

TRINITY BIBLE CHURCH DECLARATION FOR GATHERING

A SUMMARY OF APPEAL FOR INJUNCTIVE RELIEF FROM WORSHIP RESTRICTIONS

We believe that the corporate gathering of Christ's church is vital to her life and mission. We also believe that under COVID-19 public health restrictions our governing authorities have excessively interfered with that vitality and are violating our constitutional rights as American citizens. Consequently, the church has suffered unquantifiable harm. As under-shepherds, our burden for Christ's church under these conditions is indescribable. Love and care for souls compels us. We are committed to providing for the church's spiritual wellbeing, protecting her from harm, and leading her in her mission to make much of Christ in this world. It has been our resolve and priority to earnestly seek the regathering of Trinity Bible Church in the most Christ-like manner. To this end, we have partnered with the Pacific Justice Institute, Cannistraci Law Firm, and four other churches to legally appeal to the US Federal Court to enjoin State and County health orders that unfairly prohibit worship services and in-person ministries but allow large scale secular gatherings in airports, mass transits, malls, and protests. This legal appeal to the judicial branch of our civil government is to enjoin relief from executive branch overreach evidenced in orders imposed by State and County officials.

This document is intended to offer a summary of our legal declaration. Most of what is presented here represents excerpts from legal documents submitted to the courts. Commentary accompanies where appropriate and most legal has been removed.

1. PETITIONING THE COURT FOR URGENT RELIEF

We are petitioning the US Federal Courts for urgent relief from County and State orders, ordinances, and policies that prohibit and restrict congregational assembly and worship. The material cause of our petition is the worship of God and the formal cause is the holistic health of God's people.

The urgency of our case is argued in interest of the sufferance of law-abiding citizens for whom Christ's church is the center of community life and who are thus committed to regular fellowship with both social and spiritual dimensions. For us, regular gatherings for devotion to God are essential to who we are as a people.¹ Our worship gatherings have immediate and direct connection to the holistic health and wellbeing of each member.

Our legal petition for relief at this time is argued in defense of our constitutional rights for the free exercise of the historic, orthodox Christian religion, including our right to assemble for the purpose of congregational worship. This is the efficient cause of our case, the reason behind the timing of this litigation.

Several arguments supporting our declaration were submitted to the courts, which in summary include:

- (1) Orders imposed on the church by State and County officials are not neutral and generally applicable to all like schemas or comparators. Our constitutional rights are not being equally protected under the law. Dozens of exhibits were submitted to the courts by our legal team to demonstrate this fact.
- (2) Said orders have extended well beyond a legitimate quarantine emergency and therefore suspension of constitutional rights can no longer be justified on the grounds of compelling evidence. The church is now under unsubstantiated restrictions.
- (3) Very real harm against non-physical health is being inflicted by these infringing restrictions. Our people are suffering from spiritual, mental, and emotional stress as a direct result of these restrictions against the church. The suffering of these law-abiding citizens cannot be reduced and measured by scientific metrics. And their non-physical health should not be discounted or treated as less important than their physical health.
- (4) Said restrictions interfere with our communion with God and one another. This is a grievance that is greater than any mere mental or social need.
- (5) The "alternatives" suggested for our worship by the State are not true alternatives. They do not meet in principle our God-given right and responsibility to worship as a congregation nor do they satisfy in practice our constitutional rights as citizens.

¹ "And they devoted themselves to the apostles' teaching and the fellowship, to the breaking of bread and the prayers." (Acts 2:42). "And all who believed were together and had all things in common." (Acts 2:44).

- (6) We are a covenant community of people. We love and are committed to care for our people more than civil government.
- (7) We are responsible, mature, and intellectually capable of helping our people make wise decisions concerning their health and the health of others as it pertains to our gatherings. The determination of whether the church gathers or not is not within the jurisdiction of the State.²
- (8) People across the nation with similar public health concerns are responsibly worshipping in their churches.
- (9) The church has historically met and proved to be a central hub of public support and assistance in times of crisis.
- (10) The framing of our religious liberties in this nation significantly reflects the God-given rights asserted in Christian confessions and creeds especially dating from the Protestant Reformation. As a church, we stand in this legacy and appeal to these standards which have historic precedence even before the writing of the US Constitution.
- (11) State and County orders are now indefinite and becoming *status quo*. Status quo restrictions violate our right to worship according to conscience.
- (12) The worship of God is governed by the church, not the State.

Elaboration of a few of the most substantial arguments follow.

(A) UNSUBSTANTIATED RESTRICTIONS

Temporary restrictions were initially implemented in a declared state of emergency with measures intended to mitigate against the potential of epidemic mortality in our area. Nine months later, restrictions on constitutionally protected religious exercise and assembly continue though without data to substantiate a state of emergency. Temporary suspension of normative rights for the sake of public health in a time of crisis may be justified. But never outside of a public crisis.

Even a crisis-driven suspension of rights must be substantiated on compelling grounds with minimal imposition both in extent of time and degree. In a related US Supreme Court ruling from November 25, 2020, Justice Gorsuch stated, "Government is not free to disregard the First Amendment in times of crisis. At a minimum, that Amendment prohibits government officials from treating religious exercises worse than comparable secular activities, unless they are pursuing a compelling interest and using the least restrictive means available."³ We declare that executive orders have imposed restrictions upon our worship that have exceeded all reasonable bounds both in time and degree. We are not in a state of emergency by any historic metric.

² With the potential exception of temporary emergencies as demonstrated by compelling evidence.

³ https://www.supremecourt.gov/opinions/20pdf/20a87_4g15.pdf

According to the data reported by the Santa Clara County Public Health Department, there have been 453 cumulative deaths related to COVID-19 as of November 18, 2020.⁴ There are an estimated 1,927,852 people in Santa Clara County.⁵ That yields a total cumulative mortality of 0.023% in our county. As tragic as one death is, the fact remains that we are not in a state of public health emergency. Denying our constitutional rights to worship cannot continue under these metrics.

Historically, church gatherings have not proved to be super spreaders of disease, and that without government-imposed mitigation measures.

Though not legally endorsed, the situation at Grace Community Church in Sun Valley, California, was submitted for evidence. It was noted that GCC has been meeting weekly for congregational worship without any restraints since Sunday, July 26, 2020. Video recordings and photos testify to thousands of people gathered indoors with no social distancing and no masks, singing and worshipping as though completely without fear of coronavirus.⁶ This is not to say that individuals were not making conscience decisions to be personally responsible. The fact remains, that this has been the regular weekly practice of this church with an estimated attendance of 7,000 people⁷ gathering indoors for approximately a 90 minute service for 17 consecutive weeks (as of November 15) without any COVID-19 outbreak.⁸ Throughout this period, only 3 positive cases of COVID-19 have been confirmed out of the regular gathering of 7,000 people.⁹ If the restrictions that obstruct our right to assemble and worship were objectively and scientifically necessary, if we are truly in a state of public health emergency, then Grace Community Church would have incontestably proven the legitimacy of these claims. To the contrary, their demonstration has proven that the restrictions being imposed are not necessary and that we are not in a state of public health emergency.

(B) HOLISTIC HEALTH

We place a significant value on the health of our people and acknowledge that health is a reality both physical and non-physical.

The spiritual leaders of TBC minister as physicians of souls, being particularly suited and equipped to care for the non-physical health of members. We regularly serve many and

4 <https://www.sccgov.org/sites/covid19/Pages/home.aspx> (as of December 9, 2020, cumulative data is reported as 43,001 cases with 515 deaths or 0.026% of the county, which yields a 98.81% survival rate for those who are infected with the virus).

