

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MAINE
Bangor Division**

CALVARY CHAPEL OF BANGOR,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>1:20-cv-00156-NT</u>
)	
JANET MILLS, in her)	
official capacity as Governor of the)	
State of Maine,)	
)	
Defendant.)	

**DECLARATION OF KEN GRAVES IN SUPPORT OF PLAINTIFF’S
RENEWED MOTION FOR PRELIMINARY INJUNCTION**

I, Ken Graves, do hereby declare as follows:

1. I am over the age of 18 years, have personal knowledge of the matters set forth in this Declaration, and if called upon to testify to them, I would and could do so competently.

2. I am the Senior Pastor of Calvary Chapel of Bangor (“Calvary Chapel”), the Plaintiff in the above-captioned cause. I am responsible for overseeing and managing all of the affairs that the Lord Jesus Christ gave me in my role as Under-Shepherd of his Church at Calvary Chapel.

3. One of the many ministries offered at Calvary Chapel is the Calvary Residential Discipleship program, which is a one-year, live-in program for men and women who are seeking a way of escape from drugs, alcohol, and other life-controlling issues, along with a deeper relationship with our Lord Jesus Christ.

4. Calvary Residential Discipleship’s Men’s Program trains men with life controlling problems who are determined to overcome their bondage. The framework for this program is a process by which desperate men come to accept the Biblical message of becoming a “new

creation” through faith in Jesus Christ. Old things pass away and all things become new. (II Corinthians 5:17.) The goal of this twelve-month program is that each graduate become an honest, trustworthy man of God empowered by The Spirit of God.

5. The Men’s Program consists of three phases, each with specific structure, programs, and goals: The Basic Phase, the Transition Plan, and the Transition Phase. In the Basic Phase Part 1, the first eight weeks are highly restrictive and regimented. Completion of a Biblical Foundations course involving personal study is required. A daily work routine is also a part of this phase. They are not allowed to have and use cell phones, iPods, computers, or other electronic devices.

6. In the Basic Phase Part 2, the student becomes a more serious disciple through continued study and application of God's Word. Additionally, during this sixteen-week schedule responsibilities are increased. Leadership roles develop as the student demonstrates his ability to serve others effectively. They are not allowed to have and use cell phones, iPods, computers, or other electronic devices. During the final month of this phase, the student will be afforded the opportunity to develop a Transition Plan.

7. In the Transition Plan portion, the program focuses on making the transition from Calvary Residential Discipleship to the next season of life ideal for the student, and a number of issues must be considered and arrangements made (e.g. securing Godly fellowship, finding employment and housing, obtaining a driver’s license, paying off debts, etc.). Therefore, at the beginning of the resident’s sixth month, a Transition Plan must be developed and approved. Additional phone time will be provided for the purpose of making important contacts and necessary arrangements. The program’s director and overseers will assist the resident whenever possible in making all necessary contacts.

8. Finally, during the Transition Phase, which is a 24-week portion, the resident will adhere to all program rules and requirements. The goal of this phase is to enable the resident to effectively transition into the community as an honest, responsible, maturing man of God. A primary objective of the resident in Phase 3 is to secure and maintain gainful employment. Learning to work and interact in the world without yielding to sin is an evidence of their profession of new life in Christ. (Colossians 3:9-10) (“Do not lie to each other, since you have taken off your old self with its practices and have put on the new self, which is being renewed in knowledge in the image of its Creator.”). In the rare event a resident is called by God to another ministry, Calvary Residential Discipleship guidelines will remain in effect. The resident’s Transition Plan will be his blueprint for discipleship under the authority of the local church to which God has led him.

9. When the Transition Plan has been accomplished and authenticated, each resident is given a Certificate of Completion from Calvary Residential Discipleship.

10. The Calvary Residential Discipleship Women’s Program is also a three-phase program with specific structure, programs, and goals. In Basic 1, which is a two-month phase of the program, the program is a highly restricted and monitored schedule. The resident must complete foundational courses of personal study, attend daily instructional studies and attend regular church services. Studies will address issues that lead to addictions, destructive behavior, wrong decision making, and much more. Calvary Residential Discipleship is a work program designed to instill proper work ethics. Daily work projects for Phase One residents will generally be limited to the Blessed Hope residence and Calvary Chapel properties. The resident will have a safe environment, free of temptations and opportunities to continue in their life controlling patterns.

