

In the Supreme Court of the United States

GATEWAY CITY CHURCH, ET AL.,

Applicants,

v.

GAVIN NEWSOM, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF CALIFORNIA, ET AL.,

Respondents.

**To the Honorable Elena Kagan, Associate Justice of the United States
Supreme Court and Circuit Justice for the Ninth Circuit**

**MOTION FOR LEAVE TO FILE
BRIEF *AMICUS CURIAE* IN SUPPORT OF APPLICANTS OF
THE ROMAN CATHOLIC BISHOP OF SAN JOSÉ**

ERIC C. RASSBACH
Counsel of Record
DANIEL L. CHEN
THE BECKET FUND FOR
RELIGIOUS LIBERTY
1919 Penn. Ave. NW
Suite 400
Washington, D.C. 20006
erassbach@becketlaw.org

Counsel for Amicus Curiae

The Roman Catholic Bishop of San José (“Diocese”) respectfully moves for leave to file a brief *amicus curiae* in support of the application, without 10 days’ advance notice to the parties of *Amicus*’s intent to file as ordinarily required. In accordance with the Court’s order of April 15, 2020, the proposed brief conforms to the formatting requirements of Rule 33.2.

In light of the expedited nature of the case, it was not feasible to give 10 days’ notice, but *Amicus* was nevertheless able to obtain a position on the motion from the parties. All parties have consented to the filing of the *amicus* brief.

The Diocese of San José (legally the Roman Catholic Bishop of San José) is the largest religious body in Santa Clara County. There are over 600,000 Catholics in Santa Clara County, approximately one third of the County’s entire population. The Diocese is led by Bishop Oscar Cantú and is comprised of 54 parishes and missions. The Diocese is coextensive with the County.

Due to State and County orders, Catholics in the Diocese were unable to attend Mass in church from November until this Court’s ruling in *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021) (*South Bay II*). Many of the Diocese’s members are essential workers at grocery stores, hospitals, and nursing homes. They have gone to work day-in, day-out, during the entire course of the pandemic. Yet for long stretches of the past year these Catholics have been denied the solace of going to church.

The Diocese seeks to file the proposed *amicus* brief to bring to the Court’s attention the fact that the County’s complete ban on indoor worship is an extreme outlier, both

nationally and within the State of California. In the wake of this Court’s decision in *South Bay II*, no state—and, to the Diocese’s knowledge, none of the other over 80,000 local governments in the United States—bans worship outright. Yet the County has chosen to flout this Court’s rulings in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020) and *South Bay II*. As the brief explains, the County’s disparate response to the pandemic is as unfair as it is unwarranted, and the burden of the inequality falls squarely on the Catholics (and people of other faiths) of Santa Clara County. The *amicus* brief thus includes relevant material not fully brought to the attention of the Court by the parties. See Sup. Ct. R. 37.1.

For the foregoing reasons, proposed *Amicus* respectfully requests that the Court grant this unopposed motion to file the attached proposed *amicus* brief and accept it in the format and at the time submitted.

Respectfully submitted.

ERIC C. RASSBACH
Counsel of Record
DANIEL L. CHEN
THE BECKET FUND FOR
RELIGIOUS LIBERTY
1919 Penn. Ave. NW
Suite 400
Washington, D.C. 20006
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Counsel for Amicus Curiae

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INTEREST OF THE *AMICUS CURIAE*¹

The Diocese of San José (legally the Roman Catholic Bishop of San José) is the largest religious body in Santa Clara County. There are over 600,000 Catholics in Santa Clara County, approximately one third of the County's entire population. The Diocese is led by Bishop Oscar Cantú and is comprised of 54 parishes and missions. The Diocese is coextensive with the County.

Due to State and County orders, Catholics in the Diocese were unable to attend Mass in church from November until this Court's ruling in *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021) (*South Bay II*). Many of the Diocese's members are essential workers at grocery stores, hospitals, and nursing homes. They have gone to work day-in, day-out, during the entire course of the pandemic. Yet for long stretches of the past year these Catholics have been denied the solace of going to church.