5 <https://www.census.gov/quickfacts/santaclaracountycalifornia>

6 <https://www.cnn.com/2020/08/12/us/pastor-macarthur-church-california/index.html>

7 <https://www.latimes.com/california/story/2020-10-22/coronavirus-los-angeles-grace-community-church>

8 <https://www.gracechurch.org/news/posts/2062>

9 <https://www.dailywire.com/news/la-times-reports-covid-19-outbreak-at-john-macarthur-church-city-3-confirmed-cases>

various needs both material and immaterial. Neither of these forms of care can be administered with adequate oversight, assistance, and comfort without community.

This argument is presented in fuller detail in the section below entitled, “Health of the Inner Person.”

2. OUR BELIEFS

TBC believes that the Holy Bible (Judeo-Christian Scriptures) is the inspired word of God and sets forth the final authoritative rule of our faith and religious practice.¹⁰ We acknowledge that the Scriptures are sometimes variously interpreted and used contrary to authorial intent.¹¹ Therefore, we are committed to a consistent literal, historical, grammatical, hermeneutic to rightly handle the word of God.¹²

TBC stands in a long legacy of faith and liturgical worship, including a rich heritage and history of confessions and creeds.¹³ Being denominationally Baptist and Reformed, our interpretation and use of the Scriptures are in accord with these historical, orthodox standards and traditions.¹⁴

(A) WORSHIP

Acceptable worship of God is not a man-made invention but is instituted by God Himself and is to be exercised according to the authority of Scripture:

10 “All Scripture is breathed out by God and profitable for teaching, for reproof, for correction, and for training in righteousness.” (2 Timothy 3:16). “And we also thank God constantly for this, that when you received the word of God, which you heard from us, you accepted it not as the word of men but as what it really is, the word of God, which is at work in you believers.” (1 Thessalonians 2:13).

11 “There are some things in them [Scriptures] that are hard to understand, which the ignorant and unstable twist to their own destruction, as they do the other Scriptures.” (2 Peter 3:16).

12 “Do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth.” (2 Timothy 2:15). “They read from the book, from the Law of God, clearly, and they gave the sense, so that the people understood the reading.” (Nehemiah 8:8).

13 Including, but not limited to: The Apostles Creed (circa second century), The Nicene Creed (AD 325), The Creed of Chalcedon (AD 451), The Augsburg Confession (AD 1530), The Belgic Confession (AD 1561), The Second Helvetic Confession (AD 1566), The Canons of Dort (AD 1610), The Westminster Confession (AD 1646), The Westminster Catechisms (AD 1647), and The Second London Baptist Confession (AD 1689) or The 1689 Baptist Confession of Faith.

14 “The infallible rule of interpretation of Scripture is the Scripture itself; and therefore when there is a question about the true and full sense of any Scripture (which is not manifold, but one), it must be searched by other places that speak more clearly (2 Peter 1:20, 21; Acts 15:15, 16)” (The 1689 Baptist Confession of Faith, 1.9). “We believe that those Holy Scriptures fully contain the will of God, and that whatsoever man ought to believe unto salvation is sufficiently taught therein. For since the whole manner of worship which God requires of us is written in them at large, it is unlawful for any one, though an apostle, to teach otherwise than we are now taught in the Holy Scriptures ... For since it is forbidden to add unto or take away anything from the Word of God, it does thereby evidently appear that the doctrine thereof is most perfect and complete in all respects” (The Belgic Confession, Article VII).

The light of nature showeth that there is a God, who hath lordship and sovereignty over all; is good, and doeth good unto all; and is therefore to be feared, loved, praised, called upon, trusted in, and served, with all the heart, and with all the soul, and with all the might. But the acceptable way of worshipping the true God is instituted by himself, and so limited by his own revealed will, that he may not be worshipped according to the imaginations and devices of men ... or any other way not prescribed in the Holy Scripture. (*The Westminster Confession of Faith*, 21.1)

Worship is carried out with reverence and in awe of the power and might of God.¹⁵ Worship is pictured as a drawing near to God, a coming into His courts, and a longing for His presence.¹⁶ This hunger of the soul to draw closer to God is a longing that only God can satisfy.¹⁷

(1) CONGREGATIONAL WORSHIP

The corporate gathering of the church is vital to the wellbeing of her members and is essential to the honor of God. Gathering is intrinsic to the church's nature and her worship. The church comes together as a holy assembly, distinct from all other types of gatherings. We gather for worship, fulfilling our covenant responsibilities to God and one another. The church does not gather to do what can be done the same elsewhere or in "alternative" ways.

Regular assembly is a biblical precept and duty of the church.¹⁸ Assembly is not an option. The Greek word (*episynagōgē*) used to describe the church's duty to assemble "refers to both an assembly of believers and the action of meeting together."¹⁹ The gathering of the church is inseparable from her being. Dedicated worship to God in the gathering of His people is part of what is involved in keeping the Lord's day holy, which was instituted as

15 "Therefore let us be grateful for receiving a kingdom that cannot be shaken, and thus let us offer to God acceptable worship, with reverence and awe, for our God is a consuming fire." (Hebrews 12:28-29).

16 "Blessed is the one you choose and bring near, to dwell in your courts! We shall be satisfied with the goodness of your house, the holiness of your temple!" (Psalm 65:4). "My soul longs, yes, faints for the courts of the LORD; my heart and flesh sing for joy to the living God." (Psalm 84:2). "For a day in your courts is better than a thousand elsewhere. I would rather be a doorkeeper in the house of my God than dwell in the tents of wickedness." (Psalm 84:10). "Ascribe to the LORD the glory due his name; bring an offering, and come into his courts!" (Psalm 96:8).

17 "For he satisfies the longing soul, and the hungry soul he fills with good things." (Psalm 107:9). "As a deer pants for flowing streams, so pants my soul for you, O God. My soul thirsts for God, for the living God. When shall I come and appear before God? My tears have been my food day and night, while they say to me all the day long, 'Where is your God?' These things I remember, as I pour out my soul: how I would go with the throng and lead them in procession to the house of God with glad shouts and songs of praise, a multitude keeping festival." (Psalm 42:1-4).

18 "And let us consider how to stir up one another to love and good works, not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near." (Hebrews 10:24-25).

19 D. K. McKim, "Meet," ed. Geoffrey W Bromiley, *The International Standard Bible Encyclopedia*, Revised (Wm. B. Eerdmans, 1979-1988), 308.

one of the Ten Commandments.²⁰ The designation of the first day of the week (Sunday) as the Lord's day in the New Testament²¹ commemorates the resurrection of Jesus from the grave and recognizes Jesus' inauguration of the New Covenant.²² Since the very beginning, Christian churches have gathered on the first day of the week in congregational worship.²³

The sabbath is then kept holy unto the Lord, when men, after a due preparing of their hearts, and ordering their common affairs aforehand, do not only observe an holy rest all day, from their own works, words and thoughts, about their worldly employment and recreations, but are also taken up the whole time in the public and private exercises of his worship, and in the duties of necessity and mercy.
(*The 1689 Baptist Confession of Faith*, 22.8)

The gathering of the church is holy and necessary and should be regular and public. This heritage of ours is articulated in the *Second Helvetic Confession* (1566):

Although it be lawful for all men privately at home to read the Holy Scriptures, and by instruction to edify one another in the true religion, yet that the Word of God may be lawfully preached to the people, and prayers and supplications publicly made, also that the sacraments may be lawfully administered, and that collections may be made for the poor, and to defray all necessary charges, or to supply the wants of the Church, it is very needful that there should be holy meetings and ecclesiastical assemblies. For it is manifest that, in the apostolic and primitive Church, there were such assemblies, frequented of godly men. So many, then, as do despise them, and separate themselves from them, they are contemners of true religion, and are to be urged by the pastors and godly magistrates to abstain from stubbornly absenting themselves from sacred assemblies. Now, ecclesiastical assemblies must not be hidden and secret, but public and common; except persecution by the enemies of Christ and the Church will not suffer them to be public; for we know what manner of assemblies the primitive Church had formerly in secret corners, being under the tyranny of Roman emperors. But let those places where the faithful meet together be decent, and in all respects fit for God's Church. (Chapter XXII)

According to another Reformed standard dating back to 1577:

20 "Remember the Sabbath day, to keep it holy. ... The seventh day is a Sabbath to the Lord our God ... For in six days the Lord made heaven and earth, the sea, and all that is in them, and rested on the seventh day. Therefore the Lord blessed the Sabbath day and made it holy." (Exodus 20:8-11).