11. In Basic 2, which is a four-month residential stay, the resident now becomes a serious Bible student, required to attend special study classes as well as the daily instructional studies and church services. Work projects for Phase Two residents may be outside of the residence and more community focused, emphasizing the serving of others. This phase is still very restrictive and structured.

12. Finally, in the Transition Phase, which is a six-month period, the resident resides in our transitional facility. This phase is crucial as residents take their new knowledge and enter society where they will have opportunity to apply what they have learned, as temptations present themselves. This is done while she still has the support of the Calvary Residential Discipleship community and staff. She will be expected to find employment, pay rent, follow house guidelines and regulations, continue in fellowship at Calvary Chapel, and find a place to “serve” or give back. She will be encouraged and assisted in clearing up/meeting any legal obligations, financial wreckage, and working to mend relationships. She will be expected to live a “clean” life and encourage women in the first phases.

13. As part of both the Women’s Program and the Men’s Program, regular attendance at Bible studies, worship services, and Calvary Chapel’s worship services is required. The residents in the program engage in daily Bible studies and must attend worship services with their fellow Believers both in the Calvary Residential Discipleship program and the larger congregation of Calvary Chapel’s membership in order to facilitate the renewal and Spiritual growth process.

14. Calvary Residential Discipleship structures its program to have 24 men and 24 women in residence at all times. Typically, there are 12 men and women in the early phases of Calvary Residential Discipleship and 12 men and women in the transitional phases of the program.

The aids in the process of more developed residents being able to mentor and help the newer participants.

15. In addition to the 24 residents in the Calvary Residential Discipleship program, there are typically 3-4 staff for each residential facility. Some of those staff members are former graduates of the Calvary Residential Discipleship program who stayed at the facility to assist the new residents of that program.

16. Because attendance at the worship services of Calvary Chapel is mandatory for Calvary Residential Discipleship residents, Calvary Chapel always has a minimum of 48 residents at its worship services on any given Sunday and Wednesday. Combined with myself, the 7-8 staff for the Calvary Residential Discipleship Program, and the other Pastors of Calvary Chapel, the Governor's Orders already preclude Calvary Chapel from having any other congregant in the worship service, as that would exceed the unconstitutional and discriminatory 50-person restriction imposed solely on Calvary Chapel.

17. During the course of the Governor's unconstitutional COVID-19 restrictions, members and congregants of Calvary Chapel have been forced to watch Calvary Chapel's services online but have seen their Brothers and Sisters in the Calvary Residential Discipleship program worshipping in person at Calvary Chapel. Because of the sincerely held belief that I hold, that Calvary Chapel holds, and that all of our members hold, which is that Christians are not to forsake the assembling of themselves together and that we are to do so more in time of peril (Hebrews 10:25), our congregants reached out to Calvary Chapel desperately seeking to join their Brothers and Sisters for religious worship.

18. Because of the Governor's Orders, attendance by any resident of Calvary Residential Discipleship, member or congregant of Calvary Chapel over the limit imposed by the

Governor subjects Calvary Chapel to criminal penalties, fines, and other sanctions. In fact, under the Governor's Orders, Calvary Chapel, myself, and each of our congregants have been forced to choose between worship and criminal punishment. In a country born on the desire to be free and with the right to worship fundamentally enshrined in our First Amendment, forcing such a Hobson's choice is unconscionable and frightening.

19. Since the beginning of the COVID-19 orders issued by the Governor, Calvary Chapel has been placed in an irresolvable conflict between compliance with their sincerely held religious beliefs or criminal sanction and fines for violating the Governor's unconstitutional orders. Calvary Chapel's fundamental and sincerely held religious beliefs compel them to gather together, to study the Bible together, to fellowship together, to pray for one another and with one another in person, to lay hands on the sick, to Baptize, and to disciple the residents in Calvary Residential Discipleship program and the members and congregants of Calvary Chapel.

20. It is not an option for Calvary Chapel to preclude its residents in the Calvary Residential Discipleship program to refrain from attending worship services at Calvary Chapel, as that is fundamental and essential to the entire purpose of the program and the very reason for its existence.

