. Div.*, 450 U.S. 707 (1981) (emphasis added).

The First Amendment to the United States Constitution provides that “Congress shall make no law [. . .] prohibiting the free exercise [of religion].” U.S. Const. Amend. I. That prohibition is equally applicable to state and local government authorities. Hence, under our nation’s highest authority, every New Jersey resident has a constitutionally protected right to gather corporately with others to worship God and to do so without government interference. Likewise, the sacred nature of the right to worship is enshrined in New Jersey’s Constitution. Our State Constitution prescribes: “***No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience...***”. N.J. Const. Art. I, par 3 (emphasis added). The New Jersey Constitution specifically protects the **manner** of worshipping Almighty God. This fundamentally includes the right to gather and assemble – in person – as a church body.

Notably, the preface to the New Jersey Constitution recognizes the debt we owe to Almighty God for our civil and religious liberty. The preface states:

**We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution.**

As our State Constitution acknowledges, and you agreed to uphold in your Oath of Office, New Jersey continues to look for God’s blessings as it carries out its governmental affairs.

### ***Churches Are Not “Businesses” But at Minimum Are “Essential”***

As a threshold matter, houses of worship such as churches should not be relegated to the category of “business” – essential or not. Houses of worship warrant separate and independent consideration given the sacred constitutionally protected activity that takes place inside. Should your high office choose to proceed with characterizing churches as “businesses” – their constitutional character notwithstanding – at minimum churches should be designated “essential.” No other designation passes constitutional muster.

However, any Executive Order which imposes restrictions that essentially commands churches (no matter the denomination or form of worship) how to worship – online or drive-in – is prohibited because the First Amendment to the U.S. Constitution prohibits government from prescribing the *form* or *manner* of worship. Again, specifically to New Jersey, “No person shall be deprived of the ***inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience...***”. N.J. Const. Art. I, par 3. As the United States Department of Justice declared recently written in a COVID-19-related case: “There is no pandemic exclusion... to the fundamental liberties the Constitution safeguards.”

“[T]he protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons.” *Church of the Lucuma Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993). “A law lacks facial neutrality if it refers to a religious practice without a secular meaning discernable from the language or context.” *Id.* at 533. Here, you have categorically banned Churches from holding services on their own property while permitting liquor stores to be open along with big-box stores, gas stations, hardware stores, pet stores, banks, laundromats, printing and office supply shops, and permitting elective abortions to take place. Respectfully, Churches are far more life-sustaining as many on your list of “essential” services in Executive Order 107. “The principle that government, in pursuit of legitimate interests, cannot in a

selective manner impose burdens only on conduct motivated by religious belief is essential to the protection of the rights guaranteed by the Free Exercise Clause.” *Id.* at 543.

Put simply, by designating churches “nonessential” and barring Churches from opening their doors, your Executive Orders restrict speech and trigger strict scrutiny of the purported governmental interest justifying the restraint. The State cannot remotely satisfy that rigorous standard. As such, your Orders declaring houses of worship “nonessential” are unconstitutional. We therefore urge you to reconsider your Orders, and permit churches to re-open their doors so that the people of the State of New Jersey can worship God as they are instructed by conscience to do without fear or threat of fines or imprisonment.

### ***The State May Not Restrict Religious Speech***

Religious speech is protected under the First Amendment. *See Widmer v. Vincent*, 454 U.S. 263, 269 (1981); *Lovell v. City of Griffin*, 303 U.S. 444 (1938). And the State may not restrict private speech on private property, religious or otherwise, without satisfying strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). Unlike a trip to Lowe’s or Costco, church services consist entirely of protected expression and speech. Churchgoers worship God, fellowship with other believers, participate in Biblical ordinances and rites. Above all, churchgoers pray. Since this pandemic began, the community of the faithful have been unable to gather as a corporate body to pray for the removal of COVID-19 from our community, for the healing of those afflicted by the virus, for the protection and wisdom of our leaders and government, and for the physical and emotional well-being of everyone in our State. Watching a screen or “drive-in” services is not what fellowship and worship mean. And “virtual” worship precludes us from following our Biblical and God-given mandate to join with fellow believers and worship together.

