

Dear Senator Serino and Assemblyman Lalor,

I am Scott Harris, pastor of Grace Bible Church in the town of Wappinger, and also President NY Regional of IFCA International, a statewide fellowship of pastors.

I am writing to ask you and your respective offices for any help you can give, whether directly or by way of advice, to stay and overturn the following section of Governor Cuomo's update to his guidance on his executive orders issued on Thursday, April 9, 2020

(<https://esd.ny.gov/guidance-executive-order-2026>). Without comment on the other ambiguous, confusing and at times contradictory statements in the other parts of that document, the section I am most concerned about is the following:

*Pursuant to Executive Order 202.10, all non-essential gatherings of individuals of any size for any reasons (e.g. worship services, parties, celebrations, or other social events) are canceled or postponed. Congregate services within houses of worship are prohibited. Houses of worship may only be used by individuals and only where appropriate social distancing of, at least, six feet between people can be maintained. Further, individuals should not gather in houses of worship, homes, or other locations for religious services until the end of this public health emergency. If possible, religious leaders should consider alternative forms of worship, replacing in-person gatherings with virtual services, such as phone or conference calls, videoconference calls, or online streaming.*

This is a blatantly unconstitutional declaration on several levels. While the governor may have the right to place restrictions on society during a declaration of an emergency, he does not have the right to single out religious activities. 1) Government restrictions are to be fair and equitable in their application, and 2) Such restrictions are to be done in the least restrictive manner possible. He specifically singles out houses of worship and uses the most extreme measures instead of giving a directive to follow medical protocols for reducing the spread of an infectious disease. I would have no issue if it was the latter, but it is a very serious matter to treat houses of worship differently and to make such draconian edicts.

Houses of worship are not entertainment centers, restaurants, pubs or any of the other entities with which we seem to have been included (at least not for those whose purpose is still the worship of God). We have our own and unique function within society in ministering to the spiritual needs of people. Those needs are essential despite the Governor's opinion. We are innovative and will find ways to minister to the needs of people without putting them at a health risk. However, at the same time, we must obey the God we serve rather than man, so if we must violate the governor's decrees, we will do so, and frankly, his order above is so poorly written it is impossible not to violate it. Even if I take it to mean that I can gather the necessary personnel to produce an online streamed worship service, those families that gather in their own home for that religious service would be in violation of it. This past Good Friday and again on Resurrection Sunday Morning (Easter), we produced a streamed worship service from my home with my family and one technician present. We violated the Governor's order in one section in order to carry out one of his suggested alternatives in a latter section. We encourage our members to help one another and their neighbors in this crises, but some of that is questionable since it is

done from a religious motivation and might include a prayer or quoting / reading of scripture to encourage the person they are helping.

I stress again that we would not have a problem with the Governor's commands if they were limited to medical safety protocols. In the church I pastor, we were already doing much more than what had been ordered previous to April 9, 2020. My own undergraduate degree is in agricultural biology with a minor in plant pathology, so I am very aware of viral disease progression in animals and plants. I am married to an RN, PHN, and we have another nurse with the same credentials in our congregation who was the infectious disease control nurse for her hospital. We followed her own hospital's requirements for their own personnel in allowing people into our facility. People's temperatures were taken, they were asked a series of questions by a RN, then they had to immediately sanitize their hands, and then maintain 6 ft or more spatial separation by household groups (a man and wife who sleep in the same bed do not suddenly become a greater risk to each other because they are in a public setting). In addition, we strongly encouraged any in our congregation that were at higher risk or who lived with someone who was at higher risk to stay home as well as those that were just afraid. We discouraged anyone in those categories from staying if they did come. Spatial distancing was not a problem for the 20-30 people that attended in a room of 2,400 square feet. We were already using the internet to stream our worship services for those that could not be physically present, and we have been using Zoom conferencing software for several weeks for our Bible studies and discussion groups to increase participation.

We strongly protest that people are allowed to go to places and participate in activities the Governor has arbitrarily deemed "essential" without such medically based safety requirements, yet houses of worship are under prohibitions and families cannot hold a religious service in their own home. Please note as well that families / households are not included in the "essential" list of entities, yet normal activities that would occur in a family are "cancelled or postponed." Can my family eat together? Will we break the Governor's commands if my wife bakes a birthday cake? Are we in trouble for having family devotions? The markets, stores, public transportation venues, manufacturing facilities, repair shops, etc. are much more dangerous for the spread of the virus unless they are also following at least the same medical safety protocols we have been using.

I am trying to contact legal groups that might represent us, and I was able to briefly talk to one lawyer already who is supposed to get back to me this week. Preparations for Good Friday and Resurrection Sunday services have kept Christian houses of worship busy this past weekend, especially in having to reformat what we normally do. I am also contacting other pastors to motivate them to protest the Governor's actions.

I am asking for you and your office to render whatever aide you can to remove these blatantly unconstitutional Executive Orders and restore both a fair application of such orders to everyone while at the same time ensuring better measures of public safety are implemented. I am greatly disturbed that churches such as the one I pastor and those that have developed other safe alternatives such as "drive in" worship services are targeted as "putting people's lives at risk" while the actual spread of the disease is largely due to the direct and indirect contact people are

having in “essential” activities and businesses.

Thank you for your consideration of these matters

If your office is already taking action on these matters, please let us know what else we can do to help.

Simply a Slave of the Lord Jesus Christ

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