



NORTH CAROLINA SHERIFFS' ASSOCIATION  
LAW ENFORCEMENT OFFICERS AND STATE OFFICIALS  
OF NORTH CAROLINA

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Carteret County

SHERIFF HUBERT A. PETERKIN  
Hoke County

**EMAIL TO:** All Sheriffs

**FROM:** Eddie Caldwell  
Executive Vice President and General Counsel  
North Carolina Sheriffs' Association

**SENT:** May 12, 2020

**SUBJECT:** NCSA Resolution to Governor Roy Cooper Regarding COVID-19  
Restrictions on Worship Services

Sheriffs have been hearing from citizens and religious leaders asking if they will be arrested for attending their worship service, or if their worship service will be shut down under the Governor's Executive Order No. 138.

Therefore, on May 8<sup>th</sup> the Executive Committee of the North Carolina Sheriffs' Association unanimously adopted and submitted a Resolution (copy attached) to Governor Roy Cooper asking that the Governor amend Executive Order No. 138.

Since submitting the Resolution to Governor Cooper, we have had various conversations with the Governor's staff. Today, Governor Cooper's staff replied and provided a document entitled: "EO 138 Phase One – Guidance for Religious Services and Mass Gathering Restrictions" (copy attached).

While this document does not amend Executive Order No. 138, it does provide new important clarifications, to include:

"In situations where it is not possible to conduct worship services outdoors or through other accommodations - such as through, for example, a series of indoor services of ten or fewer attendees, or through online services - the ten-person attendance limit on indoor worship services does not apply."



100% Membership

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Fax: (919) 783-5272 • E-mail: [ncsa@ncsheriffs.net](mailto:ncsa@ncsheriffs.net) • [www.ncsheriffs.org](http://www.ncsheriffs.org)

The North Carolina Sheriffs' Association is a Non-Profit, tax exempt organization recognized by the I.R.S.

Email to All Sheriffs  
NCSA Resolution to Governor Roy Cooper Regarding COVID-19 Restrictions on Worship Services  
May 12, 2020  
Page 2 of 2

Hopefully, this additional guidance on behalf of the Governor will resolve the concerns that have been raised by citizens and religious leaders across the state.

Thanks....Eddie C.



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**Edmond W. (Eddie) Caldwell, Jr.**  
*Executive Vice President and General Counsel*  
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**North Carolina Sheriffs' Association**  
***Proudly Serving the Sheriffs and Citizens of North Carolina since 1922***

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# NORTH CAROLINA SHERIFFS' ASSOCIATION LAW ENFORCEMENT OFFICERS AND STATE OFFICIALS OF NORTH CAROLINA

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## EXECUTIVE COMMITTEE MEMBERS (Past Presidents)

SHERIFF STEVE BIZZELL  
Johnston County

SHERIFF SAM PAGE  
Rockingham County

SHERIFF KEVIN FRYE  
Avery County

SHERIFF ASA B. BUCK, III  
Carteret County

SHERIFF HUBERT A. PETERKIN  
Hoke County

May 8, 2020

## RESOLUTION

**WHEREAS**, the sheriffs of North Carolina support our citizens and support and defend the constitutional right of all North Carolina citizens to practice their individual religion, peaceably assemble, and freely worship in their houses of worship and elsewhere, as provided for and protected by the Constitution of the United States and the North Carolina State Constitution; and

**WHEREAS**, the First Amendment to the Constitution of the United States provides that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."; and

**WHEREAS**, the First Amendment to the Constitution of the United States is made applicable to the State of North Carolina by the Fourteenth Amendment; and

**WHEREAS**, Article I, Sec. 13 of the North Carolina State Constitution provides that: "Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience"; and

**WHEREAS**, Executive Order No. 138 was issued by the Honorable Roy Cooper, Governor of North Carolina, on May 5, 2020 to become effective at 5:00 pm on May 8, 2020; and

**WHEREAS**, Section 2.C. provides that people may leave their residence for "Allowable Activities"; and

**WHEREAS**, Section 2.C.2. provides that people may leave their homes to look for or obtain goods and services (i.e. to shop) from a business operation that is not closed by a current Executive Order; and

**WHEREAS**, Section 2.C.7. provides that people may leave their homes to travel to and from a place of worship or exercise any other rights protected under the First Amendment to the Constitution of the United States and its North Carolina counterparts; and



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**WHEREAS**, Section 3.A. provides that most businesses and organizations can be open; and

**WHEREAS**, Section 3.B., C., and D. set forth specific requirements that must be adhered to by retail businesses that are allowed to be open, as well as additional recommendations specific to retail businesses and recommendations for all businesses (retail or other); and

**WHEREAS**, Section 6.A. prohibits mass gatherings of more than 10 persons at the same time in a single space but specifies that mass gatherings do not include gatherings “for worship”; and

**WHEREAS**, Section 6.C. requires that gatherings for worship of more than 10 people are only allowed if they “take place outdoors unless impossible”; and

**WHEREAS**, the sheriffs of North Carolina believe that the restrictions and recommended guidelines that apply to persons who gather to worship should be no more stringent than those that apply to businesses that are allowed to remain open; and

**WHEREAS**, the restriction in Executive Order No. 138 that requires gatherings “for worship” of more than 10 persons to be held outdoors unless “impossible” to do so is significantly more restrictive than the restrictions in Executive Order No. 138 on “Retail Businesses”; and

**WHEREAS**, the sheriffs [and other law enforcement officers] are tasked by Governor Roy A. Cooper in Executive Order No. 138 and all previous Executive Orders related to COVID-19 with enforcement of the Order; and

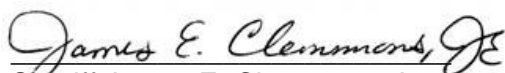
**WHEREAS**, the sheriffs of North Carolina, on a daily basis, individually and personally talk with many of the citizens of our state regarding the enforcement and impact of Executive Orders related to COVID-19; and

**WHEREAS**, many citizens have told sheriffs that they do not understand nor agree with the Governor’s limits on worship services that are more restrictive than the Governor’s limits on businesses and other allowable activities, and the wording of these more restrictive limitations creates interpretation and enforcement issues for law enforcement.

