



**DIOCESE OF
SAN JOSE**

Office of Bishop

Statement by Bishop Oscar Cantú Regarding Santa Clara County And the Supreme Court Rulings

February 16, 2021

The Diocese of San Jose continues to be concerned for the health and wellbeing of our parishioners and the wider public. Human life is precious and should be protected from conception to natural death. In March 2020, when the imminent danger of COVID-19 became apparent, the Diocese of San Jose willingly and preemptively closed our churches and schools out of concern for all parishioners and the general public. Throughout the past 11 months working with the County and the State health officials, the Diocese and its 54 parishes and 26 schools have been diligent in following the safety protocols. In recent months, we have been making the evidence-based case that in each of the other 49 States where indoor worship has been allowed to some limited capacity, the transmission of the virus has not been attributed to indoor worship when safety protocols are followed (distancing, masking, sanitation, etc.). Yet, until this month, California continued to be the only State in the country to ban indoor worship. All the while, retail stores, shopping malls, and personal services remained open indoors.

In December, the Supreme Court's injunction in the Diocese of Brooklyn case established the principle that religious worship may not be treated less favorably than the most favored classes of business, meaning the rules for indoor retail, for example, should also apply to indoor worship. Then earlier this month, the Supreme Court's injunction in the South Bay United Pentecostal Church, et al., case struck down California's blanket ban on indoor worship.

Yet, Santa Clara County claims that the U.S. Supreme Court decisions do not apply in Santa Clara County. This County appears to be the only county in the country making this claim. I am quite concerned about the inequality created by the County's use of the term "gathering" to artificially distinguish places of worship from other businesses, which are allowed to operate indoors during this pandemic. To be clear, I understand the county public health officials are trying to keep people safe – a tall order, indeed, but they should not be treating retail, shopping malls, and personal services providers more favorably than places of worship when evidence shows the risks are the same when safety protocols are followed. Therefore, the Diocese of San Jose is exploring its legal and administrative options in response to the County's treatment of places of worship.

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