21 "I was in the Spirit on the Lord's day, and I heard behind me a loud voice like a trumpet" (Revelation 1:10).

22 "In speaking of a new covenant, he makes the first one obsolete. And what is becoming obsolete and growing old is ready to vanish away." (Hebrews 8:13). "Jesus, the mediator of a new covenant, and to the sprinkled blood that speaks a better word than the blood of Abel." (Hebrews 12:24).

23 "God raised him on the third day and made him to appear, not to all the people but to us who had been chosen by God as witnesses, who ate and drank with him after he rose from the dead." (Acts 10:40-41). "On the first day of the week, when we were gathered together to break bread, Paul talked with them, intending to depart on the next day, and he prolonged his speech until midnight." (Acts 20:7). "On the first day of every week, each of you is to put something aside and store it up, as he may prosper, so that there will be no collecting when I come." (1 Corinthians 16:2). "Lord's Day worship is the Christian festival of the Resurrection, in which Christians, like the original disciples, have fellowship with one another and with the risen Christ whom they trust as Savior and worship as God." — G. W. Bromiley, "Lord's Day," ed. Geoffrey W Bromiley, *The International Standard Bible Encyclopedia*, Revised (Wm. B. Eerdmans, 1979-1988), 158.

“We keep holy days so that people may have time and opportunity, which otherwise would not be available, to participate in public worship, that is, that they may assemble to hear and discuss God’s Word and then praise God with song and prayer.”²⁴

From the *Baptist Confession of Faith* (1689):

22.6 — God is to be worshipped everywhere in spirit and in truth; as in private families daily, and in secret each one by himself; so more solemnly in the public assemblies, which are not carelessly nor willfully to be neglected or forsaken.

22.7 — As it is the law of nature, that in general a proportion of time, by God’s appointment, be set apart for the worship of God, so by his Word, in a positive moral, and perpetual commandment, binding all men, in all ages, he hath particularly appointed one day in seven for a sabbath to be kept holy unto him, which from the beginning of the world to the resurrection of Christ was the last day of the week, and from the resurrection of Christ was changed into the first day of the week, which is called the Lord’s day: and is to be continued to the end of the world as the Christian Sabbath, the observation of the last day of the week being abolished.

Our conviction to gather is deeply rooted in our obligation to Christ as His church, as articulated in *Principles of Church Order and Discipline* (1833):

I. The Congregational Churches hold it to be the will of Christ that true believers should voluntarily assemble together to observe religious ordinances, to promote mutual edification and holiness, to perpetuate and propagate the gospel in the world, and to advance the glory and worship of God, through Jesus Christ; and that each society of believers, having these objects in view in its formation, is properly a Christian Church.

VIII. They believe that Christian churches should statedly meet for the celebration of public worship, for the observance of the Lord’s Supper, and for the sanctification of the first day of the week.

X. They believe that it is the duty of Christian churches to hold communion with each other, to entertain an enlarged affection for each other, as members of the same body, and to co-operate for the promotion of the Christian cause.²⁵

According to Baptist standards:

We covenant to meet on the first day of the week for public worship, and to fill up our places at all the appointed meetings of the church, as God shall give us health and opportunity. All and each of these duties we freely and most solemnly promise (by the assistance of the great Head of the church) to observe, until we are planted in the glorious church above.²⁶

Article IV of the TBC church covenant willfully commits all members to regular assembly:

We commit to attend the public worship of God regularly. As far as we have opportunity, we pledge to not forsake the assembling of ourselves together in public worship, church

24 Theodore G. Tappert, ed., *The Book of Concord the Confessions of the Evangelical Lutheran Church*. (Philadelphia: Mühlenberg Press, 1959), 376.

25 Cited from Philip Schaff, *The Creeds of Christendom, with a History and Critical Notes*, vol. 3 (New York: Harper & Brothers, 1882), 733-4.

26 William Cathcart, ed., *The Baptist Encyclopædia* (Philadelphia: Louis H. Everts, 1881), 283.

meetings, ministry functions and celebrations unless providentially hindered (Heb 10:25; Col 3:16). Moreover, we acknowledge our particular responsibility and privilege to regularly participate in the celebration of the Lord's Supper in worship to God and honor of His ordinances (1 Cor 11:18-34; cf. Acts 2:42; 20:7; 1 Cor 10:16).

Worship is communal in its nature. Worship was never intended to be a solitary event. To be sure, true worship is very personal, coming from the heart of a soul that is right with God. And it is to be acknowledged that all of life is lived before the face of God. But from beginning to end, worship is communal not solitary. Creation itself testifies to the diverse yet interconnectedness of bringing glory to God. From the very beginning of creation, the angels worshipped God in community.²⁷ The purposes of God in the nation of Israel repeatedly testifies to the importance of public, gathered worship.²⁸ The heart that extols God desires that others would join him: "Oh, magnify the LORD with me, and let us exalt his name together!" (Psalm 34:3). This desire extends to the nations with a summons for people from every nation to gather and worship the God of all praise!²⁹ God's glory is worthy of the vastest praise—worldwide worship. The true worshipper never wants to keep what is so worthy to himself. Every scene of worship in heaven from the book of Revelation testifies to God's desire for gathered worship. Worship in community is of supreme value to us.

Our hearts are moved with a keen enthusiasm to serve one another and build one another up in love for Christ's glory and the joy of each member. We hunger and thirst for the nourishment of our own souls through the in-person teaching of God's word, fellowship, ordinances, and public prayer, as with the early church.³⁰ Worship is not a remote viewing spectator activity. The worship of the church is participatory.³¹

27 "On what were its bases sunk, or who laid its cornerstone, when the morning stars sang together and all the sons of God shouted for joy?" (Job 38:6-7).

28 "From you comes my praise in the great congregation; my vows I will perform before those who fear him." (Psalm 22:25). "I will thank you in the great congregation; in the mighty throng I will praise you." (Psalm 35:18). "I have not hidden your deliverance within my heart; I have spoken of your faithfulness and your salvation; I have not concealed your steadfast love and your faithfulness from the great congregation." (Psalm 40:10). "Bless God in the great congregation, the LORD, O you who are of Israel's fountain!" (Psalm 68:26). "Let them extol him in the congregation of the people, and praise him in the assembly of the elders." (Psalm 107:32). "Praise the LORD! I will give thanks to the LORD with my whole heart, in the company of the upright, in the congregation." (Psalm 111:1). "Praise the LORD! Sing to the LORD a new song, his praise in the assembly of the godly!" (Psalm 149:1).