The Diocese submits this *amicus* brief to bring to the Court's attention the fact that the County's complete ban on indoor worship is an extreme outlier, both nationally and within the State of California. In the wake of this Court's decision in *South Bay II*, no state—and, to the Diocese's knowledge, none of the other over 80,000 local governments in the United States—bans worship outright. Yet the County has chosen to flout this Court's rulings in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020) and *South Bay II*. The County's disparate response to the

¹ No counsel for a party authored this brief in whole or in part, and no person other than *amicus*, its members, or its counsel made a monetary contribution to fund the brief's preparation or submission. This brief has been submitted with an unopposed motion for leave to file it.

pandemic is as unfair as it is unwarranted, and the burden of the inequity falls squarely on the Catholics (and people of other faiths) of Santa Clara County.

INTRODUCTION AND SUMMARY OF ARGUMENT

The Court could be forgiven for wondering whether it is waking up in a judicial remake of *Groundhog Day*. The Court has repeatedly answered the question whether governments can shut down houses of worship while leaving secular activities like shopping malls broadly open, only to have the question come before it again when government officials transparently attempt to evade the Court's clear instructions and lower courts refuse to step in.

Yet most governments, and most lower courts, have taken the Court's rulings to heart. At this point, the vast majority of states and municipalities do not regulate worship with prohibitions, caps, or attendance limits, adopting a cooperative approach instead. The few governments that had more restrictive rules have moved away from them in response to *Diocese of Brooklyn* and *South Bay II*. For example, as of today only Rhode Island and the District of Columbia still impose numerical caps on attendance at worship services similar to those at issue in *Diocese of Brooklyn*. Of the 16 states that impose percentage limits on attendance, the majority (11) have moved to a percentage-of-occupancy limit of 50% or higher, including states like Nevada that previously had both numerical caps and more restrictive percentage limits. See Appendix. This should come as no surprise: The pandemic is ebbing, and once extraordinary circumstances no longer obtain, governments should not be slow to remove extraordinary restrictions on core First Amendment activities.

It is nevertheless crucial that the Court step in to stop Santa Clara County's unconstitutional behavior and ensure that the Ninth Circuit panel's interpretation of the law does not encourage other jurisdictions to ban indoor worship anew. If all it takes to evade the Court's rulings—at least in the Ninth Circuit—is a focus on one order while ignoring the others, then governments can quickly gerrymander their rules to maintain a veneer of neutrality and general applicability while severely limiting religious activity. If Santa Clara County can be allowed to repackage its worship ban, some other jurisdictions will immediately start to repackage as well.

Moreover, the realities on the ground—what *Lukumi* called “the effect of a law in its real operation”—are almost indistinguishable from the situation in Brooklyn prior to the Court's decision in *Diocese of Brooklyn*. The same secular activities are open—retail, acupuncture, factories—while churches and synagogues are closed. In fact, the only appreciable difference is that the County bans worship completely, while New York allowed 10 or 25 people to worship together. The County's “present determination—that the maximum number of adherents who can safely worship in the most cavernous cathedral is zero—appears to reflect not expertise or discretion, but instead insufficient appreciation or consideration of the interests at stake.” *South Bay II*, 141 S. Ct. at 717 (Roberts, C.J., concurring).

The bottom line is that thousands of Catholics in Santa Clara County, along with worshippers of other faiths, should be able to go to church, while observing the same masking and distancing precautions that allow thousands of County residents to shop in big box stores, get their nails done, and go to work. The County offers no plausible

reason why it must be the only worship-free zone in the nation. The Court should enjoin the County's worship ban, or summarily reverse.

ARGUMENT

I. The County's orders flout *Diocese of Brooklyn* and *South Bay II* by treating worship worse than a host of secular activities.

Because the County's COVID orders allow a host of secular activities while banning indoor worship altogether, they trigger strict scrutiny under *Diocese of Brooklyn* and *South Bay II*. Indeed, "the regulations cannot be viewed as neutral because they single out houses of worship for especially harsh treatment." *Diocese of Brooklyn*, 141 S. Ct. at 66. That ought to have been enough to stop the County from banning worship, especially since the Court just days before had thrown out California's state-level worship ban as an indisputably clear violation of the Constitution. See *South Bay II*, 141 S. Ct. 716, 716.

Yet the County persists. It justifies its openly differential treatment of secular activities and worship on two main grounds, both designed to evade the searching review required by the Free Exercise Clause.

