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Rev. Dr. Gregory S. Walton, President
Florida Georgia District LCMS
5850 T.G. Lee Blvd., Suite 500
Orlando, FL 32822

RE: Ministry Gatherings

Dear President Walton:

As you can imagine, communications between our ministries and my office has dramatically increased as a result of the rapidly changing rules, regulations and orders surrounding the Corvid-19 Pandemic. It is my hope that this information will prove helpful to you and thus to District ministries.

Both Florida and Georgia Governors have declared a State of Emergency. The authority of State Governor's to do so is within their scope of powers as given to their office by and through the Constitution of the United States. They are, in all respects, the Commander in Chief of their respective state, in similar fashion to the power and authority of the President of the United States of America. Acting under its authority, the Governor's is responsible for the protection of the health and safety of its residents.

During a State of Emergency ("SOE"), the Governor has at its disposal state and federal laws necessary to enforce the SOE. That means, if the condition of SOE includes the "mandate" that people do not gather in groups of 10 or more, then the Governor can use the state militia to enforce the terms of the SOE. I have not heard that either Florida or Georgia have engaged their militia to enforce the SOE at this point. Absent a mandate to hunker in place, this action would seem over-reaching at this point. That said, things are changing ever minute.

In the meantime, our ministries need to understand that IF the non-gathering recommendation is relegated to a state "Mandate," the Governor, and each Mayor within the state, could use criminal laws as an enforcement measure. For example, if a ministry elects to remain open during such a mandate, and assuming someone filed a complaint with local law enforcement or the State Attorney's Office, generally speaking, those "gathering" could face up to a \$1,000 fine and incarceration of not more than 1-year; a misdemeanor. The difficulty here would be the state's ability to "actually" enforce the laws against those violating the SOE. If businesses are closed and people were/are laid off, those violators would likely not be able to pay the fine when required. Does that mean that the State's department of revenue would be able accrue interest on the non-payment? The answer to that question is presently unknown. Unknown is this, our jails are not capable of locking up all violators and it seems unlikely that government (Federal and State) would commit resources to create detainment camps. However, I am sure no one saw the detainment camps being used during WWII. Notwithstanding the foregoing, my concerns about ministries gathering during these current pandemic involves the word "foreseeability". Let me put that into perspective.

If one of our ministries remains open against a Mandatory non-gathering order, and someone contracts the Coronavirus and dies, the lawyer representing the family will likely make an argument of foreseeability. The argument would state to the effect, the Church knew of the mandate, and violated the SOE. Given the publicity of the virus, it was foreseeable that someone would contract the virus and therefore also foreseeable that those with underlying compromised medical conditions could die. The questions unknown at the time would include, could/would the Pastor, Principal or Administrator be personally liable? Would any of the leadership of the ministry (Elder's, Council President, etc.) be liable?

William R. Huseman, P.A.


Would the ministry's insurance company cover a claim or does its insurance policy have an exception for wanton violations of the laws. The answers to these questions are difficult to ascertain as we have never faced this situation in our Country.

For your information and use, the advice I have been giving our ministries is . . . follow CDC guidelines. Take ALL precautions necessary to contain the virus within your circle of influence. If a ministry has the ability to livestream its services, it is really a great alternative as it allows people to receive the Word. As far as baptisms are concerned, I would recommend the Pastor's perform the baptism at the residence of those desiring this sacrament, as opposed to corporate ceremony. As to weddings and funerals, each ministry should determine for itself what parameters should be in place not only follow CDC guidelines but more importantly to protect the health of their members and respective communities.

Youth trips to other cities, states, countries, should be delayed where possible. Moreover, if employees, volunteers and members of our ministries have been on a cruise or been in a country outside the US, I strongly recommend these folks not return to the ministry for a period of at least 2-weeks or until they are tested with a negative result.

I pray that this information is helpful.

In His service,



William "Rusty" Huseman

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