

To Be Exempt From the Mask Order on Religious Grounds, Applicants Must Demonstrate that Wearing Masks Offends Sincerely Held Religious Beliefs

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Geerlings v. Tredyffrin/Easttown Sch. Dist., 21-CV-4024, 2021 WL 4399672, at *1 (E.D. Pa. Sept. 27, 2021). United States District Court for the Eastern District of Pennsylvania declines to enjoin school district masking policy because Plaintiffs failed to demonstrate that wearing masks is contrary to their sincerely held religious beliefs.

BACKGROUND

In response to the continuing coronavirus (COVID-19) pandemic, Pennsylvania's Acting Secretary of Health recently ordered that all schools require face coverings while indoors. The School District enacted a policy consistent with the mask Order that did not provide for religious exemptions because the mask Order did not provide for such exemptions.

Asserting that the mask Order and policy infringed on their constitutional right to practice their religious beliefs, four Plaintiffs sued the School District and sought injunctive relief to prohibit the School District from implementing the masking Order and enforcing its policy that students wear face masks while in school.

DISCUSSION

To obtain relief from government action based on religious objections, a person must demonstrate that they possess a sincere religious belief that is contrary to the challenged action.

To be sincere, a religious belief must satisfy two requirements. First, the belief must be "sincerely held." This requirement is necessary because without some sort of required showing of sincerity on the part of the individual seeking judicial protection of its beliefs, the first amendment would become a limitless excuse for avoiding all unwanted legal obligations.

Second, the belief must be "religious in nature." In other words, it is not sufficient for Plaintiffs to hold a "sincere opposition" to mask-wearing. Instead, Plaintiffs "must show that their opposition to mask-wearing "is a religious belief."

To add some structure to the question of which beliefs count as religious, the Third Circuit has offered three guideposts:

- a religion addresses fundamental and ultimate questions having to do with deep and imponderable matters;
- a religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching; and
- a religion often can be recognized by the presence of certain formal and external signs.

Two Plaintiffs argued that wearing masks offends their religious beliefs because they believe that people are made in the image of God and that it dishonors God for people to cover their faces. However, the court found that this was not a sincere tenant of either Plaintiffs' faith.

For example, the court noted that one Plaintiff was a member of a church that required attendees to wear masks. Accordingly, it appeared to the court that she arrived at her feelings towards face coverings on her own and that her "belief" was not sincere. Instead, it was more likely an "excuse" for avoiding unwanted legal obligations.

Moreover, even if her beliefs were sincere, refusing to wear a mask was not a tenant of her religion. The court explained that this Plaintiff had not demonstrated that she practices keeping her face uncovered in the same way followers of Catholicism practice communion or those of Jewish faith practice eating unleavened bread on Passover. In addition, there was no evidence that her decision to eschew masks corresponded to the teachings of her community, upbringing, or other “comprehensive ... belief-system.” In addition, there was no evidence that she practices it through “formal and external signs” such as holidays, ceremonies, or clergy. Instead, the court concluded that her beliefs are an “isolated moral teaching” that reflects the circumstances of the ongoing pandemic and seems to be more associated with opposition to health restrictions.

As for the second Plaintiff making this claim, the court noted that he had no objection to his son wearing football helmets or wrestling head gear. Moreover, this Plaintiff could not identify any source for his beliefs that masks disrespect the creator and it was clear that he did not possess these beliefs before the current pandemic.

Accordingly, the court concluded that neither of these Plaintiffs demonstrated that they held sincere religious beliefs against wearing masks.

The court also rejected two other Plaintiffs’ claims that wearing masks offended their religious beliefs. These Plaintiffs asserted that it is immoral to harm the body and that masks harm the body.

One of these Plaintiffs, who regularly attends church, could not point to anything in her community, church, or past experiences that would substantiate her contention that she has a religious practice of not wearing masks.

Moreover, even if she sincerely believed that the body is a temple and should not be harmed, the court determined that this is a medical belief, not a religious belief. As the court explained, even though the two may sometimes overlap, such as where a prohibition on eating pork serves both sanitary and spiritual ends, it takes more than a generalized aversion to harming the body to nudge a practice over the line from medical to religious.

The court rejected another Plaintiff’s similar claims for a different reason. This Plaintiff has no church affiliation and did not subscribe to any Bible. Instead, he described his religion as a set of personal beliefs based on his own research. In short, this Plaintiff’s beliefs were his personal understanding of right and wrong.

The court explained that such a “personal moral code,” while commendable, is not afforded the protection of the Free Exercise Clause. The court explained:

An individual or group may adhere to and profess certain political, economic, or social doctrines, perhaps quite passionately. The first amendment, though, has not been construed, at least as yet, to shelter strongly held ideologies of such a nature, however all-encompassing their scope.

Accordingly, these Plaintiffs’ beliefs were not entitled to protection because one was a medical belief and the other, in addition to being a medical belief, was based on a personal moral code and not a religion.

PRACTICAL ADVICE

This decision provides helpful guidance to any school district that receives a request for a religious exemption from the current mask Order. While the court makes clear that an applicant for an exemption must demonstrate that their objection to wearing a mask is based on a sincerely held religious belief, the court does not exclude the possibility that some applicants could meet this burden and be entitled to a religious exemption from the Order. To the contrary, the court explicitly stated that “the District’s obligation to protect students’ legitimate constitutional right to practice their religion cannot be set aside by an order from the Secretary of Health of Pennsylvania.” Accordingly, school districts should work closely with their solicitor if they ever receive a request for a religious exemption from the mask Order and corresponding

school district policy.