
TY BODDEN

STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

Testimony on Assembly Joint Resolution 60

Assembly Committee on Judiciary

Thursday, October 19, 2023

Thank you Chairman Tusler, Vice-Chairman Rettinger, and members of the Judiciary Committee for the opportunity to testify in favor of Assembly Joint Resolution 60. I would also like to thank Senator Cory Tomczyk for authoring this joint resolution with me. We have the chance here today to further discuss one of our most basic rights as Americans, the right to assemble in a place of worship without government interference. The restoration of our constitutional principles is of vital importance.

When we take our oath of office, we swear to uphold the Constitution of Wisconsin and the United States of America. The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." However, during the COVID-19 pandemic, one of these fundamental rights was stripped from many individuals. Churches were forced to shut down in the name of public safety.

These actions exacerbated the mental health strain that the pandemic inflicted on residents who were unable to access their place of worship and spiritual leaders. In light of the Governor's declaration of this year as the year of mental health, this amendment will help protect our constitutional rights in the event of future emergencies.

Since 2021, nine states, including Arizona, Florida, Kentucky, Montana, New Hampshire, North Dakota, Oklahoma, South Carolina, and Tennessee, have passed similar legislation with several receiving bipartisan support. Places of worship for Christians, Jews, Muslims, Buddhists, Hindus, or any other practicing religions should not be closed by any level of government at any time; doing so interferes with religious practice and undermines the foundation of our state and nation.

This constitutional amendment simply prohibits the state or local government actors from closing or forbidding gatherings in places of worship in response to a state of emergency at the national, state, or local level, including an emergency related to public health.

I discussed this legislation with multiple religious groups and organizations around my district and they are excited to see this bill introduced this session. It is with shared belief that places of worship should never face the unjust wrath of our government and be forced to close their doors.

Passing this bill will restore the constitutional right given to the citizens of Wisconsin by allowing those who wish to practice their faith, even during a time of a public health emergency, the ability to do so.

Again, thank you for your time and consideration of this bill.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Committee Members,

Thank you all for hearing AJR 60.

Both the U.S. and Wisconsin Constitutions broadly protect the freedom of assembly, religion, and speech. However, during the pandemic we saw places of worship forcibly closed at a time when many needed their faith communities and spiritual advisors most.

Unbelievably, this included parishes like Pilgrim Lutheran Church in West Bend, where a congregation was interrupted by law enforcement in the middle of the pastor's Palm Sunday sermon in April of 2020.

In America, in Wisconsin, law enforcement stopped a church service.

Even today, our state continues to grapple with the lasting challenges of those shutdowns including increased mental health and depression among children and adults.

Many people in our great state seek solace in times of difficulty within their church, synagogue, mosque, or other religious institution. It is critical that we continue to protect every individual's ability to gather and worship at the times when they rely on their faith the most.

This legislation makes crystal clear that these places of worship shall not be forced closed by the government during a state of emergency, regardless of that emergency protecting every individual's right of conscious and worship from those who might deem it unimportant.

Since 2021, nine states, including Arizona, Florida, Kentucky, Montana, New Hampshire, North Dakota, Oklahoma, South Carolina, and Tennessee, have passed similar reforms with several receiving bipartisan support. And rightly so, this is not a red vs blue issue.

It is my hope and prayer that Wisconsin becomes the 10th.



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**TESTIMONY IN SUPPORT OF ASSEMBLY JOINT RESOLUTION 60
ASSEMBLY COMMITTEE ON THE JUDICIARY
THURSDAY, OCTOBER 19, 2023
JACK HOOGENDYK, WISCONSIN FAMILY ACTION**

Thank you, Chairman Tusler, for allowing us to testify in support of Assembly Joint Resolution 60.

The Constitution acknowledges that we have liberty – freedom; not freedom to do as we please, but the freedom to do the right thing. The First Amendment to the Constitution enumerates some of these first freedoms that come from our Creator – not from government. The Founders knew that religious liberty is an unalienable natural right, universal, grounded in the self-evident truth that all men are created equal.