1. First, the County asks courts to view the Gatherings Directive in splendid isolation, not looking beyond the four corners of that order. See Opp'n, *Gateway City Church v. Newsom*, No. 21-15189 at 1 (9th Cir. Feb. 12, 2021) (describing dispute as concerning County's "content-neutral restrictions prohibiting indoor gatherings of all kinds"); see also Order, *Gateway City Church v. Newsom*, No. 21-15189 at 2 (9th Cir. Feb. 12, 2021) (upholding regulations because it saw the Gatherings Directive as an "across-the-board" ban).

But that is not how the Free Exercise Clause works. Free Exercise Clause analysis instead looks to the entire regulatory context to determine whether there has been differential treatment. See *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 534-540 (1993). In *Lukumi* the Court looked at several municipal ordinances “in tandem,” recognizing that each one was part of a broader regulatory scheme that operated to “suppress Santeria religious worship.” *Id.* at 535, 540. The Court expressly rejected Hialeah’s invitation to view each ordinance in isolation: “We need not decide whether the Ordinance 87–72 could survive constitutional scrutiny if it existed separately; it must be invalidated because it functions, with the rest of the enactments in question, to suppress Santeria religious worship.” *Id.* at 540.

Most importantly, in *Lukumi* the Court reviewed the challenged rules in the context of other Hialeah ordinances and even hypothetical ordinances that the Court said Hialeah could have enacted to further its proffered interests while preserving Santería worship. For example, the Court noted an exception to one of the ordinances “if the activity is permitted by zoning and other laws”; that exception “contribute[d] to the gerrymander.” 508 U.S. at 536, 537. Similarly, “governmental interests in protecting the public health and preventing cruelty to animals could be addressed by restrictions stopping far short of a flat prohibition of all Santeria sacrificial practice.” *Id.* at 538. See also *ibid.* (“city could have imposed a general regulation on the disposal of organic garbage”). The Court took the same approach in *Diocese of Brooklyn*, looking not just to the challenged Executive Order, but also the treatment of other entities within the “red” and “orange” zones. See *Diocese of Brooklyn*, 141 S. Ct. at 66

(discussing executive orders and guidance other than the challenged Executive Order 202.68).

Looking at the entire context is also common sense. If governments could simply divide up a challenged regulatory regime into discrete categories that are never examined together, then it would be easy to create a facially neutral class that includes the disfavored activity, treat that class worse than other activities, and still profess neutrality. Particularly in a fast-moving and iterative regulatory process like COVID health orders, that would give government officials a way to stay one step ahead of the courts' review. And since "categories of selection are of paramount concern when a law has the incidental effect of burdening religious practice," courts must look at the entire regulatory scheme. *Lukumi*, 508 U.S. at 542. Put another way, a rule cannot be valid as "across the board" if the government gets to decide how long the board is and resizes it frequently. Order, *Gateway City Church*, No. 21-15189 at 2.²

Here, the County's COVID orders, taken as a whole, "single out houses of worship for especially harsh treatment." *Diocese of Brooklyn*, 141 S. Ct. at 66. Just as in New York, the County's orders specifically allow acupuncture facilities, campgrounds, garages, manufacturing facilities, transportation facilities, and retail—including large shopping malls—to open. See *ibid.* And just as with California's statewide

² Arguably the neutrality and general applicability standards invite government officials to test the courts in just such an iterative process, because many lower courts have interpreted those standards to locate the gravamen of Free Exercise analysis at the level of rules rather than at the level of real-world effects. But the Court need not address that issue to resolve this application in favor of Applicants, or to send a clear message to government officials and the lower courts that repackaging will not do.

worship ban, the County allows most retail operations to proceed indoors. See *South Bay II*, 141 S. Ct. at 717 (statement of Gorsuch, J.). That the County bans worship with one order and allows these other secular activities with others is immaterial.

The County assures religious believers that the County's COVID orders in their majestic equality forbid "gatherings" at malls, hair salons, and churches alike. See Opp'n, *Gateway City Church*, No. 21-15189 at 11-12. This is a semantic game. People gather to get their nails done, shop at the mall, operate machines in a factory, or work in a law office. They are "in a single space" "at the same time" and are acting "in a coordinated fashion." Application at 7 (quoting Gatherings Directive). The County's claim that these secular activities are not "coordinated" but worship services are "coordinated" is irrational.

