

United States Senate

August 17, 2020

COMMITTEES
APPROPRIATIONS
CHAIRMAN OF
FINANCIAL SERVICES
GENERAL GOVERNMENT
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
JUDICIARY
SMALL BUSINESS AND
ENTREPRENEURSHIP

The Honorable John Bel Edwards
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804

Dear Governor Edwards:

As you know, over the past six months, COVID-19 has rocked our nation and state, exacting a devastating toll on lives and livelihoods. The pandemic has also produced political obstacles that have left people of faith bearing a heavy burden. In some cases, this burden is an unconstitutional one. Given such national upheaval—riots continue, violent crime increases, businesses are closing, and lives are being lost—I believe state, local, and federal governments must protect the right of Americans to gather for worship and prayer. Now more than ever, our nation needs people of faith to come together physically and encourage our communities with words of peace and eternal hope. In short, our churches and other places of worship are and should be considered “essential.” According to your guidance, “essential businesses” do not have uniform capacity limits and instead are trusted to determine individual safety requirements in coordination with the state. Places of worship, therefore, should also be exempt from mandatory capacity limits and their pastors and leaders entrusted to choose the best course of action for their congregations. There is a precedent for this: Protests, another fundamentally American right, are exempt from your capacity limits.

Specifically, I am asking that you extend to all houses of worship the same rules you have extended to “essential businesses” and peaceful protestors. Currently, your Phase 2 order limits places of worship to 50% capacity, even when congregations take incredible lengths to remain socially-distanced and encourage mask-wearing when they gather. As it stands, places of worship that do not follow this restriction face the possibility of fines or forced closure. I have no doubt that the threat of fines and closures weighs heavily on religious leaders who are just trying to provide an essential service to their communities. I trust pastors, priests, and other religious leaders know best how to protect their flocks, and are doing so. I do not believe that government intervention is currently necessary or appropriate.

You have treated public protests as exempt from capacity limits, though no official guidance has designated them as such. Peaceful protests are a constitutional right, as is the freedom of assembly and worship. The state recently cited several churches for violating Phase 2 guidelines. However, there is no indication that protestors have been cited for similar violations. I disagree with this uneven application of Phase 2 guidelines, as I find no reason to assume the best of protestors and patrons of “essential businesses” but the worst of worshippers.

The past six months have tested Louisianians' strength, and every decision on how to move our state forward requires fairness and thoughtfulness. Promoting physical safety and safeguarding constitutional rights is a delicate balancing act. In time, we will prevail over COVID-19. However, we cannot easily restore constitutional rights once they have slipped through our collective grasp. History shows us that, once eroded, the Bill of Rights is permanently weakened. I, therefore, respectfully ask you to treat people of faith by the same standards you have treated protests and "essential businesses" and that you rescind the capacity cap on churches and other places of worship.

Sincerely,

A handwritten signature in blue ink that reads "John Kennedy". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John Kennedy
United States Senator