21. Likewise, it is not an option for Calvary Chapel to preclude its members and congregants from attending religious worship services at Calvary Chapel. That is the reason Calvary Chapel exists, to be a Church for its members, congregants, and visitors. Calvary Chapel's sincerely held religious beliefs compel them to go out into the highways and hedges and compel people to come into the House of the Lord (Luke 14:23), to study the Scriptures together, to pray together, and to worship together. Calvary Chapel simply cannot abide by government dictates

that contradict those fundamental beliefs and cause them to sin against their Lord. Yet, that is exactly what the Governor's Orders have done in this case.

22. When Calvary Chapel first encountered the Governor's prohibition on religious worship services, it only permitted the Calvary Residential Discipleship residents to attend in-person meetings in the church for non-worship activities. The same group could meet for counseling but not for worship. This discrimination in the same church with the same people and the same pastoral staff has been consistent under the original no worship ban, the 10-person limit, the 50-person limit, and the five people per 1,000 sq. foot restriction (which continues the restriction on Calvary Chapel at 50 people (5 x 10,000 sq. feet = 50)). Nothing has changed for the Calvary Residential Discipleship residents. In other words, the Governor's narrow view of church wrongfully assumes church can transition to an online podcast. But church and worship is far more than a pastor downloading a message to watch on a smart device or computer (if, indeed these expensive devices and high speed internet are even available). Church and worship is the assembling together of people. What makes the Calvary Residential Discipleship program successful is not some secular technique, but Bible studies and in-person worship. These are core to the success of Calvary Chapel's ministry. Yet, the Governor's orders seek to secularize the Calvary Residential Discipleship program by exempting it from numerical restrictions while excising the heart of the program by banning worship.

23. I know firsthand the devastation caused by substance abuse. My father was an alcoholic who left the family poor. As a young boy growing up in a broken home wrecked by substance abuses, I stumbled across "The Cross and the Switchblade," a biographical account of David Wilkerson's Christian outreach to drug-addicted gang members. God's abundant love described in that book struck a chord, freeing me to see beyond his own pain and beyond my

father's bondage. It was at that time I knew exactly what his life work would be — I was called to be a pastor, and I wanted to minister to alcohol and drug abusers.

24. At the age of 16, I dropped out of high school, travelled to the nearest Teen Challenge and insisted they take me. The request was unusual because I was not an addict, not a gang member, and not homeless. I was a determined teenager who felt the Lord's call on his life — to share the Good News of God's redeeming love with those who, like my father, suffered under the torment of addiction. I moved into that Teen Challenge facility and, while completing high school, I earned an apprenticeship under some of the finest Christian leaders of the time. At age 23, I began a church with a home Bible study, then a jail ministry to reach my people — those with broken homes, broken faith and hurting, often addicted souls — and many who had never been exposed to the Word of God. These people needed the kind of redemption that only God's care can accomplish. It is through Bible studies and worship that the residents of the Calvary Residential Discipleship surrender their lives to Jesus and are renewed.

25. As a pastor who has firsthand experience with the evils of substance abuse and who has worked nearly my entire life to help people trapped in bondage by their addictions, I know that Bible studies and worship are essential. But the Governor's orders presented a Hobson's Choice — the Calvary Residential Discipleship program could continue without numerical restrictions but we could not gather for Bible studies and worship. I could not and cannot in good conscience remove worship from the Calvary Residential Discipleship program. I therefore have had to operate the Calvary Residential Discipleship program in violation of the Governor's orders because to remove Bible studies and worship would kill the ministry and cause direct and immediate harm to the residents. On the one hand, I am compelled to help the residents in their recovery; and, on the other hand doing so subjects me to criminal charges and fines.

26. It is not only essential for the residents of the Calvary Residential Discipleship program to worship together, it is also critical that they also worship with members and guests of Calvary Chapel who are not residents in the program. This worship experience and support from non-residents is essential to their recovery and discipleship.