Indeed, many of these activities are conducted with far closer contact between people of different households than is the case at houses of worship. Masked, socially-distanced families sitting in every other pew at church are much further away from each other than the hairdresser is from the customer, and the hairdresser comes into direct contact with many more people, on more days of the week. That the County treats the rituals of the hair salon as less "coordinated" than the rituals of worship does not change how people in fact interact. Nor is there any argument that worship services are inherently lengthier than interactions at the factory, office, or shopping mall. The typical workday lasts eight hours, and shoppers can stay for hours at the mall. And if length of time were truly the County's concern, the County would have issued a rule regulating the time spent at any venue, rather than ban worship

services and other assemblies while allowing people who are shopping or working to be in the same place for an unlimited period of time.

2. Second, the County has also asked the courts to look only at the text of the orders to determine whether they were unconstitutional. Opp’n, *Gateway City Church*, No. 21-15189 at 12 (“[T]he directive applies uniformly to a type of activity—‘gatherings’—not a type of facility.”). But the Free Exercise Clause also enjoins courts to look beyond “the text of the laws at issue” to what their real-world practical effects are. *Lukumi*, 508 U.S. at 534. Thus *Lukumi* examined how the challenged regulations played out in practice, or what *Lukumi* called “the effect of a law in its real operation,” to determine whether there had been differential treatment. 508 U.S. at 535.

Here, the real operation of the County’s rules is almost indistinguishable from the real operation of New York’s rules. The Stanford Shopping Center and the Great Mall in Milpitas are open. Cf. *Diocese of Brooklyn*, 141 S. Ct. at 66. Factories such as the Frost Cupcake Factory in San José are open and running.³ Cf. *ibid.* Transportation facilities such as train stations and airports are also open.⁴ Cf. *ibid.*⁵ In fact, the only significant on-the-ground difference between Santa Clara County today and Brooklyn in early November is that the County bans *all* worship, while New York at least let 10 or 25 people into Brooklyn synagogues.

³ See *Official Inspection Report*, County of Santa Clara Department of Environmental Health (Feb. 3, 2021), <https://perma.cc/SLZ4-LJZJ>.

⁴ *Mandatory Directive on Capacity Limitations*, Santa Clara County Public Health (Nov. 15, 2020), <https://perma.cc/9BP2-LZ4G> (20% for public transit); *Essential workforce*, California for All, <https://perma.cc/T64L-ZLLD> (listing airports as essential critical infrastructure).

⁵ The County’s attempt to cast blame on the federal government for its differential treatment of groups of people in close proximity at airports does not comport with Free Exercise precedent. Hialeah invoked both federal and Florida law, to no avail. See *Lukumi*, 508 U.S. at 539, 543-545.

Moreover, the County’s course of dealing throughout the pandemic serves only to confirm that it is engaged in a “religious gerrymander” just like the ones in *Lukumi* and *Diocese of Brooklyn*. Indeed, “the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decisionmaking body” all show that at every turn the County has had a bias towards suppressing worship. *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n*, 138 S. Ct. 1719, 1731, (2018) (quoting *Lukumi*, 508 U.S. at 540 (op. of Kennedy, J.)). The history is unambiguous:

- **July 14:** The County issued the first version of its “Mandatory Directive for Gatherings,” which banned indoor worship services.⁶
- **August 28:** The State issued the Blueprint for a Safer Economy. The County was in Tier 1 but permitted indoor malls to reopen at 25% capacity.⁷ Meanwhile, indoor worship services remained prohibited.
- **September 8:** The County moved from Tier 1 to Tier 2. Museums, zoos, and aquariums were allowed to open indoors at 25% capacity. Gyms and fitness centers were permitted to open indoors at 10% capacity. Indoor shopping malls were allowed up to 50% capacity.⁸ Indoor worship services continued to be prohibited.⁹

⁶ *Mandatory Directive for Gatherings*, Santa Clara County Public Health (July 14, 2020), <https://perma.cc/44RP-DQQ4>.

