

Why We Did Not Close Sunday Services

By Pastor John C. Butler

I have been asked by several people in our local area why our church fellowship did not cancel our regular Sundayworship services. Rather than repeat the reasons to each person day by day, I thought it better to write this response so all could have a clear understanding and not confuse something I said.

First, let the reader know this: the choice not to suspend services was mine alone. I am the Pastor/President of our congregation and I am responsible. We have a Board of Trustees and Elders as well as many faithful Deacons (servers), but I am the one who made this decision.

The simple reason is that we were not required to shut down services. We function under the authority of God's Word as well as the United States Constitution and the Constitution of the Commonwealth of the State of Pennsylvania. The highest law in the land is the United States Constitution. All state constitutions are subordinate to that supreme governance.

The Federal Government has made no law prohibiting assembly. They cannot make such a law without amending the Constitution. The First Amendment to the Constitution says that *"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

Congress has made no such law. Neither has the President of the United States issued an Executive Order ordering a prohibition of assembly. That would be unconstitutional. In conjunction with the above, state governors cannot issue orders that violate the Federal Constitution, and they know it. Additionally, even though the State cannot "prohibit free exercise of religion" or churches from assembling, Wings of Love Community Church (WLCC) is/was **EXEMPT** under the Governor's Order as written.

The Governor of Pennsylvania has issued several orders that can be seen on the website PA.gov. The documents are public statements of the Orders by the Governor and the Secretary of Health. (Note: These "orders" changed week to week for almost a year.) Please read them so you can know first-hand what they say. Do not trust the media interpretations of these statements. Read them yourselves and you will understand the issue accurately.

In the "Stay at Home Order" there are "**EXEMPTIONS**" and "**Additional Guidance**" for the application of the Order. The following groups are **exempted** from the **ORIGINAL** Order:

- Health care or medical service providers. [Hospitals and doctors]
- Access to life-sustaining services for low-income residents, including, but not limited to, food banks. [Grocery stores and take-out food and food banks]
- Access to childcare services for employees of life-sustaining businesses that remain open as follows: child care facilities operating under the Department of Human Services, Office of Child Development and Early Learning waiver process; group and family child care operating in a residence; and part-day school age programs operating under an exemption from the March 19, 2020 business closure Orders. [PA government sanctioned daycares]
- The news media. [Journalists, reporters, media, etc.]
- Law enforcement. [Police of all levels – State and Local]

- The federal government. [Federal Employees – Marshalls, Judges, FBI, Military etc.]
- Religious institutions. [Churches, Synagogues, etc.]

WLCC is exempted under points two and seven of the Order. We are a “Religious Institution” and a food bank. [Note: the bracketed words are mine.]

One week after the **ORIGINAL** order, the Governor issued an addition to the order concerning “Religious Institutions”. Please note *other* institutions’ “Guidance” was not amended, only that of “Religious Institutions”. That portion reads:

- Religious institutions. *However, religious leaders are encouraged to find alternatives to in-person gatherings and to avoid endangering their congregants. Individuals should not gather in religious buildings or homes for services or celebrations until the stay-at-home order is lifted.* [Note: underlining is mine]

This is the current order as of April 10, 2020. Please note: “religious leaders are encouraged”. The Governor knows and understands that he has no authority to issue an order that violates the First Amendment. His statement is carefully crafted to “discourage” meetings and “encourage” religious leaders. However, it never says that assembling is prohibited by law. This is because it would be illegal to do so.

The Governor’s order was reviewed by his counsel (legal team) because of the state-wide scope of its application. If he could prohibit assembly by law, then he could arrest, fine and imprison “religious leaders”. He could also disband these groups so they could never meet again, as the Mayor of New York City has threatened:

‘New York City Mayor Bill de Blasio on Friday, March 27 threatened to “permanently” shut down houses of worship that continue to hold public services in violation of the city’s ban on gatherings of any size.’ (CNA News, March 30, 2020.)

The mayor’s threat, if he attempted it, would violate the United States Constitution. However, the Governor of Pennsylvania has “encouraged”, not ordered. Nowhere in these statements has it been declared “illegal” to go to a church assembly any more than it is “illegal” for the press to publish newspapers or the media produce TV programming.

This is the reason I did not close our Sunday worship celebration services. People who think I am in violation of the law are ignorant of the facts in law. Further, people who surmise that what I am doing is not safe, have no knowledge what is actually happening. These people are judging without correct information and reacting in fear because of media misinformation.

A pastor in Florida was recently arrested for holding Sunday services. The next day, the arresting sheriff read a scathing statement about the pastor on TV. However, the following day the Governor of Florida reversed what the sheriff had done, in effect apologizing and declaring churches “essential”. I am not sure if that will save the State of Florida from the lawsuit that could follow by the sheriff acting outside the law. However, they are not arresting pastors in Florida anymore. This is because the sheriff broke the law. Sheriffs don’t make the law. They enforce the law as passed by the legislature, signed by the Governor and in alignment with Federal and State Constitutions.

Wings of Love Community Church is acting in accordance to both Federal and State Constitutional law. Meanwhile, we are praying for all our neighbors no matter what their opinions are.