### ***The Fourteenth Amendment Prohibits States from Depriving Citizens of Equal Protection of the Laws***

Section 1 of the Fourteenth Amendment of the United States Constitution states that: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” And “if a law ‘impinges upon a fundamental right explicitly or implicitly secured by the Constitution [it] is presumptively unconstitutional.’” *Mobile v. Bolden*, 446 U.S. 55, 76 (1980). The government is not empowered to command under criminal or civil penalties religious worshippers *when* and *how* they should worship including barring them from in-person worship. Indeed, this is a sacred right that preexisted government and supersedes any gubernatorial dictate. The Constitution of the United States of America and our New Jersey Constitution protect these inalienable rights. The shutdown of Churches must end.

### ***New Jersey Flattened the Curve and Yet Crushing Restrictions on Liberty Remain***

At first, when COVID-19 appeared, your office expressed the need to take quick and decisive action. The State “shutdown” was intended to “flatten the curve” to avoid overwhelming our health care and hospital systems. Now, as healthcare systems reportedly have the management of COVID-19 well in hand, you have issued additional Executive Orders intended by their terms to alleviate prior restrictions. Notwithstanding these efforts to “relax” prior restrictions, churches are still unable to open their doors to worshippers.

The most you have permitted is for worshippers to honor God in corporate worship by sitting in their cars by offering a sort of “drive-in style” church service. (*See* Executive Order No. 142, issued May 13, 2020). Your Order requires congregants to remain in their cars during the worship service, with windows closed, unless the car is at least six feet away from the next car, in which case the congregant may open their

window. The Order states: “[a]ttendees participating in the gathering must arrive in a vehicle and they must remain in that same vehicle during the entire gathering” Significantly, drive-in worship services unfairly discriminates against low-income and minority families in urban communities. Churches that serve these communities frequently lack parking lots to accommodate church-goers. Even further, many congregants in these communities do not own cars. By allowing “drive-in church” only, the Governor’s Order will have a disparate impact on these communities who – more than eight weeks into the shutdown – have been denied the ability to participate in anything other than “virtual” church, to the extent even that is possible.

Constitutional law has generally permitted the Governor to respond to emergencies without the need for legislative approval. But the Governor’s emergency powers are premised on the inability to secure legislative approval given the nature of the emergency. In the case of a pandemic, which lasts month after month, you cannot rely on emergency powers indefinitely nor do so at the expense of each New Jersey resident’s fundamental liberty.

### *Conclusion*

For all the reasons expressed in this letter, we urge you to deem churches “essential” and permit them to open their doors and allow people to gather and worship Almighty God as you currently permit other “essential” businesses to operate. As followers of Christ, we seek to vindicate our constitutional liberties peacefully and amicably. However, if we do not hear from you favorably by May 27, 2020, we plan to file the attached Verified Complaint for Injunctive Relief in the federal District Court of the State of New Jersey. On behalf of people of faith throughout the state, we pray you will take this opportunity to uphold the United States and New Jersey Constitutions and allow those who wish to attend in-person church services, to do so.