⁷ *Statement of the County of Santa Clara Public Health Department Regarding the State of California’s New COVID-19 Regulatory Framework*, Santa Clara County Public Health (Aug. 28, 2020), <https://perma.cc/NQ3H-AHDQ>; *County of Santa Clara Moves to the Red Tier (Tier 2) on State’s New COVID-19 Framework*, Santa Clara County Public Health (Sept. 8, 2020), <https://perma.cc/7Q6F-RPH4>.

⁸ *County of Santa Clara Moves to the Red Tier (Tier 2) on State’s New COVID-19 Framework*, Santa Clara County Public Health (Sept. 8, 2020), <https://perma.cc/7Q6F-RPH4>.

⁹ *Mandatory Directive for Gatherings*, Santa Clara County Public Health (Sept. 8, 2020), <https://perma.cc/TS8J-M83V> (“[W]orship services * * * may occur outdoors subject to the requirements

- **October 14:** The County moved from Tier 2 to Tier 3 due to falling cases and permitted indoor worship services for the first time at 25% capacity or 100 people, whichever was fewer. Indoor museums and zoos had their capacity limitations increased from 25% to 50%. Malls and other retail businesses were no longer subject to any capacity limitations.¹⁰
- **November 15:** Following a rise in cases, the County moved directly from Tier 3 to Tier 1 and banned all indoor worship services in accordance with California’s Blueprint restrictions, effective November 17.¹¹
- **January 29:** The district court denied Plaintiffs’ motion for a preliminary injunction against the total prohibition on indoor worship.¹²
- **February 5:** The Supreme Court issued *South Bay II*, enjoining California’s ban on indoor worship.
- **February 6:** In response to *South Bay II*, California amended the Blueprint to allow indoor worship services at 25% capacity in Tiers 1 and 2.¹³
- **February 8:** The County initially acquiesced, issuing a public statement explaining that “[i]ndoor worship services may resume in Santa Clara County at 20% of a facility’s capacity.”¹⁴ That same day, the district court granted Plaintiffs’ emergency motion to enjoin the prohibitions on indoor worship pending Plaintiffs’ interlocutory appeal to the Ninth Circuit.¹⁵
- **February 9:** The County filed a motion for reconsideration regarding the district court’s February 8 order.¹⁶
- **February 10:** The district court stayed its February 8 ruling and set argument on the County’s reconsideration motion for March 19.¹⁷

of this Directive, but they may not occur indoors.”).

¹⁰ *County of Santa Clara Moves Into State’s Orange Tier*, Santa Clara County Public Health (Oct. 13, 2020), <https://perma.cc/2CEL-FDGN>.

¹¹ *Santa Clara County Moving into State’s Purple Tier as COVID-19 Cases and Hospitalizations Rise Locally*, Santa Clara County Public Health (Nov. 16, 2020), <https://perma.cc/JH42-JLPL>.

¹² *Gateway City Church v. Newsom*, No. 20-cv-8241, ECF 64 (N.D. Cal. Jan. 29, 2021).

¹³ *Industry guidance to reduce risk*, California for All, <https://perma.cc/E724-UP5B>.

¹⁴ *Statement Regarding Indoor Worship Services*, Santa Clara County Public Health (Feb. 8, 2021), <https://perma.cc/2RQK-E3NX>.

¹⁵ *Gateway City Church v. Newsom*, No. 20-cv-8241, ECF 75 (N.D. Cal. Feb. 8, 2021).

¹⁶ *Gateway City Church v. Newsom*, No. 20-cv-8241, ECF 76 (N.D. Cal. Feb. 9, 2021).

¹⁷ *Gateway City Church v. Newsom*, No. 20-cv-8241, ECF 79 (N.D. Cal. Feb. 10, 2021).

- **February 11:** In light of the district court’s stay, and despite its earlier statement, the County announced that the total prohibition on indoor worship services remained in effect.¹⁸
- **February 11:** Gateway plaintiffs sought emergency injunction pending appeal at the Ninth Circuit.
- **February 12:** Ninth Circuit motions panel issued its ruling.