The First Amendment prohibits Congress from among other things, prohibiting the free exercise of religion and the right to peaceable assembly. For our fellow Wisconsinites to gather together to fellowship, encourage, be taught and challenged, and yes, to worship freely according to the dictates of their faith – these are unalienable natural rights.

The U.S. Supreme Court recognized the importance of this freedom in the 1937 case *De Jonge v. Oregon*, writing that “the right to peaceable assembly cannot be denied without violating those fundamental principles which lie at the base of all civil and political institutions.”

In 2020, the US Supreme Court ruled in *Roman Catholic Diocese of Brooklyn v. Cuomo* that “even in a pandemic, the Constitution cannot be put away and forgotten. The restrictions at issue here, by effectively barring many from attending religious services, strike at the very heart of the First Amendment’s guarantee of religious liberty.”

Wisconsin’s own Constitution clearly states in Article I, section 18 that freedom to worship “shall never be infringed; nor shall any control of, or interference with, the rights of conscience be permitted.”

Despite this clear instruction from our US and Wisconsin Constitutions, in the Spring of 2020, the governor, and other elected and non-elected officials at the local level, indiscriminately decided to close churches, prohibiting free assembly and peaceable speech while leaving stores, bars, and even abortion clinics open to operate freely.

Mr. Chairman, in times of crisis—or perceived crisis—for people of faith, nothing is more important than gathering to seek Divine guidance and to be taught and strengthened by their local congregations’ leaders. People of faith tend to be thoughtful and reasonable. They know when being together in close quarters may be unhealthy or dangerous.

ASJR 60

~~SJR 4~~ adds necessary language that makes clear “We the People” have the freedom to assemble and that neither this state nor any political subdivision thereof may forbid gatherings in places of worship in response to a state of emergency at the national, state or local level.

We urge passage of this essential resolution. Thank you.



ProLife
LOVE. FOR LIFE. WI.

Testimony in Support of Assembly Joint Resolution 60: constitutional amendment guaranteeing the freedom to gather in places of worship during a state of emergency

**Assembly Committee on Judiciary
By Matt Sande, Director of Legislation**

October 19, 2023

Good morning, Chairman Tusler and Committee members. My name is Matt Sande and I serve as director of legislation for Pro-Life Wisconsin. Thank you for this opportunity to express our support for Assembly Joint Resolution (AJR) 60, legislation amending the Wisconsin Constitution to prohibit the state or a political subdivision of the state from ordering the closure of or forbidding gatherings in places of worship in response to a state of emergency at the national, state, or local level, including an emergency related to public health.

Pro-Life Wisconsin exists for a singular purpose: to restore and protect the unalienable right to life of all human beings in our state, whether born or preborn, young, old, disabled or terminally ill. We affirm that the right to life exists from the moment of conception and extends until natural death; this truth being handed down by God and articulated in the Declaration of Independence.

Believing that "it is never the will of the Father in heaven that one of these little ones should be lost" (Matthew 18:14), Pro-Life Wisconsin is a Christian organization relying on God to change hearts and minds toward His most precious creation of human life. Across our great state, Pro-Life Wisconsin affiliate groups change hearts and minds by spreading the Gospel of Life in their local communities.

Pro-Life Wisconsinites are engaged in a spiritual war against the culture of death, exemplified most horribly by the twin evils of abortion and assisted suicide that kill both the young and old with impunity. Our members fortify themselves in this epic battle by faithfully attending their communal places of worship and living sacramental lives. When they are cut off from this spiritual sustenance, it is difficult to be effective in their missionary work.

Just as food feeds the body, worship feeds the soul. Both are essential, and both must be treated as such. In a state of emergency, uninhibited access to our grocery stores is no more important than unrestricted access to our churches. AJR 60 recognizes and reinforces this reality. Moreover, the legislation upholds our unqualified federal First Amendment rights to freely exercise our religious beliefs and freely assemble and expands our unqualified state constitutional (Article 1, Section 18) freedom of worship right.

Thank you for your consideration, and I am happy to answer any questions committee members may have for me.