29 "May God be gracious to us and bless us and make his face to shine upon us, Selah that your way may be known on earth, your saving power among all nations. Let the peoples praise you, O God; let all the peoples praise you! Let the nations be glad and sing for joy, for you judge the peoples with equity and guide the nations upon earth. Selah Let the peoples praise you, O God; let all the peoples praise you! The earth has yielded its increase; God, our God, shall bless us. God shall bless us; let all the ends of the earth fear him!" (Psalm 67).

30 "And they devoted themselves to the apostles' teaching and the fellowship, to the breaking of bread and the prayers." (Acts 2:42).

31 "For as in one body we have many members, and the members do not all have the same function, so we, though many, are one body in Christ, and individually members one of another. Having gifts that differ according to the grace given to us, let us use them: if prophecy, in proportion to our faith; if service, in our serving; the one who teaches, in his teaching; the one who exhorts, in his exhortation; the one who contributes, in generosity; the one who leads, with zeal;

(2) SINGING

Singing is a vital and essential part of worship in the gathered assembly of Christ's church. Corporate singing is the prescriptive, historical, normative practice of the church, serving to both please God and minister to one another:

And do not get drunk with wine, for that is debauchery, but be filled with the Spirit, addressing one another in psalms and hymns and spiritual songs, singing and making melody to the Lord with your heart, giving thanks always and for everything to God the Father in the name of our Lord Jesus Christ (Ephesians 5:18–20).

Let the word of Christ dwell in you richly, teaching and admonishing one another in all wisdom, singing psalms and hymns and spiritual songs, with thankfulness in your hearts to God (Colossians 3:16).

The church gathers to make much of Christ, and singing is one of her most obvious expressions of such praise. Singing is to be expected from hearts that are filled with joy and thanksgiving. Because the church exists to testify to the praiseworthiness of Christ through the gospel of salvation, song is native to her being. Strange and absurd is the conception of a songless church. The gospel induces such emotion, enthusiasm, and adulation that the most fitting expression of the redeemed heart in worship to its God is none other than song. Singing is part of the legacy of God's people throughout the ages and will never be deprecated.³²

Singing to the Lord our God is a deeply significant right and responsibility of His people. Praise is the active expression of a life that knows God: "Let everything that has breath praise the LORD! Praise the LORD!" (Psalm 150:6). Praise is a matter of life and breath.

This rich form of communicating and expressing worship to our Maker and Redeemer when gathered is rooted in both tradition and command. Congregational singing was ordained and sanctioned in the Old Testament with officials appointed to lead the congregation in worship.³³ The call to sing has always been the express right and duty of God's people. God's people are called to "Sing to him, sing praises to him; tell of all his wondrous works!" (1 Chronicles 16:9).

Singing is a matter of conscience. It is the right of the worshiper to express their heart according to conscience. "Is anyone among you suffering? Let him pray. Is anyone cheerful?

the one who does acts of mercy, with cheerfulness." (Romans 12:4–8). "As each has received a gift, use it to serve one another, as good stewards of God's varied grace: whoever speaks, as one who speaks oracles of God; whoever serves, as one who serves by the strength that God supplies—in order that in everything God may be glorified through Jesus Christ. To him belong glory and dominion forever and ever. Amen." (1 Peter 4:10–11).

32 "And they sang a new song..." (Revelation 5:9). "and they were singing a new song before the throne and before the four living creatures and before the elders. ..." (Revelation 14:3).

33 "These are the men whom David put in charge of the service of song in the house of the LORD after the ark rested there. They ministered with song before the tabernacle of the tent of meeting until Solomon built the house of the LORD in Jerusalem, and they performed their service according to their order." (1 Chronicles 6:31–32). "Now these, the singers, the heads of fathers' houses of the Levites, were in the chambers of the temple free from other service, for they were on duty day and night." (1 Chronicles 9:33). See also 1 Chronicles 15:16–22, 17–28.

Let him sing praise" (James 5:13). The "let him sing praise" identifies the rightful place that an individual has to sing. The right for an individual to sing is sanction by God, for His glory and the good of His people. This is repeatedly called for in Scripture.³⁴

Singing is not merely a private right. Most of the references in Scripture, being in the plural and within the context of the congregational song book (Psalms), are for congregational singing.

"The whole assembly worshiped, and the singers sang, and the trumpeters sounded" (2 Chronicles 29:28). Here the "whole assembly" is specified.

"From you comes my praise in the great congregation; my vows I will perform before those who fear him" (Psalm 22:25).

"Oh, magnify the LORD with me, and let us exalt his name together!" (Psalm 34:3)

"I will thank you in the great congregation; in the mighty throng I will praise you." (Psalm 35:18)

"Praise the LORD! Sing to the LORD a new song, his praise in the assembly of the godly!" (Psalm 149:1).

"Bless God in the great congregation, the LORD, O you who are of Israel's fountain!" (Psalm 68:26).

"Let them extol him in the congregation of the people, and praise him in the assembly" (Psalm 107:32).

"Praise the LORD! I will give thanks to the LORD with my whole heart, in the company of the upright, in the congregation" (Psalm 111:1).

"Let us come into his presence with thanksgiving; let us make a joyful noise to him with songs of praise!" (Psalm 95:2). The phrase, "come into his presence," was used of the corporate gathering of God's people for worship at the temple.

"And they sang responsively, praising and giving thanks to the LORD" (Ezra 3:11). Here singing is expressed responsively in the congregation.

"Sing praises to the LORD, O you his saints, and give thanks to his holy name" (Psalm 30:4). Here, "O you his saints" is in a collective plural, addressing all God's people when gathered.

"Sing to him a new song; play skillfully on the strings, with loud shouts" (Psalm 33:3). "I will also praise you with the harp for your faithfulness, O my God; I will sing praises to you with the lyre, O Holy One of Israel. My lips will shout for joy, when I sing praises to you; my soul also, which you have redeemed" (Psalm 71:22-23). The use of instruments

34 "Sing to God, sing praises to his name; lift up a song to him who rides through the deserts; his name is the LORD; exult before him!" (Psalm 68:4). "Satisfy us in the morning with your steadfast love, that we may rejoice and be glad all our days." (Psalm 90:14). "It is good to give thanks to the LORD, to sing praises to your name, O Most High;" (Psalm 92:1). "For you, O LORD, have made me glad by your work; at the works of your hands I sing for joy." (Psalm 92:4). "Oh sing to the LORD a new song; sing to the LORD, all the earth! Sing to the LORD, bless his name; tell of his salvation from day to day." (Psalm 96:1-2). "I will sing of steadfast love and justice; to you, O LORD, I will make music." (Psalm 101:1). "I will sing to the LORD as long as I live; I will sing praise to my God while I have being." (Psalm 104:33). "My heart is steadfast, O God! I will sing and make melody with all my being!" (Psalm 108:1).

particularly denoted congregational worship. These are examples of God's call for congregational singing.

"He put a new song in my mouth, a song of praise to our God. Many will see and fear, and put their trust in the LORD." (Psalm 40:3). The "many will see and fear, and put their trust in the Lord" reveals the context of the gathered congregation even as it bears public witness to God's redemption.

"Sing praises to God, sing praises! Sing praises to our King, sing praises! For God is the King of all the earth; sing praises with a psalm!" (Psalm 47:6–7). This is a call to worship to the congregation. It is addressed to a group with the singular focus on God who is their King.

"I will sing of the steadfast love of the LORD, forever; with my mouth I will make known your faithfulness to all generations" (Psalm 89:1). "Sing to him, sing praises to him; tell of all his wondrous works!" (Psalm 105:2). "I have not hidden your deliverance within my heart; I have spoken of your faithfulness and your salvation; I have not concealed your steadfast love and your faithfulness from the great congregation" (Psalm 40:10). "Then they believed his words; they sang his praise" (Psalm 106:12). These verses emphasize the importance that public singing has to bearing witness to the glory of God publicly for the good of others.

