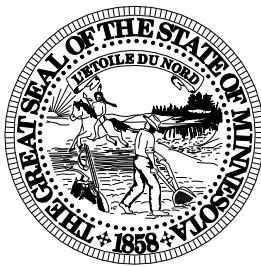


Mary Franson
State Representative

District 8B



Minnesota House of Representatives

May 8, 2020

The Honorable Tim Walz
130 State Capitol
75 Rev Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

RE: Executive Order Closing Houses of Worship

Dear Governor Walz:

The undersigned faith leaders have asked me to forward to you their concerns and intentions regarding their freedom to worship and your current restrictions against meeting together as the Bible commands them to do in Hebrews 10:24–25, which says,

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. (ESV)

We, the undersigned, are expressing to you that we report to a higher authority than the government. Romans 13:1-4 and 1 Peter 2:13-15 tells us as Christ-Followers that we are to be obedient to the governing authorities as long as those authorities promote and encourage us to do what is God's will for good and do not force us to do what is evil. When government praises those who do evil and punishes those who do good, it is our Christian duty to resist. We find the order to desist from having face-to-face worship in violation of our duty to obey God and His word. Online worship is not a satisfactory substitute for face-to-face worship. Many of the people we serve do not have access to the internet and are having their religious freedoms taken away from them by not being allowed to attend voluntarily for worship at houses of worship.

At first, when President Trump asked churches to cease holding public worship because of the Covid-19 virus we voluntarily did so responding to a request. It was not an order and constitutionally neither he nor you have a right to ban public worship according to the First Amendment. We did so thinking the dangers of the virus were far greater than we now know them to be. As each week passes the mortality rate of this virus declines and is now close to or lower than .05% nationally, hardly any more dangerous than the Swine Flu, Bird Flu, H1N1, or many other influenzas that have killed thousands. Yet the government did not forcibly close churches during those epidemics and the government has no right to do so now.

Your executive orders have suspended our constitutional rights and our freedom of religion in every continuing extension of your executive orders and we are not certain nor have been promised when those restrictions will end. We the undersigned are asking you to rescind your orders requiring churches to cease from face-to-face worship, orders that if violated means they will face the penalty of law outlined in your executive orders. We say this since these orders exceed your authority as a governor of a state that must, by law, be in compliance with the Constitution of the United States and its Bill of Rights.

Let us remind you again of the freedoms secured to us in the First Amendment, which says:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

That Bill of Rights has been applied to all the states of the Union since the 14th Amendment was ratified and now all states including Minnesota must submit to the rights recognized in this Amendment. We further acknowledge and hold that this right was not “given” to the people of the United States of America by the government, but was a pre-existing right given to us by God and acknowledged by the government of the United States in its founding documents.

Our right to worship as we see fit has been recognized recently by two federal courts. The first case was *First Baptist Church v. Kelly*. 2020 U.S. Dist. LEXIS 68267 (D. Kansas, April 18, 2020) and *On Fire Christian Ctr. V. Fischer*. 2020 U.S. Dist. LEXIS 65924 (W.D. Kentucky, April 11, 2020). A copy of the court opinion in *On Fire* may be found at <http://lc.org/042920OnFireOpinion.pdf>. And the court opinion for *First Baptist* can be found at <http://lc.org/042920FirstBaptistTRO.pdf>. You will find that, especially in the case *First Baptist Church v. Kelly*, that the federal court found the restrictions against meeting for worship with more than 10 people was unconstitutional when other secular businesses were allowed to do so and was in violation of the First Amendment. Here are the court’s exact words, **“It goes without saying that the government could not lawfully expressly prohibit individuals from meeting together for religious services”**.

In other words, if shopping at Menards or Target or Costco or any other business is permitted but gathering for worship is not permitted then that is a clear violation of the First Amendment.

The U.S. Supreme Court has in the past allowed temporary restrictions to the freedom of religion as long as the reason was extremely compelling and was narrowly targeted to cause the least amount of restrictions as necessary. We find the reason no longer compelling since the numbers as indicated earlier are not what they were first represented to be. And, we cannot trust the numbers we are given to be actual Covid-19 cases. Minnesota State Senator Scott Jensen has repeatedly stated that the MN Public Health Department has encouraged all doctors to state the cause of death on most death certificates as “Covid” even though there were other underlying co-morbidities that were the actual cause of death and unrelated to Covid-19 or at most distantly related to Covid-19. Therefore, since the mortality rate is drastically lower than the rates first estimated, we no longer consider the Corona virus to be a compelling reason to shut down churches in the state of Minnesota and deny them their right to worship according to the First Amendment.

Therefore, we are communicating to you our intent to open our churches to public face-to-face worship every Sunday in May and following Sundays, regardless of your no-longer-lawful executive order not to do so. We are communicating our intent and position to the Attorney General of the United States, William P. Barr, who has announced that he will defend Americans against intrusions into their constitutional liberties by the governors of the states.

Please use this opportunity to modify your Executive Orders and communicate that change to the public as soon as possible.

Signed,

A handwritten signature in black ink that reads "Mary D. Franson". The signature is written in a cursive style with a large, stylized "M" and "F".

Rep. Mary Franson

Rev. Darryl Knappen
Cornerstone Church, Alexandria, MN

Pastor Mike Bartolomeo
Harvest Church, Alexandria, MN

Pastor Andy Lewis
First Baptist, Glenwood, MN

Pastor John Taplin
New Life Church, Alexandria, MN

