

Guidance for Churches and Religious Institutions Facing Coronavirus Restrictions on Gathering

The Coronavirus Pandemic has motivated some state officials to impose restrictions on the gathering of large numbers of people in one place at a time, including in a house of worship. Unlike other, voluntary restrictions self-imposed by organizations such as the NCAA or the NBA, these state-mandated restrictions carry the power of law, violating them may lead to legal consequences.

Church and state have an opportunity to work together to reduce the impact of the virus on our communities while encouraging calm and preserving liberty. We offer the following guidance:

1. **Religious institutions should continue to serve their local communities.** America's churches and religious institutions have played a central role in caring for their local community throughout history. Whether that is through acts of mercy, providing shelter, or simply being a source of encouragement and peace in times of crisis, America's religious institutions should continue to be source of strength through service to their local community, especially as their communities may be particularly burdened during this pandemic.
2. **Temporary, evenly applied restrictions may be permissible.** Government may not substantially burden the free exercise of religion unless it has a compelling reason for doing so, and even then it must use the least burdensome approach that achieves that compelling interest. Temporary action to reduce the spread of a global pandemic is almost certainly a compelling reason, so long as the government is not treating religious institutions unfairly compared with how it treats other comparable gatherings.

For instance, if state officials require churches to ensure that each service has no more than 250 persons, but officials do not require a nearby theater to do likewise, the state may have engaged in religious discrimination.

3. **Extraordinary state action to limit the peaceful gathering of American citizens must be temporary.** Permanent restrictions on the peaceful assembly of American citizens—and especially those gathered to exercise their religion—violate the U.S. Constitution and are not permissible.

As they have throughout history, churches and America's religious institutions will play a key role in providing care during this global pandemic.