"Let the nations be glad and sing for joy, for you judge the peoples with equity and guide the nations upon earth. Selah" (Psalm 67:4). "O kingdoms of the earth, sing to God; sing praises to the Lord, Selah" (Psalm 68:32). These verses demonstrate the multinational dimension of congregational singing. Not only does singing bear witness to God's call to the nations, it is the universal language of praise, joy, and love. The purpose of corporate singing is to glorify God and enjoy Him, inviting all peoples to receive blessing.

"When you come together, each one has a hymn... Let all things be done for building up" (1 Corinthians 14:26). The first expression of worship in the church when she comes together is here identified with song. Congregational singing is explicitly connected to the building up of the community—the benefit and blessing of each individual that gathers.

Church gatherings are expression-based worship services on the Lord's day and in a place dedicated for the worship of the Lord. Worship services are participatory responsive gatherings where people actively "come before his presence with singing" and "enter into his gates with thanksgiving," worshipping the Lord together, in songs of praise, songs of thanksgiving, songs of joy, new songs, and songs in the Spirit.

(3) OUR GATHERINGS

The public worship of God through the weekly gathering of His church is ordained by God and intended to be permanent and perpetual in the regular practice of the local church. The public worship of God in the gathered church includes: corporate prayers,³⁵ public readings

35 "And they devoted themselves to the apostles' teaching and the fellowship, to the breaking of bread and the prayers." (Acts 2:42). "Otherwise, if you give thanks with your spirit, how can anyone in the position of an outsider say 'Amen' to your thanksgiving when he does not know what you are saying?" (1 Corinthians 14:16).

of Scripture,³⁶ preaching that expounds on the Scriptures,³⁷ Christ-centered and Spirit-enabled fellowship,³⁸ collections for the support of gospel ministry including the care of the poor,³⁹ observance and participation in the Lord's Supper,⁴⁰ and directing praises and adulations to God in song, singing about Him while addressing one another in person.⁴¹ These are the indispensable, essential, God-ordained elements of our worship.

Moreover, these elements of worship are not without strong historic social precedent in this nation. Our worship services are in accord with our Baptist heritage that predates the US Constitution:

The reading of the Scriptures, preaching, and hearing the Word of God, teaching and admonishing one another in psalms, hymns, and spiritual songs, singing with grace in our hearts to the Lord; as also the administration of baptism, and the Lord's supper, are all parts of religious worship of God, to be performed in obedience to him, with understanding, faith, reverence, and godly fear.
(*The 1689 Baptist Confession of Faith*, 22.5).

3. HARM TO LAW-ABIDING CHRISTIAN CITIZENS

(A) INTERFERENCE IN OUR COMMUNION WITH GOD

The gathering of the church is first a matter of worship to God. While this may presently be deemed irrelevant to the governing authorities, it is of immeasurable importance and of supreme relevance to the consciences of law-abiding citizens who know and love God.

36 "Until I come, devote yourself to the public reading of Scripture..." (1 Timothy 4:13).

37 "Until I come, devote yourself to the public reading of Scripture, to exhortation, to teaching." (1 Timothy 4:13). "I charge you in the presence of God and of Christ Jesus, who is to judge the living and the dead, and by his appearing and his kingdom: preach the word; be ready in season and out of season; reprove, rebuke, and exhort, with complete patience and teaching. For the time is coming when people will not endure sound teaching, but having itching ears they will accumulate for themselves teachers to suit their own passions" (2 Timothy 4:1-3).

38 "And they devoted themselves to the apostles' teaching and the fellowship, to the breaking of bread and the prayers." (Acts 2:42). "The grace of the Lord Jesus Christ and the love of God and the fellowship of the Holy Spirit be with you all." (2 Corinthians 13:14).

39 "Do not neglect to do good and to share what you have, for such sacrifices are pleasing to God." (Hebrews 13:16). See also 2 Corinthians 8-9.

40 "And they devoted themselves to the apostles' teaching and the fellowship, to the breaking of bread and the prayers." (Acts 2:42). "On the first day of the week, when we were gathered together to break bread, Paul talked with them, intending to depart on the next day, and he prolonged his speech until midnight." (Acts 20:7). "For, in the first place, when you come together as a church, I hear that there are divisions among you. And I believe it in part, for there must be factions among you in order that those who are genuine among you may be recognized. When you come together, it is not the Lord's supper that you eat." (1 Corinthians 11:18-20).

41 "Addressing one another in psalms and hymns and spiritual songs, singing and making melody to the Lord with your heart" (Ephesians 5:19). "Let the word of Christ dwell in you richly, teaching and admonishing one another in all wisdom, singing psalms and hymns and spiritual songs, with thankfulness in your hearts to God." (Colossians 3:16).

While the civil government may not feel a responsibility to honor the Lord our God in these matters, they should uphold their responsibility to their citizens who do.

The church gathers in express relationship to God. The harm of interfering with a relationship cannot be measured or quantified by scientific metrics. Overreach in the interference of public worship by civil government when we are no longer in a state of emergency robs God and afflicts His people with immeasurable spiritual harm.

(B) INTERFERENCE IN OUR COMMUNION WITH ONE ANOTHER

While we zealously long to gather primarily for the glory of God and not merely for ourselves, we unashamedly and joyfully long to be together in the exchanges and expressions of love. This is fundamentally a hallmark of the Christian church.⁴² The idea of togetherness permeates the thought of fellowship. We are called to meet together, worship together, and together share life: regularly,⁴³ in one place and then our homes,⁴⁴ in prayer publicly and privately,⁴⁵ on special occasions⁴⁶ and routinely.⁴⁷ This togetherness is not forced. It is the effect of unity, not the cause. The subject of togetherness is basic to the church. We believe that “the true distinguishing note of a particular church is, that they be associated for holy communion in worship and holy living, not by delegates, nor distantly only, by owning the same faith, and loving one another ... personally in presence.”⁴⁸

42 “A new commandment I give to you, that you love one another: just as I have loved you, you also are to love one another. By this all people will know that you are my disciples, if you have love for one another.” (John 13:34–35). “Therefore, my brothers, whom I love and long for, my joy and crown, stand firm thus in the Lord, my beloved.” (Philippians 4:1). “For I long to see you, that I may impart to you some spiritual gift to strengthen you—” (Romans 1:11). “As I remember your tears, I long to see you, that I may be filled with joy.” (2 Timothy 1:4). “But now that Timothy has come to us from you, and has brought us the good news of your faith and love and reported that you always remember us kindly and long to see us, as we long to see you—” (1 Thessalonians 3:6). “As we pray most earnestly night and day that we may see you face to face and supply what is lacking in your faith” (1 Thessalonians 3:10). “But since we were torn away from you, brothers, for a short time, in person not in heart, we endeavored the more eagerly and with great desire to see you face to face” (1 Thessalonians 2:17). “I hope to see you soon, and we will talk face to face.” (3 John 14).

43 “And all who believed were together and had all things in common.” (Acts 2:44).

44 “And day by day, attending the temple together and breaking bread in their homes, they received their food with glad and generous hearts” (Acts 2:46).

45 “Now Peter and John were going up to the temple at the hour of prayer, the ninth hour.” (Acts 3:1). “And when they heard it, they lifted their voices together to God and said, ‘Sovereign Lord, who made the heaven and the earth and the sea and everything in them,’” (Acts 4:24). “When he realized this, he went to the house of Mary, the mother of John whose other name was Mark, where many were gathered together and were praying.” (Acts 12:12).

