

I write regarding Executive Order No. 122-20 COVID1-9 Local Order and the proposal to tighten coronavirus restrictions in public settings. In particular, I am concerned about the impact on religious institutions. I urge you, if not rejecting the proposed order in its entirety, to exempt religious institutions from further restrictions. I note that there is a tremendous difference between restaurants, where people take their face masks off while eating (which is the majority of time spent at a restaurant) and houses of worship, where facemasks stay on throughout. While contact tracing suggests restaurants are a source of transmission, I have not read of a single local case where, given the current measures in place, there has been coronavirus transmission at a religious facility.

Indeed, the current measures in place are sufficient enough that my own 83-year old mother feel comfortable attending service. On a personal level, while I worry about her as an older person more vulnerable to the virus--this is her most significant activity in terms of getting out and about. It is crucial in my view to her physical health. She would say it is crucial to her spiritual health.

Furthermore, such restrictions should not be taken lightly. While I support those individuals who, for example, seek to protect their bowling rights or their ice-skating rights, these are categories not specifically protected by the U.S. Constitution. Restrictions on the freedom of religion is held to a much higher standard. Thus far, the Supreme Court has generally upheld restrictions in light of the pandemic. But will that continue to be the case in an area like Montgomery County, where our transmission rates are much lower than the national average and there have been no documented cases of transmissions via religious services? This strikes me as failing the standard set forth by Chief Justice Roberts in *Calvary Chapel Dayton Valley v. Sisolak* (July 20, 2020).

Enacting this restriction invites legal challenges that, if upheld, could frankly could put other jurisdictions with higher rates of infection at risk. Before deciding this issue, I urge you to get a detailed analysis from the County Attorney General regarding the legality of the proposed measure. It would behoove you to wait until after the winter holidays to take up this measure, if at all.

Sincerely,

James Ryan
Wheaton, MD