



**ORDER OF MALTA**  
**AMERICAN ASSOCIATION**  
**NEW JERSEY AREA**

May 4, 2020

Hon. Philip D. Murphy, Governor  
State of New Jersey  
Office of the Governor  
225 W. State St.  
P.O. Box 001  
Trenton, NJ 08625

Re: Uniform Enforcement of Ex. Ord. 107 to Safeguard Religious Liberty

Dear Gov. Murphy:

The Order of Malta is a lay religious Order of the Roman Catholic Church that has as a primary focus the defense of the Faith. We write to ask you to assure that local officials throughout the State uniformly enforce Executive Order 107 so that the State does not deprive religious liberty to New Jersey residents who choose to worship communally.

As an initial observation, we do not see communal religious worship as subject to Executive constraint at all because 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 likewise implicitly permits a religious gathering subject, of course, to the medically-recommended safeguards needed to avoid the risk of viral transmission. (Ex. Order 107 at par. 5). In sum, the State currently imposes no barrier to communal religious worship when medically appropriate safeguards are in place.

When you issued Ex. Order 107 on March 21 (superseding Ex. Order 104 issued March 16, 2020), it was a legitimate governmental action to take. An airborne, novel virus for which there is no known immunity, treatment or vaccine had arrived within New Jersey and its impact could not be reliably predicted.

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. Life has adjusted according to medically-recommended safeguards that experience has shown works in non-religious communal settings, such as supermarkets, and now, parks. (*See*, for recommendations in retail stores, Ex. Order 122 at par. 1). There is presently no legitimate governmental purpose that would justify restricting communal religious worship under similar, medically-recommended conditions such as those outlined in Ex. Order 122. It is submitted that Ex. Order 107 has always – and appropriately - recognized this vital point.

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Moreover, even when a legitimate governmental interest, such as the arrival of a novel virus, exists, governmental impingement on communal 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 arguably could do, it can no longer.

We are concerned that there may not be a uniform understanding by local government officials of the allowance Ex. Order 107 gives to communal religious worship conducted with medically recommended safeguards. For this reason, we enclose the attached methods that may be in use by Catholic parishes for religious worship that you may wish to communicate to local officials. We ask, further, that you take all necessary steps to ensure that local officials know that Ex. Order 107 does not now and never did bar Catholic communal worship. We also ask that you take all necessary steps to communicate to them that religious liberty is not a matter of governmental license even when the State is under an emergency Order; it is an inherent human right that the Government of New Jersey does not need to restrict in order handle the current crisis.

We are happy to be of assistance to implement the requests we make herein.

Respectfully submitted,

Karol Corbin Walker, Esq., DM, Co-Chair  
Order of Malta, New Jersey Area

Christine Myers, DM, Co-Chair  
Order of Malta, New Jersey Area

Enclosures (1)