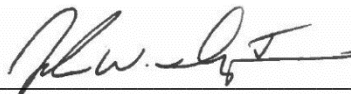
**NOW, THEREFORE**, the North Carolina Sheriffs’ Association respectfully requests that Governor Roy A. Cooper amend Executive Order No. 138 to provide that indoor worship services are not prohibited by Executive Order No. 138 if they adhere to similar requirements that allow for the operation of retail businesses.

**IN WITNESS WHEREOF**, the undersigned by our signatures below, do hereby certify that this Resolution was adopted on behalf of the Association unanimously by the Executive Committee of the North Carolina Sheriffs’ Association.

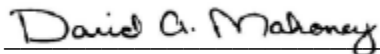
This the 8<sup>th</sup> day of May, 2020.



Sheriff James E. Clemmons, Jr.  
Chairman, Executive Committee  
North Carolina Sheriffs’ Association



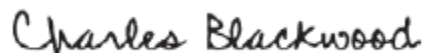
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President  
North Carolina Sheriffs’ Association



Sheriff David A. Mahoney  
First Vice President  
North Carolina Sheriffs' Association



Sheriff Ed McMahon  
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Third Vice President  
North Carolina Sheriffs' Association



Sheriff Alan C. Jones  
Secretary  
North Carolina Sheriffs' Association



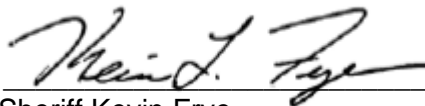
Sheriff Alan Cloninger  
Treasurer  
North Carolina Sheriffs' Association



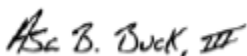
Sheriff Steve Bizzell  
Past President  
North Carolina Sheriffs' Association



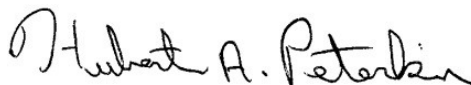
Sheriff Sam Page  
Past President  
North Carolina Sheriffs' Association



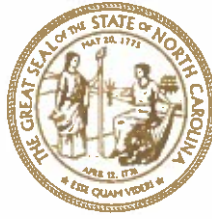
Sheriff Kevin Frye  
Past President  
North Carolina Sheriffs' Association



Sheriff Asa B. Buck, III  
Past President  
North Carolina Sheriffs' Association



Sheriff Hubert A. Peterkin  
Past President  
North Carolina Sheriffs' Association



STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR

ROY COOPER  
GOVERNOR

**EO 138 Phase One – Guidance for Religious Services and Mass Gathering Restrictions**

On May 5, 2020, Governor Cooper signed Executive Order 138 (“Phase One Order”). The Phase One Order addresses the current status of the Statewide Stay at Home Order, including limits on certain travel and business operations as well as current mass gathering restrictions. The mass gathering restrictions in the Phase One Order provide more flexibility for many activities, including religious worship. The mass gathering requirements in the Phase One Order are currently set to remain in effect for two weeks beginning on Friday, 8 May 2020. This guidance document describes certain special accommodations for religious worship that are set forth in the Phase One Order. This document is intended to provide helpful guidance. It does not change or override the terms of any Executive Orders. In carrying out the Phase One Order to protect members of the public, local authorities are encouraged to initially address violations with education and warnings.

Section 6 of the Phase One Order generally prohibits mass gatherings. A mass gathering is defined as an “event or convening that brings together more than ten (10) persons at the same time in a single space such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space.” However, some occurrences, including religious services, are excepted from the Order’s definition of mass gathering. As discussed below, events such as worship services and weddings may take place indoors with ten or fewer people in attendance. These events may also take place outdoors without the ten-person attendance limit, if attendees follow as much as possible the Recommendations to Promote Social Distancing and Reduce Transmissions outlined in the Phase One Order. Public health experts have concluded that conducting these activities outdoors is necessary to protect public health because there is evidence that stationary activities that occur indoors have a higher likelihood of causing transmission of COVID-19.

*Outdoor Worship Services*

There is no limit on the number of people that can attend outdoor worship or wedding services. Attendees should follow, as much as possible, the Recommendations to Promote Social Distancing and Reduce Transmission highlighted in the Phase One Order. Therefore, an outdoor worship service, similar to a demonstration, may be held where families (from the same household) in attendance maintain at least six feet of social distancing from other families or individuals. The event must be held in an unenclosed space (i.e. not an outdoor facility with walls). Outdoor worship services are also allowed without these restrictions where participants remain in their cars.

### *Indoor Worship Services*

Indoor worship services and weddings are allowed for gatherings of ten people or fewer in the same confined space. However, nothing prevents an indoor worship service from being shifted to multiple services over a period of time, or held in different rooms, to meet the requirements of the Phase One Order.

In situations where it is not possible to conduct worship services outdoors or through other accommodations — such as through, for example, a series of indoor services of ten or fewer attendees, or through online services — the ten-person attendance limit on indoor worship services does not apply. For example, there may be situations in which particular religious beliefs dictate that some or all of a religious service must be held indoors and that more than ten persons must be in attendance. While indoors, participants should continue to adhere to the Recommendations to Promote Social Distancing and Reduce Transmission.

### *Funeral services*

To promote human dignity and limit suffering, up to fifty people may attend a funeral held indoors. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission set forth in the Phase One Order.