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THIRTY-THIRD DISTRICT

COMMONWEALTH OF VIRGINIA  
**HOUSE OF DELEGATES**  
RICHMOND

COMMITTEE ASSIGNMENTS:  
TRANSPORTATION  
COUNTIES, CITIES, AND TOWNS  
COMMUNICATIONS, TECHNOLOGY  
AND INNOVATION

April 30, 2020

The Honorable Ralph S. Northam  
Governor of Virginia  
Patrick Henry Building  
P. O. Box 1475  
Richmond, VA 23218

Dear Governor Northam:

**Re: Executive Order Forcing Closure of Places of Worship**

Governor Northam, I have been approached by these faith leaders and asked to communicate their intentions to you through this letter and to request a meeting at your earliest convenience. I have assisted in preparing this letter and agree with its content.

We, the undersigned, find it necessary not just to protest your Executive Order prohibiting religious services in Virginia, but to advise you that as of Sunday, May 3, 2020, we will resume religious services in Virginia using appropriate social distancing and sanitizing strategies. We sincerely hope that you take this opportunity to rescind your ban on religious services prior to Sunday, but we will be attending services beginning in May, irrespective of what you may do.

Initially, at the request of President Trump, we were willing to suspend church services because we believed information about the virus that was widely circulated. President Trump did not issue an order, but rather made a request. Since that time, you, Gov. Northam, have decreed through Executive Orders that our constitutional rights be suspended; you effectively suspended freedom of religion for an indefinite period. Your action is entirely different; it is unacceptable, as it exceeds the authority you have as Governor. Continuing this shutdown of normal religious activity is detrimental to the people of Virginia and must cease. Be advised that we make this statement and form our position knowing it is not only our right, but also our obligation to resume our normal religious activity.

We join together to assert that it is our inherent right to exercise our God-given constitutionally protected right to free exercise of our faith. This right is acknowledged in the First Amendment of the United States Constitution: “*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....*” And, it is recognized in the Constitution of Virginia, Article I, Section 16: “*That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience....*” To be absolutely clear, the free exercise of religion through assembling together is a pre-existing right, not granted by government, but recognized by government. This right should be protected by our Virginia state government, but at the moment, it is being suspended by government.

This right to worship as we see fit has been recognized recently by two federal courts. See *First Baptist Church v. Kelly*, 2020 U.S. Dist. LEXIS 68267 (D. Kansas, April 18, 2020) and *On Fire Christian Ctr. v. Fischer*, 2020 U.S. Dist. LEXIS 65924 (W.D. Kentucky, April 11, 2020). As in *Kelly*, the court in *Fischer* acknowledged that

society and leaders have the strongest of interests in curbing the spread of COVID-19, but held that officials could not discriminate by permitting secular and merely commercial interests such as liquor stores to operate while completely foreclosing on all religious gatherings. *Id.* at \*12-13. The court found that the mayor's lists of prohibited activities were "underinclusive because they don't prohibit a host of equally dangerous (or equally harmless) activities that Louisville has permitted on the basis that they are 'essential.' Those 'essential' activities include driving through a liquor store's pick-up window, parking in a liquor store's parking lot, or walking into a liquor store where other customers are shopping. The Court does not mean to impugn the perfectly legal business of selling alcohol, nor the legal and widely enjoyed activity of drinking it. But if beer is 'essential,' so is Easter." *Id.* at \*13-14.

We acknowledge that the COVID-19 virus is real and must be taken seriously, as with any other illness or infirmity. We further acknowledge that you as the Governor of Virginia have a responsibility to act within the boundaries of your authority, to preserve the health of the people of Virginia. We are as you are, Governor Northam, leaders who take very seriously the health and wellbeing of those we serve. For that reason, when we resume normal religious activity, such activity will be conducted in the same manner other group activities are conducted --- precautions will be much the same as those employed on April 22, 2020, when the General Assembly met for over 10 hours.

We feel entirely comfortable taking responsibility for the health effects of our decision, as statistics maintained by the Commonwealth of Virginia have demonstrated that COVID-19 is not nearly as threatening as the public has been led to believe. As of April 30, 2020, the Virginia Department of Health (VDH) reported the following [COVID-19 statistics](#): 90,843 people tested, 15,180 confirmed cases, 2,313 confirmed hospitalizations, and 543 confirmed deaths. The [VDH Weekly Influenza Activity Report](#), generated April 23, 2020, shows the following flu statistics: 11,883 confirmed cases, and 2,695 pneumonia and influenza-associated deaths during the 2019-20 flu season. The point is that while COVID-19 is very serious, when put alongside 2,695 deaths from ordinary influenza, it does not justify the drastic measures you have imposed.

We are also communicating our position and decision to the Attorney General of the United States, William P. Barr, who has announced that he will defend Americans against intrusions into their constitutional liberties by the Governors of the several states. Attorney General Barr explained in his April 27, 2020, memorandum entitled, "[Balancing Public Safety with the Preservation of Civil Rights](#)": "...the Constitution is not suspended in times of crisis. We must therefore be vigilant to ensure its protections are preserved, at the same time that the public is protected."

Other states are opening at this time, and Virginia must be among those states.

Please use this opportunity to modify your Executive Orders and communicate that change to the public as soon as possible to avoid unnecessary confusion and conflict between you and the People of the Commonwealth.

Signed,



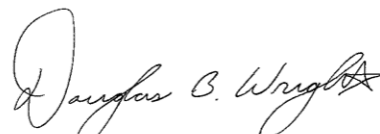
Delegate Dave LaRock  
Virginia's 33<sup>rd</sup> House District



Pastor Jerry Alway, Senior Pastor  
Grace Tabernacle Church, Ashburn, VA



Pastor Travis E. Witt  
Virginia First Foundation



Pastor Douglas B. Wright  
Keystone Baptist Church & Ministries, Berryville, VA



Pastor Bobby Alger  
Crossroads Community Church  
Winchester, VA 22601



Delegate Margaret Ransone  
Virginia's 99<sup>th</sup> House District

Rev. John Collins  
Rocky Mount First Church of the Brethren

Pastor Jimmy McMillan  
Seven Oaks Baptist Church, South Boston, VA

Dennis Smith, Lead Pastor  
Valley Bible Church, Stephens City, VA

Pastor Brent Hockema  
Smith Creek Baptist Church, Timberville, VA

**X**

Pastor John Mark Brothers  
Gill Grove Baptist Church, Chesterfield, VA

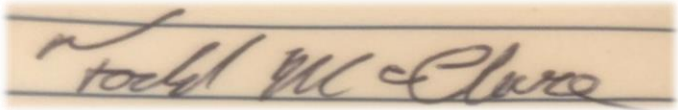


Dr. James W. Baker, Senior Pastor  
Tabernacle Baptist Church Ministries, Va. Beach, VA



Mount  
VICTORY  
BAPTIST CHURCH

Pastor Steve Boots  
Mt. Victory Baptist Church, Glen Allen



Pastor Todd McClure  
Centerville Baptist Church, South Boston, VA