As this history shows, at each stage of the pandemic, the County has treated worship worse than secular activities ranging from malls, aquariums, museums, hair salons, nail salons, pet grooming services, factories, and offices. Under *Lukumi* and *Diocese of Brooklyn*, the “real operation” of the County’s suite of COVID orders has consistently subjected worship services to “especially harsh treatment.” *Lukumi*, 508 U.S. at 535; *Diocese of Brooklyn*, 141 S. Ct. at 66; see also *South Bay II*, 141 S. Ct. at 719 (statement of Gorsuch, J.) (“California singles out religion for worse treatment than many secular activities”). Strict scrutiny therefore applies.

3. The County cannot survive strict scrutiny. The County makes no effort to explain why it knows better than every state government in the country, none of which ban worship altogether. See Appendix (catalogue of state-level restrictions on indoor worship); *COVID-19 and Religious Liberty*, Becket Fund for Religious Liberty, <https://www.becketlaw.org/covid-19-religious-worship> (map depicting current state-level restrictions). That “suggests that the [County] could satisfy its [public health] concerns through a means less restrictive” than its current prohibition. *Holt v. Hobbs*, 574 U.S. 352, 368-369 (2015). County officials must therefore demonstrate, not just

¹⁸ *Statement Regarding Indoor Worship Services*, Santa Clara County Public Health (Feb. 11, 2021), <https://perma.cc/X44A-Q5PP>.

“assume[,]” that “a plausible, less restrictive alternative would be ineffective” when their preferred approach burdens religion. *Holt*, 574 U.S. at 369. Since the County makes no effort to do so, it fails strict scrutiny.

II. The Court should recognize a presumption against severe restrictions on worship.

Because some governments and lower courts have been reluctant to implement this Court’s rulings, the Court should expressly recognize what *Diocese of Brooklyn* and *South Bay II* implicitly hold: severe restrictions on worship are presumptively invalid under the First Amendment. Worship bans like Santa Clara County’s should always undergo strict scrutiny, just as bans on other core First Amendment activities such as freedom of speech and freedom of the press typically require constitutional intervention.¹⁹ The text of the First Amendment betrays no hierarchy of freedoms, or, if the sequence of First Amendment freedoms matters, religious liberty is listed first. See U.S. Const. amend I.²⁰

Without such a presumption of invalidity, the Court may well face more worship restriction cases in the future, in this emergency or another. It is a fact of modern American life that in some places and times, there is political hay to be made from

¹⁹ See *Board of Airport Comm’rs of City of Los Angeles v. Jews for Jesus, Inc.*, 482 U.S. 569, 575 (1987) (speech ban overbroad where it was “obvious that such a ban cannot be justified even if LAX were a nonpublic forum because no conceivable governmental interest would justify such an absolute prohibition of speech.”); *Oklahoma Pub. Co. v. District Court In & For Oklahoma Cty.*, 430 U.S. 308, 310 (1977) (“[T]he press may not be prohibited from truthfully publishing information released to the public in official court records.” (quotation marks omitted)).

²⁰ In striking contrast to their treatment of religious exercise, governments have from the very beginning of the pandemic uniformly treated media organizations as “essential” and thus exempt from COVID orders. See, e.g., *Order of the Health Officer of Santa Clara County*, Santa Clara County Public Health, at 10.f.v. (March 16, 2020), <https://perma.cc/L8NY-VX4N> (exempting “[n]ewspapers, television, radio, and other media services”).

suppressing religion. That creates a perverse incentive for governments large and small to try their luck with facially neutral restrictions in hopes that the courts “can’t catch them all.” But the whole point of constitutional protections—particularly ones in the Bill of Rights—is to put them beyond the political hurly-burly. “[T]he First Amendment to our Constitution was designed to avoid these ends by avoiding these beginnings.” *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 641 (1943). In crafting relief, the Court should take care that “these beginnings” never begin again.²¹

CONCLUSION

The Court should either issue an injunction or grant certiorari and summarily reverse.

Respectfully submitted.

ERIC C. RASSBACH

Counsel of Record

DANIEL L. CHEN

THE BECKET FUND FOR

RELIGIOUS LIBERTY

1919 Penn. Ave. NW

Suite 400

Washington, D.C. 20006

erassbach@becketlaw.org

Counsel for Amicus Curiae

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²¹ Summary reversal may be appropriate. “[T]he Court has not shied away from summarily deciding * * * cases where, as here, lower courts have egregiously misapplied settled law.” *Wearry v. Cain*, 136 S. Ct. 1002, 1007 (2016). Given the County’s pattern of maltreating worship, the Court could also enjoin the County from promulgating restrictions on worship any greater than those required by the State.