27. Early in the pandemic under the Governor's orders, I instructed the church members who were not part of the Calvary Residential Discipleship program to stay home and watch online while the residents continued to meet in the church for Bible studies and worship. When those members watched online and saw their Brothers and Sisters in the Calvary Residential Discipleship program worshipping in person, they contacted me to say they missed church and wanted to attend. One member asked me a question that broke my heart – "Pastor Ken, if I come to the church, will the doors be locked?" I informed my members and congregants that Scripture did not permit me to prohibit them from attending worship services, and in fact, it would be a sin for me to do so. I informed my congregants and members that the doors of Calvary Chapel would not be locked for those who desired to follow the teachings of Scripture and to gather for religious worship services.

28. Because of the sincerely held religious beliefs that I hold, that Calvary Chapel holds, and the members and congregants of Calvary Chapel hold, the Governor's Orders have forced us to face criminal sanctions for almost a year for the act of simply worshipping the Lord together in Church. In fact, the Governor has forced all of us to face criminal sanction for doing that which the First Amendment protects.

29. Additionally, the irreparable injury imposed by the Governor's Orders is not merely limited to the Hobson's Choice of following our sincerely held religious beliefs and worshipping together and criminal sanction, but it also inhibits the ability of Calvary Chapel to reach the souls it is tasked with reaching with the Gospel of Jesus Christ.

30. As but one example, the following is testimony from Emily Heggens, one of Calvary Chapel's first graduates in the Calvary Residential Discipleship program. The Governor's Orders have threatened to make testimonies just like this one – of which there are hundreds – impossible to achieve.

Today marks 16 years of sobriety for me, wow. 16 years, but I can still remember the old me. The lost old me, helpless, hopeless, addicted, chained, and heavy with many burdens. At the beginning of my drug use, I didn't see the consequences that were to come, it all started innocently. Drugs felt good, plain and simple. I wasn't trying to escape any sort of trauma from childhood, it was just fun. Before I knew it, fun turned into a chase for fun every day because nothing was ever enough, I wanted more. And then there came the day where I couldn't find anything or didn't have money to buy anything and I was sick, my bones ached, my body had cold sweats, loose bowels (sorry for the TMI but it needs to be heard), my heart was anxious... I had to find more in any way I could. I became a thief, and a manipulator, a liar, a cheater, I failed out of college, lost many jobs, caused division in my family, and lost friends... I lost myself. Praise God he saw me and intervened, in the depths of my despair I cried out to Him and He answered, though not like I would have wanted! But, He knew what was necessary to bring me home. I was caught by my job for stealing and faced jail for grand larceny. This scared me because I didn't want to go to jail. A year prior to this, my mom had Chuck Perry from Calvary Chapel come to our home and tell me about a program called Blessed Hope that helped ladies with all sorts of addictions, but it was in California and at the time I let it go in one ear and out the other, it just wasn't God's timing yet, He knew that. But a seed was planted, because it was the first thing I thought of. I went to my parents and told them about the trouble I was in and that I was ready to do anything to get out of the mess I was in. It must have been music to their ears that I was ready for help. And wouldn't you know it a Blessed Hope Program had been planted in Maine just a month earlier. I still remember hearing Peggy's voice for the first time. It was within days and I was headed to the 6 month in house program, my dad and mom warned me that this was their last attempt to help, and that if I didn't turn my act around they would have to let me go on my own. I knew this was it and I knew they meant it, but I was ready. Scared and empty I walked into that door, when my parents left, I crumbled, but I was where God wanted me. He met me there, through the many ladies who poured themselves out on all of us who were there. I learned again about the Love of God toward us all and I learned about surrender. Though far from perfected I graduated the program. This was all just the beginning of my walk with the Lord, I've gone through many many trials since my return and I'm still a sinner who daily returns to the loving arms of my savior who is full of grace. Its by the grace of God that I walk with Him, because He leads me and has taught me to know the sound of His voice and to seek Him in all things. I have so many new testimonies of what God has done in my life since this moment 16 years ago today but I felt like today I needed to share about my drug addiction in hopes that

it will give someone out there struggling a hope. No matter how far away you feel and no matter how bad you think you are, God is waiting for you and He can and will restore the years that have been eaten up. The picture here is of me when I graduated Blessed Hope (now CRD) it makes my heart feel overwhelmingly grateful for the prayers prayed and the love poured out and all the things that have happened in the past 16 years. I am amazed. My struggles are different now, but I have the peace of God in my heart through them all, I know I can rest in Him come what may. It's an indescribable peace knowing that God directs my steps. It's all part of His plan eternal and one day I will be face to face with my redeemer.

