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Government

South Bay United Pentecostal Church v. Newsom, 2020

The case began on May 11th, 2020 during the height of the Covid lockdowns. The state of California and lovely Governor Newsom had ordered that no church meet in person until further notice and the South Bay United Pentecostal Church decided to follow a lower court order stating that churches *could* gather in person. During the time in which the case was pending, California loosened some restrictions allowing for churches to meet in person as long as they had a 25% capacity or less. This did not satisfy the church, rightfully so, and they sought for a broad order to exempt them from California’s power, they appealed to the Supreme Court. There had been a lot of anger around the state “orders” shutting down churches without our consent, the people said the state government was being tyrannical. The people did not mind as much that the government was requiring masks to be worn as long as they would still be allowed to meet, but having churches shut down completely was not acceptable.

The issue of law (First Amendment right to assemble and freedom to practice religion) was that big corporations like Target, Walmart, etc, could still have hundreds of people coming and going into their stores and that was perfectly OK, but as soon as you said you were going to church, that was blocked by the government. In 1990, the Employment Division v. Smith Supreme Court case, stated that people of faith must still obey the “neutral” state laws of “general applicability.” However, small business and churches were held to the laws of “general applicability” but mainstream companies were not. The Supreme Court heard the case because churches and other religious institutions maybe subjugated to the same rules as everyone else, but **they cannot be singled out for inferior treatment according to the law**. The order to shut down churches was made because it “was not safe for them to practice their religion in person,” but the government should not be allowed to arbitrarily say what is and is not safe for a religion to do especially when big businesses were not held to the same rules.

The final decision was made on May 15th, of course, in favor of the state shutting down churches in a 5-4 ruling. Justice John Roberts, who claimed to be conservative, said: “although California’s guidelines place restrictions on places of worship, those restrictions appear consistent with the Free Exercise Clause of the First Amendment.” So they looked away from big businesses and struck down the churches when they were clearly wrong. Justice Brett Kavanaugh dissented but to no avail, saying: “The basic constitutional problem is that comparable secular businesses are not subject to a 25% occupancy cap, including factories, offices, supermarkets, restaurants, retail stores, pharmacies, shopping malls, pet grooming shops, bookstores, florists, hair salons, and cannabis dispensaries.” Kavanaugh is right and Roberts blatantly lied when he said the rules are consistent, but when you have corrupt government officials there is only so much you can do.

The reasoning behind the tyrannical order was that they were doing it for “our safety” and we should thank them for “keeping us safe.” It had never been up to the government before to decide what is safe and what is not for our daily lives on a level like this and it is sad that churches were discriminated against with the Supreme Court backing it up. We have the freedom, or at least should have the freedom, to decide for ourselves what is risky and what is not, otherwise we do not truly have freedom. In their opinion, grocery stores are essential because people must by food. Yet they fail to understand that for some of us, practicing our religion is also essential. If the government denied you the ability to go to the store to buy food, people would be mad. By the same logic, the government cannot deny you the ability to practice your religion.