



# TIMBUKTU

S E M I N A R Y

- each one teach one -

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

From abu taubah

To Whom it may concern,

As-Salaamu Alaykum to everyone who follows right guidance,

**Situation:** On May 2020 ,14 on the Kaafir's calendar, The Peoples Baptist Church & its associates sued the Governor of North Carolina for imposing restrictions to religious gatherings. The restriction being a limitation to how many people can attend a religious gathering. They requested the Court to remove this restriction as it violates the Constitution. They stated, "There is no pandemic exception to the Constitution of the United States or the Free Exercise Clause of the First Amendment. "

**Result:** On May 2020 ,16 on the Kaafir's calendar, United States District Judge James C. Dever 3rd granted relief to all persons and groups gathering to worship in North Carolina.

**What Does this Mean?** This means that every Masjid in North Carolina can hold the five daily Salaah, JumuAh, and Eed prayers as dictated by the laws of islaam. With no limit to how many people can attend. The Court trusts that people will, for the sake of their own safety take the necessary precautions to avoid catching COVID19 just as they do when they go to other non-religious places.

**I have read the Courts order and I have quoted some of its important points below:**

The court began by saying,

"The Governor has offered no good reason for refusing to trust the congregants who promise to use care in worship in just the same way he trusts accountants, lawyers,



and laundromat workers to do the same."

"Eleven men and women can stand side by side working indoors Monday through Friday at a hospital, at a plant, or at a package distribution center and be trusted to follow social distancing and hygiene guidance, but those same eleven men and women cannot be trusted to do the same when they worship inside together on Saturday or Sunday. "The distinction defies explanation, or at least the Governor has not provided one."

This court does not doubt that the Governor is acting in good faith to lessen the spread of COVID19- and to protect North Carolinians. "But restrictions inexplicably applied to one group and exempted from another do little to further these goals and do much to burden religious freedom."

**Meaning:** Since it allowed to stand side by side at work, you can stand side by side in Salaah, if you want to. {abu taubah}

**To further this point the court stated:**

"[T]he record, at this admittedly early stage of the case, reveals that the Governor appears to trust citizens to perform non-religious activities indoors (such as shopping or working or selling merchandise)

but does not trust them to do the same when they worship indoors together. The principle that government, in pursuit of legitimate interests, cannot in a selective manner impose burdens only on conduct motivated by religious belief is essential to the protection of the rights guaranteed by the Free Exercise Clause [in the Constitution]."

Notably, 15 other Governors trusted the people of their states and exempted religious gatherings from any attendance limitations during this pandemic.

**NOTE:** These fifteen states are Pennsylvania, West Virginia, Ohio, Michigan, North Dakota, South Dakota, Utah, Colorado, Arizona, Texas, Arkansas, Tennessee, South Carolina, Georgia, and Florida. Virginia Villa, Most States Have Religious Exemptions to COVID19- Social Distancing Rules, Pew Research Center (April 2020 ,27)

**After listening to both sides, the Court determined:**



[The] Plaintiffs [Churches, Masjids & Synagogues] have demonstrated they would suffer an irreparable injury if the assembly for religious worship provisions in EO 138 are enforced. The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.

With each passing day, the harm from depriving plaintiffs of their free exercise rights only increases. Accordingly, enforcing the assembly for religious worship provisions in EO 138 constitutes irreparable injury.

**[However]** The court also must balance the equities before granting a temporary restraining order. Lives are at risk, particularly among the elderly and those with pre-existing conditions such as obesity, diabetes, hypertension, and lung disease. But the instinct for self-survival is strong. The court trusts worshipers and their leaders to look after one another and society while exercising their free exercise rights just as they and their fellow citizens (whether religious or not) do when engaged in non-religious activities.

In summary, the court GRANTS plaintiffs' emergency motion for a temporary restraining order.

[The] Defendant, [Governor] any of his agents, employees, and state or local law enforcement officers are ENJOINED from taking any enforcement action against plaintiffs or any other worshipers pursuant to the assembly for religious worship provisions in EO 138. As set forth in section 0)6) of EO 138, any person or group of people gathering to worship should observe the Recommendations to Promote Social Distancing and Reduce Transmissions to the extent practicable. End quotes

**In closing:** I encourage the healthy Muslims in North Carolina to come out to Salaah and to organize themselves for the upcoming Eed. And I encourage those with pre-existing conditions/poor health to remain home and be patient. In shaa Allaah, The Timbuktu Community Center will host the Eed prayer if the larger community does not organize and act on this legal right.

Abu taubah Mukhlis BinLonzo  
25 RamaDaan 1441  
WalHamdulillaah