46 “And when they arrived and gathered the church together, they declared all that God had done with them, and how he had opened a door of faith to the Gentiles.” (Acts 14:27). “So when they were sent off, they went down to Antioch, and having gathered the congregation together, they delivered the letter.” (Acts 15:30).

47 “On the first day of the week, when we were gathered together to break bread, Paul talked with them, intending to depart on the next day, and he prolonged his speech until midnight.” (Acts 20:7).

48 Richard Baxter, *The Practical Works of the Rev. Richard Baxter* (London: James Duncan, 1830), 372.

We are relational creatures, and the church is a family—a society of redeemed people with entirely new relational bonds of peace and love. Separation is sickness. Separation leads to death.

Love for God induces love for one another. Togetherness with God enthuses togetherness with one another. The gathering of Christ's church for the right reasons is itself an act of worship. Our longing to gather is motivated by love—a love to God and one another: "let us consider how to stir up one another to love and good works, not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near" (Hebrews 10:24-25). What we miss and mourn is more than enjoying one another's company. More also than the structural comfort of routine experience. There are realities of Christ's church that cannot be virtualized or digitized. And these are her most precious realities, being experienced only when we come together in "the fellowship of the Holy Spirit" (2 Corinthians 13:14).

The spirit of this love and togetherness is captured in the apostle's reminder to the church, "you are in our hearts, to die together and to live together" (2 Corinthians 7:3).

(C) TOGETHERNESS IN TIMES OF CRISIS

The church has suffered many plagues and pestilences throughout history that have inhibited her ability to gather, but she has always regathered as quickly as possible. One of the closest examples is witnessed in the 1918 influenza pandemic ("Spanish flu"). It is estimated that approximately 500 million people were infected and between 50 and 100 million died from that virus.⁴⁹ It is reported that during the week of October 16, 1918, some 4,597 Philadelphians died from the virus.⁵⁰ Yet, even under such circumstances many churches across the nation remained open and served their communities. While infections were widespread, churches were not identified as outbreak centers.⁵¹ Many churches did close, but only for several weeks at most. By November of 1918, churches were open, worshiping God and ministering to people again.

Another example may be seen in the "Great Plague" of London, 1665. Though the government placed restrictions on the church, and many pastors abandoned their post, there is abundant documentation detailing how certain pastors and churches continued to gather for the sake of those in need. Their gatherings were noted not for spreading death but for giving life, hope, comfort, and practical demonstrations of loving care to those in most need—both physically and spiritually. The same was true during the Great Fire of London, 1666. Of this situation, Richard Baxter records:

The ministers that were silenced for Nonconformity, had ever since 1662 done their work very privately and to a few; not so much through their timorousness, as their loathness to

49 According to an Oxford University Press Public Health Emergency Collection article, *Am J Epidemiol.* 2018 Dec; 187(12): 2561–2567 (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7314216>).

50 <https://www.nursing.upenn.edu/history/publications/calm-cool-courageous/>

51 <https://www.patheos.com/blogs/anxiousbench/2020/03/influenza-pandemic-1918-churches/>

offend the king, and in hope that their forbearance might procure them some liberty, and through some timorousness of the people that would hear them. When the plague grew hot, most of the conformable ministers fled, and left their flocks in the time of their extremity; whereupon divers Nonconformists, pitying the dying and distressed people, who had none to call the impenitent to repentance, or to help men to prepare for another world, or to comfort them in their terrors, when about ten thousand died in a week, resolved that no obedience to the laws of mortal men whatsoever, could justify them in neglecting men's souls and bodies in such extremities. They, therefore, resolved to stay with the people, and to go into the forsaken pulpits, though prohibited, and to preach to the poor people before they died; also to visit the sick and get what relief they could for the poor.⁵²

When the church gathers, it acts out a demonstration of God's total plan and purpose. Church is not the mere intersection of individuals seeking personal encounters with God, it is a manifest demonstration testifying to the power and hope of the gospel. The gathered church is the appointed forum for both planned and spontaneous acts of care and service to one another. Our assembly is for both expressing and receiving the grace of God through the gospel to the praise and glory of Christ.

(D) HEALTH OF THE INNER PERSON

The health of our bodies is linked to the health of our souls.⁵³ When the soul is alive to God and the conscience is active, one's wellbeing depends on its communion with God and His people.⁵⁴ The health of our inner person is more important to us as than the health of our outer person.⁵⁵ The life of our soul is more valuable than the life of our body.⁵⁶

There is no profit in maintaining health orders that have proven to sacrifice the minds, hearts, souls and spiritual health of men, women, youth and children in places of worship in the State of California.⁵⁷

52 Richard Baxter, *The Practical Works of the Rev. Richard Baxter*, vol. 1 (London: James Duncan, 1830), 255–256.

53 "Be gracious to me, O LORD, for I am in distress; my eye is wasted from grief; my soul and my body also. For my life is spent with sorrow, and my years with sighing; my strength fails because of my iniquity, and my bones waste away." (Psalm 31:9–10). "My eyes are spent with weeping; my stomach churns; my bile is poured out to the ground because of the destruction of the daughter of my people..." (Lamentations 2:11).

54 "My tears have been my food day and night, while they say to me all the day long, 'Where is your God?' These things I remember, as I pour out my soul: how I would go with the throng and lead them in procession to the house of God with glad shouts and songs of praise, a multitude keeping festival." (Psalm 42:3–4). "We used to take sweet counsel together; within God's house we walked in the throng." (Psalm 55:14).

55 "Train yourself for godliness; for while bodily training is of some value, godliness is of value in every way, as it holds promise for the present life and also for the life to come." (1 Timothy 4:7–8).

56 "For what does it profit a man if he gains the whole world and loses or forfeits himself?" (Luke 9:25). "For what can a man give in return for his soul?" (Mark 8:37).

57 "For what will it profit a man if he gains the whole world and forfeits his soul? Or what shall a man give in return for his soul?" (Matthew 16:26).

The spiritual health and happiness of God's people are seriously suffering because the State is dictating our priorities: mandating the physical over the spiritual.

Gathering for worship inspires love and life. Extended interference is a strike against our souls, a definite affliction against our love and life. It harms our health.

Our health is being repressed by prolonged prohibitions to exercise our faith in congregational worship. We cry as the Psalmist, "I am feeble and crushed; I groan because of the tumult of my heart" (Psalm 38:8).

The executive orders are causing harm to God's people by robbing from us our freedom to worship responsibly according to the dictates of our own consciences, which includes the decency of allowing individuals to make their own conscious decisions pertaining to their health. We are not sustained merely by what we oppose. We are sustained by what we seek. Opposing a potential physical health risk does not sustain our lives.

Prohibiting spiritual families (churches) from responsibly gathering poses a threat to public health. Worship services are vital to the social and spiritual health of law-abiding citizens. And worship must be ordered and conducted in accordance with biblical principles and historic faith practices, not the State.

(E) PERSONAL GRIEVANCES

As a pastor, it is deeply troubling to try to minister spiritually to people you love when you cannot see them. Preaching is not the mere dissemination of information. Preaching is the communication of biblical truth from one soul to another. People may give presentations, lectures, speeches, and even teach via livestream. But preaching embodies a truly different dynamic. It necessarily involves the interaction of the pastor and members. The pastor is appointed as a spiritual leader to watch over souls and invest his life into his people.⁵⁸ This cannot be accomplished by speaking to a camera.⁵⁹ The natural person may not understand these things.⁶⁰ Nevertheless, they are vitals of spiritual life—the health of which is being gravely afflicted by extended interference from our governing authorities.

