

**ASSEMBLY CONCURRENT
RESOLUTION No. 218**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 2, 2021

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman JOHN CATALANO

District 10 (Ocean)

SYNOPSIS

Urges Governor to protect religious liberty during declared state of emergency.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** urging the Governor to protect
2 religious liberty during a declared state of emergency.
3
4 **WHEREAS**, The First Amendment to the United States Constitution
5 prohibits the government from enacting laws which establish a
6 national religion or which benefit one religion over another, and
7 prevents the government from prohibiting the free exercise of
8 religion and the freedom to peaceably assemble; and
9 **WHEREAS**, Our State Constitution prescribes: “No person shall be
10 deprived of the inestimable privilege of worshipping Almighty
11 God in a manner agreeable to the dictates of his own
12 conscience...” (N.J. Const. art. I, par. 3) and hence, the New Jersey
13 Constitution specifically protects the act of, and manner of,
14 worshipping Almighty God; and
15 **WHEREAS**, Rising COVID-19 infections prompted Governor Murphy
16 to declare a state of emergency and announce a Statewide curfew
17 on March 9, 2020 through Executive Order No. 103, and a
18 Statewide stay-at-home-order on March 21, 2020 through
19 Executive Order No. 107; and
20 **WHEREAS**, Churches and houses of worship in New Jersey were
21 restricted through Executive Orders No. 104 and 107 from holding
22 in-person services between March and June 2020 and were open to
23 in-person services, but restricted to varying room capacity limits,
24 between June 2020 and May 2021 in an effort to curtail the
25 COVID-19 pandemic; and
26 **WHEREAS**, Executive Orders No. 104 and No. 107 issued by Governor
27 Murphy deemed certain secular businesses and services such as
28 grocery stores, pharmacies, gas stations, pet stores, and liquor
29 stores, as “essential” and allowed these business to continue
30 operating with few limitations throughout the COVID-19
31 pandemic; and
32 **WHEREAS**, Churches and houses of worship were not deemed
33 “essential” despite the significant public services houses of worship
34 offer such as fund raising, food pantries, shelters, and low-cost legal
35 services, along with a sense of community, unity, and hope houses
36 of worship offer to millions of New Jersey residents, much needed
37 resources during a time of crisis such as the COVID-19 pandemic;
38 and
39 **WHEREAS**, The Supreme Court of the United States has determined on
40 multiple occasions that COVID-19 restrictions imposed by the
41 states of California, Colorado, and New York such as religious
42 household gathering limitations and indoor gathering limits in
43 houses of worship, particularly where houses of worship had more
44 restrictive gathering limits in comparison to similar secular
45 businesses and services deemed “essential”, violated religious
46 freedom as guaranteed by the First Amendment to the United States
47 Constitution; and

7 **WHEREAS**, Restrictions on religious gatherings in New Jersey during
8 the COVID-19 health emergency potentially violated certain
9 unalienable rights protected by the Constitution of the United
10 States, and in light of these violations, the Governor of New Jersey
11 should protect religious liberty during a state of emergency; now,
12 therefore,

17 1. The Legislature of the State of New Jersey respectfully urges
18 the Governor to protect religious liberty during a declared state of
19 emergency.

Religious liberty is protected by the United States Constitution and the New Jersey Constitution. The First Amendment to the United States Constitution prevents the government from prohibiting the free exercise of religion and the freedom to peaceably assemble and the New Jersey Constitution specifically protects the manner of worshipping Almighty God. The Supreme

1 Court of the United States determined that certain COVID-19
2 restrictions in the states of California, Colorado, and New York, in
3 particular indoor gathering restrictions and religious household
4 gathering restrictions, violated religious liberty as guaranteed by the
5 First Amendment. Governor Murphy has utilized his gubernatorial
6 powers aggressively since the beginning of the COVID-19
7 pandemic in ways that have abridged, and not protected, the
8 freedom of New Jersey residents. Restrictions on religious
9 gatherings in New Jersey during the COVID-19 health emergency
10 potentially violated certain unalienable rights protected by the
11 Constitution of the United States, and in light of these violations,
12 the Legislature of New Jersey urges the Governor of New Jersey to
13 protect religious liberty during a declared state of emergency.