



UNITED STATES DEPARTMENT OF JUSTICE
TIMOTHY J. DOWNING

UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA

210 PARK AVENUE, SUITE 400
PHONE: (405) 553-8700

OKLAHOMA CITY, OK 73102
FAX: (405) 553-8888

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Mayor Breea Clark
City of Norman
P.O. Box 370
Norman, OK 73070
Breea.Clark@NormanOK.gov

RE: Proclamation 2020-07; Healthier at Home Initiative to Re-Boot Norman

Dear Mayor Clark:

I am writing to offer my assistance to you as we navigate the difficult legal issues surrounding our response to the Coronavirus pandemic. The United States Department of Justice has great respect for our local government partners in the ongoing fight to end the pandemic and save lives. At the outset, I wish to thank you for the efforts you have taken to help protect the citizens of Norman. However, I am also writing to express my concern that Proclamation 2020-07 may violate the right to free exercise of religion protected by the First Amendment. Therefore, I respectfully request that you consider amending your proclamation to include the opening of places of worship in Phase 1A.

The novel coronavirus and the life-threatening consequences of COVID-19 have required unprecedented and essential steps to be taken at all levels of government to contain their spread and save lives. To that end, many states and localities have imposed a variety of measures, including mandatory limitations on gatherings. Following the guidelines set forth by the President's Guidelines for Reopening America and the Centers for Disease Control and Prevention is the best path to swiftly ending COVID-19's profound disruptions to our national life and resuming the normal economic life of our country. Citizens who seek to do otherwise are not merely assuming risk with respect to themselves, but are exposing others to the same danger.

However, while state and local public officials are owed deference in addressing the pandemic threatening the health and safety of the public, there is no pandemic exception to the Bill of Rights. Even in times of emergency, when reasonable and temporary restrictions are placed on rights, the First Amendment and federal statutory law prohibit discrimination against religious institutions and religious believers. Government may not impose special restrictions on religious activity that do not also apply to similar nonreligious activity. For example, if a government allows professional services, personal care providers, restaurants, retail stores, and other comparable

places of assembly to open, as appears to be the case with Proclamation 2020-07, it may not order houses of worship to remain closed or otherwise impede religious gatherings. Religious institutions must not be singled out for special burdens.

Where a state or local government does not act evenhandedly, it must have a compelling reason to impose restrictions on places of worship and must ensure that those restrictions are narrowly tailored to advance a compelling state interest. Places of worship should be trusted to honor social distancing and sanitation guidelines to the same extent as secular institutions.

Religion and religious worship continue to be central to the lives of millions of Americans. This is true now more than ever. The pandemic has changed the way Americans live their lives. Religious communities have rallied to protect their communities from the spread of this disease by making services available online or in parking lots, leaving pews empty, and in numerous other creative ways that otherwise comply with social distancing and sanitation guidelines. Those efforts may be impeded by Proclamation 2020-07 and its prohibition on the operation of places of worship.

Of course, I recognize that as Mayor of Norman, you have an important and solemn responsibility to protect public health and safety, while respecting the free exercise of religion protected by the First Amendment. As Americans, we are all in this fight together.

Thank you for your consideration.

Sincerely yours,



TIMOTHY J. DOWNING
United States Attorney

cc: Norman City Council Members (CityCouncilMembers@NormanOK.gov)
Norman Chief of Police Kevin Foster (PDChief@NormanOK.gov)
District Attorney Greg Mashburn (Greg.Mashburn@dac.state.ok.us)
Oklahoma Attorney General Mike Hunter (Mike.Hunter@oag.ok.gov)