The members of TBC have written, called, and openly expressed their grief under these conditions. They are not merely in need of social interaction; they are crying out for their spiritual right to worship. They have clearly voiced their grievances that their consciences feel violated and that government is continuing to overreach, interfering with the most sacred, treasured, and important rights of an American citizen. As the leadership has

⁵⁸ "Pay careful attention to yourselves and to all the flock, in which the Holy Spirit has made you overseers, to care for the church of God, which he obtained with his own blood." (Acts 20:28). "Obey your leaders and submit to them, for they are keeping watch over your souls, as those who will have to give an account. Let them do this with joy and not with groaning, for that would be of no advantage to you." (Hebrews 13:17).

⁵⁹ "So, being affectionately desirous of you, we were ready to share with you not only the gospel of God but also our own selves, because you had become very dear to us." (1 Thessalonians 2:8).

⁶⁰ "The natural person does not accept the things of the Spirit of God, for they are folly to him, and he is not able to understand them because they are spiritually discerned." (1 Corinthians 2:14).

earnestly sought to encourage and lead in unity, the stresses, discouragements, and conflicts that these imposing orders have had on our members is an evident grievance and harm to the health of the church as a whole and to the individual spiritual health of its members.

While difficult to measure, the inability to support one another in community during the social and political distresses of this year have imposed a serious hardship on the church. Differences of opinions regarding State and County orders have posed some challenges to the already challenging circumstances of isolation and health concerns due to COVID-19. Inconsistencies by our governing authorities have presented huge stumbling blocks for some in the church.

Our ability to minister pastoral care to our people has been significantly disrupted under these restrictions. Our elderly and widows have suffered the lack of pastoral care the most. While we have deployed a strategy of dividing the congregation under the care-watch of seven shepherds, more than digital interaction has been needed. Unemployment, non-COVID19 related hospitalizations, injuries, sicknesses, and even deaths have occurred during these eight months and our church family has not been able to ministry as she has always done. Communion and baptisms have been substantially disrupted.

While under State and County-imposed restrictions, one precious child was born into this world to a member couple and the church has not been permitted to properly celebrate and minister to the parents. Also, while under State and County-imposed restrictions, two weddings were scheduled and were grievously repressed. The church was not permitted to properly minister to the couples or provide a proper ceremony to solemnize their sacred covenant.

Many are suffering from other consequences related to State and County restrictions and are in great need of their spiritual family. Numbers of members are suffering from various other afflictions of life under the curse (unrelated to COVID-19). They too are in need of comfort, service, community, in-person care and prayer, and congregational worship. Job loss, failing health (unrelated to COVID-19), family and relationship needs, depression, etc. are all health factors that the church ministers to on a regular basis. Government imposed shutdowns harm the God-given centers of care and health-serving communities of support, namely the church.

(F) “ALTERNATIVE” WORSHIP SERVICES

The California Department of Health “Guidance to Places of Worship” dated July 29, 2020 has banned worship and dictated new “alternative” services in lieu of congregational worship services:

Discontinue singing (in rehearsals, services, etc.), chanting, and other practices and performances ... Consider practicing these activities through alternative methods (such as internet streaming) that ensure individual congregation members perform these activities separately in their own homes... Places of worship should continue to provide services through alternative methods (such as via internet live and/or recorded streaming,

telephone, drive-in, etc.) ... Consider modifying practices that are specific to particular faith traditions ... Examples are discontinuing kissing of ritual objects, allowing rites to be performed by fewer people, avoiding the use of a common cup, offering communion in the hand instead of on the tongue ...”

TBC has been forced to livestream music, prayers, and sermons as an “alternative” worship service. Technology is no substitute for community. Congregational worship cannot be virtualized.

We agree with Iain Duguid who, long before the pandemic, insightfully wrote:

Why can't we worship just as well in front of the TV set, where the music and the preaching may well be more inspiring? The reason is that as the covenant community together we are the new temple ... There is something about corporate worship which is not present in individual worship, and that 'something' is a fuller expression of the reality of God's presence.

Virtual is not real togetherness. We certainly thank God for the ability to maintain a level of personal interaction using technology, but it is no real substitution. We deeply lament the fact that we are not allowed to gather and freely worship according to our consciences as a church.

Watching singing and a sermon on a screen is quite nonrelational. It does not offer public service to Christ in the company of His redeemed. When we leave our homes and travel to gather with God's people, we are serving Him. The act of gathering is itself part of our worship—it is part of our service.

Though we are truly grateful for the technology that allows us to publicly broadcast the gospel, yet our togetherness in corporate worship is an irreplaceable and essential dynamic of the church. The worship of God in the fellowship of His people presents a glory that honors and delights our Lord beyond the social longings that we might feel. Togetherness is emblematic of the gospel and therefore the worship of God.

The church may be likened, in our vernacular, to a “team.” For the purpose of illustration, we may picture a sports team. Teams work together. While apart, they may still be members of the team, but they cannot serve as a team unless they are together. A sports team, for instance, can only function as a team when gathered together for the purpose for which they exist as a team. It is when they serve to win a game, each member working together, that they actualize who they are. The church actualizes who she is when she gathers for worship in service to Christ and one another.

This dictated “alternative” is not a church service. It is a State created construct that is not a substitute for congregational worship. The State has a created people-less, soul-less, non-biblical, alternative to a congregational worship service that is repugnant to the federal constitution. The State has utilized and controlled places of worship to mitigate the potential risk of a virus, without due process, compensation or equal protection under the law.

I declares that the State has caused immeasurable harm to the spirits, souls, minds, and hearts of our people and will continue to cause irreparable harm unless the federal courts enjoin orders that prohibit congregational assembly and worship.

Finally, these “alternative” orders, dictating how worship services may be held, are being imposed indefinitely. They are no longer an act of an immediate and temporary emergency. They have become status quo. By such “alternative” orders over our worship, the State has prohibited and restricted the free exercise of our religion and is violating our right to worship according to conscience.

4. WORSHIP ACCORDING TO CONSCIENCE

The present restrictions redefine how we gather. How we gather encroaches on how we worship. Our biblical convictions testified by our confessional history hold that our manner of worship is to be directed according to Scripture and observed according to conscience. This right and responsibility we have from God.⁶¹ This also is our heritage from the Reformation to the Puritans coming to this land, who said that their purpose and aim was “to establish the right worship of God and the discipline of Christ in the Church according to the simplicity of the gospel and without the mixture of men’s inventions, and to be ruled by the laws of God’s word dispensed by such officers as Pastors, Teachers, Elders, etc., according to the Scriptures.”⁶² Later (1623), they gave thanks to God for this very thing: “He ... has granted us freedom to worship God according to the dictates of our own conscience.”⁶³ The worship of God is governed by the church, not the State.

The framing of our constitutional religious liberties in this nation significantly reflect the Westminster Confession of Faith (1647), to which we hold as a church, Article III:

Civil magistrates may not assume to themselves the administration of the Word and Sacraments (2 Chron. 26:18); or the power of the keys of the kingdom of heaven (Matt. 16:19; 1 Cor. 4:1, 2); or, in the least, interfere in matters of faith (John 18:36; Mal. 2:7; Acts 5:29). Yet as nursing fathers, it is the duty of civil magistrates to protect the Church of our common Lord, without giving the preference to any denomination of Christians above the rest, in such a manner that all ecclesiastical persons whatever shall enjoy the full, free, and unquestioned liberty of discharging every part of their sacred functions, without violence or danger (Isa. 49:23). And, as Jesus Christ hath appointed a regular government and discipline in his Church, no law of any commonwealth should interfere with, let, or hinder,

61 “Then the LORD said to Moses, ‘Go in to Pharaoh and say to him, ‘Thus says the LORD, ‘Let my people go, that they may serve [worship] me.’ (Exodus 8:1). “For I received from the Lord what I also delivered to you, that the Lord Jesus on the night when he was betrayed took bread,” (1 Corinthians 11:23). “One person esteems one day as better than another, while another esteems all days alike. Each one should be fully convinced in his own mind.” (Romans 14:5). “Therefore let no one pass judgment on you in questions of food and drink, or with regard to a festival or a new moon or a Sabbath.” (Colossians 2:16). “For you know what instructions we gave you through the Lord Jesus.” (1 Thessalonians 4:2).

