

FREEDOM FROM RELIGION *foundation*

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July 7, 2020

SENT VIA EMAIL & U.S. MAIL:
zgdavidson@columbus.gov

The Honorable Shannon G. Hardin
Council President
Columbus City Council
90 West Broad St.
Columbus, OH 43215

Re: Protective measures for gatherings must apply to churches

Dear Council President Hardin:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to ask that the Columbus City Council revise its mask-wearing requirement to apply to houses of worship. FFRF is a nationwide nonprofit organization with more than 32,000 members across the country, including more than 800 members and a local chapter in Ohio. Our purposes are to protect the constitutional separation between state and church, and to educate the public on matters related to nontheism.

FFRF understands that on July 6, 2020, the Columbus City Council passed Ordinance 1643-2020 in response to the ongoing pandemic. Ordinance 1643-2020 requires that masks be worn in public, including most for profit and non-profit public facilities, but exempts religious facilities such as churches.

The Supreme Court has long held that the Establishment Clause “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Ark.*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15-16 (1947). Exempting religious facilities from the City Council’s mask ordinance violates this basic stricture.

Since the beginning of this pandemic, houses of worship have repeatedly been shown to be hotbeds for spreading COVID-19. One-third of all coronavirus cases in a California county's first outbreak were traceable to a single church congregation.¹ The numbers were even larger elsewhere. As Reuters reported: "South Korea announced thousands of coronavirus cases in the space of only a few days in late February. The surge in cases centred mostly around one main cluster from a church in Daegu city."² That article documents the harrowing story of *one infected person attending two church services and spreading COVID to another 1,200 people* and that a single "church cluster accounts for at least 60 percent of all cases in South Korea."

These numbers make sense. Many religious facilities are uniquely susceptible to spreading the disease and consequently should be held to at least the same mask-wearing standards as similar secular facilities. Worship services usually require people to sit together in an enclosed space for an extended period of time to share a communal experience. Even when conducted under social distancing measures, this type of gathering creates a high risk of coronavirus transmission. Mask-wearing policies are guided by clear science: The more people who gather, the more viruses spread. Masks significantly mitigate that spread. Viruses do not respect boundaries or holy ground, they simply travel from person to person.

Governments *already* regularly place limits on worship gatherings that jeopardize public health. For instance, the government prohibits churches from cramming too many people into a building in violation of fire codes and also requires that church buildings comply with necessary building codes. The congregants' right to gather and worship is limited by the government's need to protect those congregants from being trampled to death and the community from a fire. Requiring masking due to a pandemic is even more crucial.

To protect the health and safety of all residents, we ask that the Columbus City Council remove Ordinance 1643-2020's exemption for religious facilities. The coronavirus makes no exemption for religious facilities. Therefore, to be effective, Columbus's response to the virus must do the same. Thank you for your time and attention to this matter.

Very truly,



Annie Laurie Gaylor & Dan Barker

Co-presidents

ALG/DB:dchh

¹ Hilda Flores, "One-third of COVID-19 cases in Sac County tied to church gatherings, officials say," [NBC News KCRA](#) (April 1, 2020).

² [Reuters](#), "The Korean clusters: How coronavirus cases exploded in South Korean churches and hospitals," (March 20, 2020).