APPENDIX

State	Weblink for COVID-19 Restrictions on Indoor Worship as of February 23, 2021
Alabama	https://www.alabamapublichealth.gov/covid19/assets/cov-sah-worship.pdf (referred to in January 21, 2021 Order, available at https://www.alabamapublichealth.gov/legal/assets/order-adph-cov-gatherings-012121.pdf)
Alaska	https://covid19.alaska.gov/wp-content/uploads/2020/05/05222020-Phase-III-IV-016-Attachment-N-Revised-Social-Religious-and-Other-Gatherings.pdf
Arizona	https://azgovernor.gov/file/36633/download?token=WdLo2rxL
Arkansas	https://www.healthy.arkansas.gov/images/uploads/pdf/guidance_places_of_worship.pdf (referenced in Executive Order 20-53, available at https://governor.arkansas.gov/images/uploads/executiveOrders/EO_20-53.pdf)
California	https://covid19.ca.gov/industry-guidance/#worship
Colorado	https://drive.google.com/file/d/1ZeHik4-YQxDJqIdgFvc5yqheqIZpdVTU/view
Connecticut	https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-10.pdf
District of Columbia	https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayor%27s%20Order%202020-126%2012-16-2020.pdf
Delaware	https://governor.delaware.gov/health-soe/twenty-seventh-modification-state-of-emergency-declaration/
Florida	https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-91-compressed.pdf (as extended and modified by Executive Orders 20-112, 120, 123, 139, 166, 213, 244, 276, 297, and 316)
Georgia	https://gov.georgia.gov/document/2020-proclamation/executive-order-04202001-handout/download
Hawaii	https://hawaiicovid19.com/safe-gatherings/
Idaho	https://rebound.idaho.gov/wp-content/uploads/stage3-stay-healthy-guidelines-020221.pdf
Illinois	https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2021-03.aspx (as extended by Executive Order 2021-04, available at https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2021-04.aspx).

Indiana	https://www.in.gov/gov/files/Executive-Order-21-02-Third-Extension-of-County-Based-Restrictions.pdf
Iowa	https://governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202021.02.05.pdf
Kansas	https://www.coronavirus.kdheks.gov/DocumentCenter/View/1057/Plan-to-Reopen-Kansas-Framework-PDF---Full-Plan---5--26-20 (Phase Three)
Kentucky	https://govsite-assets.s3.amazonaws.com/r00brFXTl2TJkofBUZUh_Healthy%20at%20Work%20Reqs%20-%20Places%20of%20Worship%20-%20Final%20Version%202.0%20Final.pdf (as referenced by Executive Order 2020-1034, available at http://web.sos.ky.gov/execjournalimages/2020-MISC-270558.pdf)
Louisiana	https://gov.louisiana.gov/assets/Proclamations/2021/17-JBE-2021-State-of-Emergency-Renewing-COVID-19-Resilient-Louisiana.pdf
Maine	https://www.maine.gov/governor/mills/sites/maine.gov/governor.mills/files/inline-files/EO%2031%2087.pdf
Maryland	https://governor.maryland.gov/wp-content/uploads/2021/01/Gatherings-18th-AMENDED-01.28.21.pdf
Massachusetts	https://www.mass.gov/info-details/safety-standards-and-checklist-places-of-worship#occupancy-limitations-
Michigan	https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-551407--,00.html
Minnesota	https://mn.gov/governor/assets/Executive%20Order%2021-01%20Signed%20and%20Filed_tcm1055-462272.pdf (as extended by Executive Order 21-08, available at https://mn.gov/governor/assets/EO%2021-08%20Final%20Signed%20and%20Filed_tcm1055-468348.pdf)
Mississippi	https://www.sos.ms.gov/content/executiveorders/ExecutiveOrders/1535.pdf (as extended and modified by Executive Order No. 1543, available at https://www.msema.org/wp-content/uploads/2021/02/1543.pdf)
Missouri	https://showmestrong.mo.gov/faq/
Montana	https://covid19.mt.gov/_docs/2-12-2021-Directive.pdf
Nebraska	http://dhhs.ne.gov/Documents/DHM-Measure-Table-ENGLISH.pdf
Nevada	https://gov.nv.gov/News/Emergency_Orders/2021/2021-02-14_-_COVID-19_Emergency_Declaration_Directive_037_(Attachments)/