62 William Bradford, *Of Plymouth Plantation* (New York, NY: E.P. Dutton & Company, 1920), 3-4.

63 William Bradford. November 29, 1623, in an official Thanksgiving Proclamation (Boston, Massachusetts: Massachusetts Historical Society, 1856).

the due exercise thereof, among the voluntary members of any denomination of Christians, according to their own profession and belief (Psa. 105:15; Acts 18:14–16). It is the duty of civil magistrates to protect the person and good name of all their people, in such an effectual manner as that no person be suffered, either upon pretence of religion or infidelity, to offer any indignity, violence, abuse, or injury to any other person whatsoever: and to take order, that all religious and ecclesiastical assemblies be held without molestation or disturbance (2 Sam. 23:3; 1 Tim. 2:1; Rom. 13:4).

Our people are confused, frustrated, and feel that their God-given right to worship according to conscience is being violated. An act of emergency, as in a temporary quarantine due to evident epidemic death, may justify an exceptional condition. But 245 days with an indefinite future and without substantiation of epidemical proportions of death does not justify interference with our right to worship.

Our people are grieved knowing that the primacy of conscience in matters of worship and the preclusion of interference from civil government in such matters is a heritage that is supposed to be protected in this nation. A sampling of documented examples follows.

Charter of Privileges of Pennsylvania (1701): Because no people can be truly happy, though under the greatest enjoyments of civil liberties, if abridged of the freedom of their consciences, as to their religious profession and worship.

Samuel Adams, *The Rights of the Colonists* (1772): As neither reason requires nor religion permits the contrary, every man living in or out of a state of civil society has a right peaceably and quietly to worship God according to the dictates of his own conscience. “Just and true liberty, equal and impartial liberty,” in matters spiritual and temporal, is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nature, as well as by the law of nations and all well-grounded municipal laws, which must have their foundation in the former.

President George Washington (1789): The liberty enjoyed by the people of these States of worshipping Almighty God agreeable to their consciences is not only among the choicest of their blessings, but also of their rights.

New Hampshire Bill of Rights, Article I, Section V (1792): Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested, or restrained in his person, liberty or estate for worshipping God, in the manner and season most agreeable to the dictates of his own conscience.

The Constitution of the State of Vermont (1791): That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understanding, regulated by the word of GOD ... and that no authority can ... interfere with, or in any manner control, the rights of conscience, in the free exercise of religious worship.

The Constitution of the State of Texas, Article 1, Section 4 (1845): All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; ... no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion; ... but it shall be the duty of the Legislature to pass such laws as may be necessary, to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

The Constitution of the State of Minnesota, Article 1, Section 16 (1857): The right of every man to worship God according to the dictates of his own conscience shall never be infringed.⁶⁴

According to Connecticut law (1784), assembly for peaceable worship shall not be subject to penalty:

As the happiness of a people, and the good order of civil society, essentially depend upon piety, religion and morality, it is the duty of the civil authority to provide for the support and encouragement thereof; so as that Christians of every denomination, demeaning themselves peaceably, and as good subjects of the State, may be equally under the protection of the law ... no persons in this State, professing the Christian religion ... shall incur any penalty ... on account of their meeting together by themselves on said day, for public worship agreeable to their consciences.⁶⁵

In response to concerns expressed by the Danbury Baptists on January 1, 1802, Thomas Jefferson assured the Baptists that the government would never interfere with the free exercise of their religion:

Gentlemen,—The affectionate sentiments of esteem and approbation which you are so good as to express towards me on behalf of the Danbury Baptist Association give me the highest satisfaction. ... Believing with you that religion is a matter which lies solely between man and his God; that he owes account to none other for his faith or his worship; that the legislative powers of government reach actions only and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should “make no law respecting an establishment of religion or prohibiting the free exercise thereof,” thus building a wall of separation between Church and State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties. I reciprocate your kind prayers for the protection and blessing of the common Father and Creator of man, and tender you for yourselves and your religious association assurances of my high respect and esteem.⁶⁶

This civil government of this nation once esteemed the value of the gathering of the Christian church for the sake of the good order and happiness of its citizens:

The happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God and of public instructions in piety, religion and morality.⁶⁷

64 Citations taken from Federer, William J. **America's God and Country: Encyclopedia of Quotations**. Coppel, Texas: Fame, 1994.

65 Isaac Backus and David Weston, *A History of New England with Particular Reference to the Denomination of Christians Called Baptists*, Second Edition., vol. 2 (Newton, MA: The Backus Historical Society, 1871), 316.

66 Jefferson, *Writings*, Vol. XVI, pp. 281–282, to the Danbury Baptist Association on January 1, 1802.

67 *A Constitution or Frame of Government Agreed Upon By the Delegates of the People of the State of Massachusetts-Bay* (Boston: Benjamin Edes & Sons, 1780), pp. 7–8, Article III “Declaration of Rights.” Cited by David Barton, *Original Intent* (Aledo, TX: WallBuilder Press, 1996), 25–26.

When civil government interferes with how we gather and what we are and are not “permitted” to do as worship, we are no longer free in conscience to exercise our religion. This violation of our conscience is harmful to our soul.

Whether to gather for congregational worship should be the decision of the individual, not the State.

Churches should be allowed to reopen responsibly to restore the failing health of the souls of the men, women, youth, and children in their congregations. The harm to the health of individuals who have denied entrance into the gathering God’s people is just as compelling a public health interest as mitigating potential exposure to a virus.

The pastoral leadership of TBC voluntarily decided—out of care and concern for the health of our people—to cancel our in-person gathering scheduled for Sunday, March 15, 2020. This was the first time in the church’s near 30-year history that the leadership announced the cancellation of an in-person service. This decision was made nearly a week before the State and County mandated shelter-in-place orders. We care for our people; we have and will continue to watch out for their greatest good in body and soul. Guidelines are sufficient for us to make responsible decisions as leaders of a voluntary spiritual family.

Before cancelling our March 15 service, the TBC leadership already consulted the CDC guidelines, prepared the facility and drafted guidelines for our people. This was all before the State and County issued their orders. We can gather responsibly with attention given to public health concerns.

When the State prohibits assembly, the State interferes with the worship of God, the State separates pastors from members, the State abolishes faith practices in the church, the State represses the health of the members of the church, the State silences the live voice of the church, the State halts the ministry of the church to the larger community, and the State prevents—in a most needed time—congregational prayer, worship, and the ministry of the gospel of salvation for lost souls and the sick who cannot meet in person with spiritual leaders.

We pray that this summary will serve to encourage and edify your soul. It is also our prayerful desire that you will join us in committing to pray for these matters as we continue to lead, now representing our grievances before the highest courts in our nation. We pray that all among us would have a holy longing for the church to gather. We pray that the courts will grant a favorable ruling that will bless many churches in California through this litigation.

May Christ have mercy on us all. May God be glorified in and through us. May we rest in His sovereign care as we labor in our responsibilities—whether through prayer, patience, or litigation—even to the joy and health of our everlasting souls.