31. Calvary Chapel has numerous stories just like this one, that are only made possible by the assembly of Believers in worship services according to the demands of Scripture. To say that the Governor – regardless of the circumstances – can prohibit Calvary Chapel from counseling and discipling individuals such as this from the life Christ has for them because of a virus is not only unconstitutional and unconscionable, it imposes direct harm on the individuals that Calvary Chapel is trying to reach, imposes direct harm on Calvary Chapel, and imposes harm on society in general. The public interest is best served by Calvary Chapel reaching those in great need in the community, and the Governor's Orders threatening criminal sanction for providing the arena for that to happen is directly contrary to the public's interest.

32. According to the CDC, the U.S. recorded the highest number ever of overdose deaths in 2020. More than 81,000 drug overdose deaths occurred during the pandemic shutdowns, the most ever recorded during a 12-month period . . . and emergency room doctors say that number is growing daily. The American Medical Association says if these rates continue, the U.S. will shatter all previous overdose and suicide rates. The COVID shutdowns have bankrupted family businesses, increased poverty, destroyed jobs and livelihoods while isolating people from their strongest support systems. This creates a perfect storm of stress pushing people back into addiction, and even suicide. Tragically, suicide caused by the COVID isolation has ended the lives of young people who lost hope and community support. See <https://nypost.com/2020/12/08/maine->

[teen-commits-suicide-amid-pandemic-isolation/](#). The Brunswick Public School Superintendent Phillip Potenziano released a statement following the suicide of 16-year old Spencer Smith: “As Superintendent, I know that the pandemic has been a stressor for everyone, students, staff, and parents. Students’ academic life and new family life patterns, work-life, and social life have been completely disrupted. Our entire state and nation are reeling from feelings of isolation.” <https://www.necn.com/news/coronavirus/covid-19-isolation-caused-maine-teen-to-kill-himself-parents-say/2366643/>.

33. The church has been essential for 2,000 years, and now is more essential than ever. In-person worship is critically important to any church, especially to Calvary Chapel and our various ministries. In fact, in the past year, those who frequently attend religious worship services are the only group of people in America who have reported an increase in overall happiness and satisfaction. <https://news.gallup.com/poll/327311/americans-mental-health-ratings-sink-new-low.aspx>. This is stark contrast to the reports of the CDC showing that the prevalence of elevated anxiety disorder was three times higher than prior years and the increase in depressive disorder was four times higher than prior years. <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6932-H.pdf>. In fact, as the CDC reported, over 40% of Americans reported at least one mental health problem in 2020, including anxiety, depression, and trauma. And a large percentage of those also reported an increase in substance abuse and having contemplated suicide at least once. Gathering for religious worship services to minister to these souls desperately in need of the hope only Jesus Christ can offer has never been more necessary, and Calvary Chapel intends to fill that void in accordance with the demands of its sincerely held religious beliefs.

34. The residents and members of Calvary Chapel is my family. I care for them like a shepherd cares for and protects his sheep. I have been there at the birth of a child, performed that

person's wedding, and have been there at the birth of the next generation. I care far more for my flock than a politician possibly could. To that end, I would never do harm to my flock or put them in harm's way; nor would I do so to my community. There have be no COVID outbreaks as a result of any of our meetings. In fact, studies done of various church gatherings have concluded that there is no scientific basis to claim church is a source of any outbreak or spread of the virus.

[https://www.realclearscience.com/articles/2020/08/19/evidencebased_guidelines_to_celebrate_m
ass_safely_are_working.html](https://www.realclearscience.com/articles/2020/08/19/evidencebased_guidelines_to_celebrate_mass_safely_are_working.html)

I hereby declare under penalty of perjury of the laws of the United States and the State of Maine that the foregoing statements are true and correct.

Executed this 17th day of February, 2021

/s/ Ken Graves
Ken Graves
Senior Pastor – Calvary Chapel of Bangor