New Hampshire	https://www.covidguidance.nh.gov/sites/g/files/ehbemt381/files/inline-documents/2020-05/guidance-worship.pdf
New Jersey	https://nj.gov/infobank/eo/056murphy/pdf/EO-225.pdf
New Mexico	https://cv.nmhealth.org/wp-content/uploads/2021/01/GovernorsOffice@state.nm_.us_20210129_161525.pdf
New York	https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/ReligiousandFuneralServicesSummaryGuidance.pdf
North Carolina	https://files.nc.gov/governor/documents/files/EO181-Modified-Stay-at-Home-Early-Closure-Order.pdf (as extended by Executive Order 189, available at https://files.nc.gov/governor/documents/files/EO189-Further-Extension-of-Stay-at-Home-Order.pdf)
North Dakota	https://www.governor.nd.gov/sites/www/files/documents/Executive%20Order%202020-43.4%20-%20Restaurant%20and%20bar%20capacity%20limits.pdf (as modified by Executive Order 2020-43.5, available at https://www.governor.nd.gov/sites/www/files/documents/Executive%20Order%202020-43.5.pdf)
Ohio	https://coronavirus.ohio.gov/static/publicorders/limit-prohibit-mass-gatherings-ohio-rev-order-reader.pdf
Oklahoma	https://www.sos.ok.gov/documents/executive/1984.pdf
Oregon	https://sharesystems.dhsoha.state.or.us/DHSForms/Served/le3461.pdf (incorporated by Executive Order 66, available at https://www.oregon.gov/gov/Documents/executive_orders/eo_20-66.pdf , and extended by Executive Order 67, available at https://www.oregon.gov/gov/Documents/executive_orders/eo_20-67.pdf)
Pennsylvania	https://www.governor.pa.gov/wp-content/uploads/2020/11/20201123-TWW-mitigation-enforcement-immunity-order.pdf (reinstated after expiration of December 10, 2020 Order, available at https://www.governor.pa.gov/wp-content/uploads/2020/12/20201210-TWW-Limited-Time-Mitigation-Order.pdf)
Rhode Island	https://governor.ri.gov/documents/orders/Executive-Order-21-13.pdf
South Carolina	https://governor.sc.gov/sites/default/files/Documents/2020-11-25%20FILED%20Executive%20Order%20No.%202020-73%20-%20Modifying%20%20Amending%20Emergency%20Measures.pdf (as extended by Executive Orders 2020-75, 77; 2021-03, 07, 08, 10)
South Dakota	https://doh.sd.gov/documents/COVID19/ChurchesandOtherReligiousGatherings.pdf

Tennessee	https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee70.pdf (as modified and extended by Executive Order 74, available at https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee74.pdf)
Texas	https://gov.texas.gov/uploads/files/press/EO-GA-32_continued_response_to_COVID-19_IMAGE_10-07-2020.pdf
Utah	https://coronavirus-download.utah.gov/Health/UPHO_2021-5_Updated_Statewide_COVID-19_Restrictions.pdf
Vermont	https://accd.vermont.gov/news/update-new-work-safe-additions-be-smart-stay-safe-order#religious-facilities-and-places-of-worship
Virginia	https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-72-SECOND-AMENDED-and-Order-of-Public-Health-Emergency-Nine-Commonsense-Surge-Restrictions-Due-to-Novel-Coronavirus-(COVID-19).pdf
Washington	https://www.governor.wa.gov/sites/default/files/COVID19%20Religious%20and%20Faith%20Based%20Organization%20Guidance.pdf
West Virginia	https://coronavirus-wvgovstatus-cdn.azureedge.net/STAY_AT_HOME_ORDER.pdf
Wisconsin	https://www.dhs.wisconsin.gov/covid-19/community.htm (under Faith-Based Organizations)
Wyoming	https://health.wyo.gov/wp-content/uploads/2021/02/Order2_21stContinuation_Feb112021.pdf