Respectfully submitted,

*Demetrios K. Stratis*

Demetrios K. Stratis

DKS:dp

enclosures

<b>Church Name</b>	<b>Location</b>	<b>Pastor's Name</b>
Abudant Life Worship Center	Lincoln Park	Fran Schornstein
Abundant Grace Church	Rutherford	Rev. Steve Hannett
Abundant Life Church	Ocean View	Rev. Walter Nistorenko
Abundant Life Church	Ocean View	Rev. Anna Nistorenko
Bridgeton Assembly of God	Bridgeton	Rev. Hector Medina
Calvary Baptist Church	Columbus	Rev. John Grove
Calvary Chapel	Jamesburg	Rev. Joe DeProssimo
Calvary Chapel - Mercer	Ewing	Rev. Gregg Downs
Calvary Chapel of Marlton	Marlton	Rev. Bill Luebke
Calvary Hill Church	Glassboro	Rev. Brent Galbreath
Chestnut Assembly of God	Vineland	Rev. Tony Cotto
Chestnut Assembly of God	Vineland	Rev. Barbara Bybel
Christ Fellowship	Seaville	Rev. Andrew Surace
Christian Equippers International	Long Beach Island	Rev. Craig Fasler
Church of Grace and Peace	Toms River	Rev. Walter Healy
Coastal Christian Ocean City	Ocean City	Rev. Matthew Stokes
Corbin City Baptist Church	Corbin City	Rev. Randall G. Hooper
Cornerstone Bible Church	River Vale	Dr. David Hansen
Cornerstone Christian Church	Hunterdon	Rev. Keith Harris
Crossroads Fellowship	Pleasantville	Rev. Mat Mouliert
Deerfield Presbyterian Church	Bridgeton	Rev. Dr. Kenneth C. Larter
Emmanuel Community Church	Bayville	Rev. Donald Meckley
Evangel Assembly of God	Mays Landing	Rev. Ron Gallina
Fairton Christian Center	Fairton	Rev. Ken Corson
First Baptist Church of Bridgeton	Bridgeton	Rev. Alexander Saar
Freedom Church	Oak Ridge	Rev. Steve Wolosin
Fresh Start Church	Egg Harbor	Rev. Tim Chambers
Gatekeepers Intl	Pennsauken	Rev. Joel Fisher
Gatekeepers Intl	Pennsauken	Rev. James Treadwell
Gospel Tabernacle	North Bergen	Rev. Joseph Santos
Grace Bible Church	North Haledon	Rev. Donald Harris
Grace Bible Fellowship	Bayonne	Dr. Jack White
Grace Reformed Church	Jersey City	Rev. Sam Perez
Hammonton First AG	Hammonton	Rev. Jim Rovaggi
Harbor Bible Church	Laurence Harbor	Rev. Bradford Winship
High Street Worship Center	Burlington	Rev. Paul Spuler
Hope Center	Jersey City	Rev. Mario Gonzalez
Hope Church	Wantage	Rev. Paulo Freire
House of Praise Ministries	Swedesboro	Rev. Steve Burton

Iglesia Cristiana Avivamiento Pentecostal	Jersey City	Rev. Jose C. Lopez
Impact Church	Burlington	Rev. Alex McCormick
International House of Prayer EG	Cranford	Rev. Gary DePasquale
ITM More than Conquerors	Lakewood	Rev. Thomas Simpson, Sr.
Jersey Shore Calvary Chapel	Point Pleasant Beach	Rev. John Durante
Life Church	Williamstown	Rev. Jamie Morgan
Living Faith Bible Church	Brick	Rev. Alex Peredina
Living Hope Assembly of God	Vineland	Rev. Ken Seher
Mainland Assembly of God	Linwood	Rev. Sam Pack
Marsha Mansour Ministries	South Plainfield	Rev. Marsha Mansour
New Beginnings Bayville	Bayville	Rev. Matthew Huber
New Beginnings Church	Brick	Rev. Joe Sorce
New Beginnings Church	Wall	Rev. Joe Cappabianca
New Beginnings Community Church	Pennsauken	Rev. Tim Concancon
New Hope Fellowship	Whiting	Rev. Dino Rosato
New Life Assembly	Egg Harbor	Rev. Kevin Bernat
New Life Church	Millville	Rev. Richard Myers
Praise Tabernacle	Egg Harbor	Rev. Steve Rahter
Riverlution Worship Center	Riverside	Rev. Ken & Karen Lightfoot
Riverside Assembly of God	Jersey City	Rev. John Paul Mansour
The Central Baptist Church	Millville	Rev. Louis E Spyes Jr
The Love Center	Atlantic City	Rev. Wong Young
The Summit Church of Bergen County	Hackensack	Rev. Bill von Husen
Trinty Evangelical Free Church	Teaneck	Rev. Phil Brainerd
True Colors Apostolic Center	Toms River	Rev. Kelly McCann
True North Church	Mullica Hill	Rev. Jesse Eisenhart
United Remnant Ministries	Riverside	Dr. George Rivera
Williamstown Assembly of God	Williamstown	Rev. Harry Warner