



May 13, 2020

Via Email

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**Re: Demand to Rescind May 6, 2020, Cease-and-Desist
Order Issued to Victory Baptist Church**

Dear Chm. Jasset, Chm. Guilfoyle, Interim Dir. Sweet and Ms. Baker:

Victory Baptist Church has retained my firm to represent it in connection with the cease-and-desist order that the Board of Health (Board) issued on May 6, 2020 (Order). We demand that the Board rescind its unconstitutional order by 12:00 p.m. on May 14, 2020.

The Board alleges that “on May 6, 2020 [Victory Baptist] was observed advertising for services to be held on May 10, 2020 in violation of COVID-19 Order No. 13.” And in response, the Board ordered Victory Baptist to “immediately cease and desist from operating . . . until . . . the Governor rescinds COVID-19 Order No. 13.” The Board also threatened “additional penalties” should the church not comply with the Order.

Neither Victory Baptist’s announcement nor its then-planned May 10 worship services violated the governor’s COVID-19 Order No. 13 (Executive Order). The Executive Order prohibits “[g]atherings of more than 10 people.” The gatherings subject to the Executive Order “include, without limitation, community, civic, public, leisure, faith-based . . . and any similar activity that brings together *more than 10 persons* in any confined indoor or outdoor space.” (emphasis added).

Because the Order is purportedly based on Victory Baptist's announcement on its website, we presume you are also aware of its content. See <https://bit.ly/2Wum62l>

Pastor Nick White made clear in the online announcement that the May 10 services would be limited to "under 10 people" per service to "comply with the guidelines that . . . Governor Baker has set forth for the State of Massachusetts." If more than 10 congregants signed up to attend, Victory Baptist intended to add as many services as required to both abide by the Executive Order's 10-person limit and to facilitate the congregants' constitutional rights to assemble and freely worship. See <https://bit.ly/2Wrnjaq>. The Executive Order required no more.

Not only did Victory Baptist express its intent to fully honor the Executive Order, it imposed conditions on itself well beyond those required under the Executive Order for any 10-person gathering, whether secular or religious. Those conditions included:

- Requiring congregants to provide advance notice by text or online sign-up to attend "one of our social distanced services."
- Limiting each service to no more than one hour;
- Placing a one-hour buffer between services to do a "deep sanitization" of the church after each service and at the conclusion of the final service;
- Taking each congregant's temperature at the door with an infrared, non-contact thermometer and prohibiting anyone with a temperature of 99° or above from entering the church;
- Issuing and requiring congregants to wear latex- and powder-free gloves and a mask;
- Spacing each chair eight feet apart; and
- Providing no childcare.

See <https://bit.ly/2Wum62l>. Finally, Pastor White exhorted elderly congregants and those with underlying health conditions "to stay home."

Victory Baptist's expressed intent to limit the size of its worship services to comply with the Executive Order—along with self-imposing conditions that the Executive Order does not even require—make clear the Order issued by the Board is nothing more than an attempt to target this church. While prudence may dictate

that people of faith adapt the nature of their gatherings in situations like this one – precisely what Victory Baptist did – it is also incumbent on the government to know the law sufficiently to refrain from unlawfully harassing its citizens.

Victory Baptist did not host services last Sunday, but it plans to do so on May 17, 2020, pursuant to the plans expressed in its previous announcement. It should be permitted to do so without fear of disruption. For these reasons, we demand that the Board and Town of Dedham rescind the Order by 12:00 p.m. on May 14, 2020, and refrain from further harassment of this church.

Respectfully,



Ryan J. Tucker
Counsel for Victory Baptist Church

cc: Board of Health
Board of Selectmen
Pastor Nick White
Andrew Beckwith