



ORDER OF MALTA
AMERICAN ASSOCIATION
NEW JERSEY AREA

May 6, 2020

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Your Excellencies:

A central charism of the Order of Malta is a zealous defense of the Faith. The Order is as committed to this charism now as it has been during every crisis of faith that occurred these past nine hundred years. We write to offer you our full support in resuming the Church's ecclesial life and to restoring the Eucharist as the "sum and summary of our faith" (Catechism of the Catholic Church (CCC) 1327). It is the joyous obligation of the laity to join with the clergy in resuming the ordinary expression of liturgical life, as this is the only setting where the worship of the faithful "...are cried out to God as from one great heart." (CCC 2179).

When you ordered the cessation of communal Mass and, thereafter, the closure of churches, it was a thoroughly prudent action to take. An airborne, novel virus for which there is no known immunity, treatment or vaccine had arrived within the communities of New Jersey and its impact could not be reliably predicted. There was no other sensible alternative. As you recommended, we prayed to discern His Will in our involuntary absence from Him communally.

The situation has not remained static, fortunately, and information is now available that allows us to understand how the virus acts within the population; to understand who is vulnerable and who is less so, and, for those less vulnerable to the effects of the disease, how to safely manage our interactions with each other. It is not too soon to resume the communal life of the faithful, with the same medically-recommended safeguards that experience has shown works in other communal settings, such as supermarkets, and now, parks. (*See*, for recommendations, NJ Exec. Order 122 at par. 1).

We have also collected for your convenience the enclosed practices that have already been employed in other Dioceses throughout the country. We ask that you permit pastors to implement these practices locally, adapted to suit their circumstance. Of course, parishioners for their part must be responsible and considerate of others. If they are sick, or a family member is, they should not attend. Those who are vulnerable to the ravages of the disease should not attend. All should wear a mask and socially-

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distance. Be assured that our members are available to assist in any way possible. In this regard, for example, members are available to offer medical, legal and other expertise to review protocols, or to assist local parishes in the logistics of organizing a Mass.

While the Governor has said that he has conferred with you, we do not see reopening as subject at all to Executive constraint. The State's stay-at-home Order does not by its terms prohibit communal religious activity. Executive Order 107 *allows* individuals to leave home for a religious reason. (NJ Exec. Order 107 at par. 2(7)). This same exception implicitly permits a religious gathering, subject, of course, to the medically-recommended safeguards needed to avoid the risk of viral transmission. (NJ Exec. Order 107 at par. 5). In sum, the State imposes no barrier to do what He commands us to do. (CCC 1341).

It must be borne in mind, moreover, that even when a legitimate governmental interest exists, such as the arrival of a novel virus, governmental impingement on religious worship is only authorized if it is the most narrowly-tailored means to achieve the interest. As circumstances change, such as is described, *supra*, once-permissible impingements tend increasingly to become impermissible. In other words, the State's appropriate field-of-play affecting religious worship has narrowed significantly in the last few weeks and what it once could do, it can no longer. Finally, it is vital to bear in mind that religious liberty is not a matter of governmental license; it is an inherent natural human right directly from God.

We appreciate the difficult and competing interests at stake. Where once the cessation of communal worship and the closure of churches was the only right course of action to keep the Faithful safe, we submit we are now at the point where denying the Faithful the opportunity to fulfill their obligations to Him – fully in conformance with medically recommended advice – is not only intolerable, but contrary to His command. Where once He may have given us the opportunity to appreciate Him through absence, we submit His call may now be to demonstrate affirmatively and fearlessly our ardent impulse to be together with Him again.

Respectfully submitted,

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Enclosure (1)