SENATE CONCURRENT RESOLUTION No. 155

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

A CONCURRENT RESOLUTION urging the Governor to protect religious liberty during a declared state of emergency.

WHEREAS, The First Amendment to the United States Constitution prohibits the government from enacting laws which establish a national religion or which benefit one religion over another, and prevents the government from prohibiting the free exercise of religion and the freedom to peaceably assemble; and

WHEREAS, 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) and hence, the New Jersey Constitution specifically protects the act of, and manner of, worshipping Almighty God; and

WHEREAS, Rising COVID-19 infections prompted Governor Murphy to declare a state of emergency and announce a Statewide curfew on March 9, 2020 through Executive Order No. 103, and a Statewide stay-at-home-order on March 21, 2020 through Executive Order No. 107; and

WHEREAS, Churches and houses of worship in New Jersey were restricted through Executive Orders No. 104 and 107 from holding in-person services between March and June 2020 and were open to in-person services, but restricted to varying room capacity limits, between June 2020 and May 2021 in an effort to curtail the COVID-19 pandemic; and

WHEREAS, Executive Orders No. 104 and No. 107 issued by Governor Murphy deemed certain secular businesses and services such as grocery stores, pharmacies, gas stations, pet stores, and liquor stores, as "essential" and allowed these business to continue operating with few limitations throughout the COVID-19 pandemic; and

WHEREAS, Churches and houses of worship were not deemed "essential" despite the significant public services houses of worship offer such as fund raising, food pantries, shelters, and low-cost legal services, along with a sense of community, unity, and hope houses of worship offer to millions of New Jersey residents, much needed resources during a time of crisis such as the COVID-19 pandemic; and

WHEREAS, The Supreme Court of the United States has determined on multiple occasions that COVID-19 restrictions imposed by the states of California, Colorado, and New York such as religious household gathering limitations and indoor gathering limits in houses of worship, particularly where houses of worship had more restrictive gathering limits in comparison to similar secular businesses and services deemed "essential", violated religious freedom as guaranteed by the First Amendment to the United States Constitution; and

WHEREAS, Governor Murphy utilized his gubernatorial powers aggressively since the beginning of the COVID-19 pandemic in ways that have abridged the freedom of New Jersey residents when the Governor should have instead utilized his significant powers to protect the fundamental rights of the people of New Jersey during a time of crisis; and

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

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

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

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate or the Clerk of the General Assembly to the Governor and Lieutenant Governor of the State of New Jersey.

STATEMENT

Rising COVID-19 infections in New Jersey prompted Governor Murphy to declare a state of emergency and announce a Statewide curfew on March 9, 2020 and a Statewide stay-at-home-order on March 21, 2020. Churches and houses of worship were affected by the Statewide stay-at-home order and were closed between March and June 2020 for in-person religious services and once re-opened, remained heavily restricted by indoor capacity limits placed by Governor Murphy. Not all secular businesses and services were equally restricted. Many, like grocery stores, pharmacies, and liquor stores were deemed "essential" by executive order and remained open with few or no restrictions. Churches and houses of worship were not deemed "essential" despite the important services they provide New Jersey residents, such as food pantries, homeless shelters, and a sense of community, unity, and hope.

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

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