

## SCOTUS Opinion: Court Enjoins California's Ban On Indoor Church Services

9 Feb 2021

Due to the ongoing coronavirus pandemic, California's governor issued several restrictions on indoor church services: (1) a 25% capacity limitation; (2) a prohibition on singing and chanting; and (3) a total prohibition on all indoor worship services. Several churches filed suit, and sought an order to preliminarily enjoin the restrictions because they violated the First Amendment.

A fractured Court, by a 6-3 vote, enjoined the total prohibition restriction while litigation progressed, but left the other two in place. Justice Gorsuch, joined by Justices Thomas and Alito, stated that he would have enjoined all three restrictions because it was clear that churches were being targeted for differential treatment while secular businesses—and especially Hollywood—were allowed to carry on unaffected. Justice Alito separately stated that he would have given California 30 days to show why the capacity cap and singing prohibition were essential to stopping the spread of COVID-19.

Chief Justice Roberts voted to enjoin the total prohibition only, stating that while “federal courts owe significant deference” to public health officials, the determination that “the most cavernous cathedral” could have no congregants did not reflect “expertise or discretion.” Justice Barrett, in her first opinion, agreed with Justice Gorsuch's statement except with regard to the singing prohibition, finding that the proof by the petitioners was lacking. Justice Kagan, joined by Justices Breyer and Sotomayor, dissented, arguing that the Court should not have second-guessed public health officials and warned that the Court's order may worsen the pandemic.

The decision in *South Bay United Pentecostal Church v. Newsom* is here:  
[https://www.supremecourt.gov/opinions/20pdf/20a136\\_bq7c.pdf#page=10](https://www.supremecourt.gov/opinions/20pdf/20a136_bq7c.pdf#page=10)

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**TAGGED:** First Amendment, SCOTUS opinion, COVID-19, South Bay United Pentecostal Church v. Newsom