



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

Testimony in Support of Assembly Joint Resolution 10 (Second Consideration)
Assembly Committee on Judiciary
May 7, 2025

Members of the Assembly Committee on Judiciary,

Thank you for the opportunity to testify in support of Assembly Joint Resolution 10, a proposal to amend the Wisconsin constitution to affirm that places of worship must not be forcibly closed by the government during declared emergencies.

The events of 2020 exposed a troubling inconsistency in how we apply constitutional rights. While liquor stores, bars, and casinos remained open under the label of "essential," houses of worship were shuttered, even when their leaders followed the same or stricter health protocols. This disparity sent a damaging message that faith, and those who practice it, are somehow less important or less worthy of protection.

But our state and federal constitutions do not rank freedoms by perceived convenience. Both promise every citizen that the government will never make any law prohibiting the free practice of religion, no asterisk, no exceptions.

This resolution doesn't ask for special treatment; it asks for equal protection. It ensures that the government cannot single out religious gatherings for closure while allowing other gatherings to remain open. It doesn't dictate how a congregation must operate, it simply says the decision to gather belongs with the faithful, not the government.

We also cannot ignore the human cost of closing churches, synagogues, mosques, and temples. These institutions are more than buildings — they are lifelines. During lockdowns, isolation and despair surged. For many, spiritual communities were a source of stability, purpose, and connection. Shutting their doors in a time of crisis not only hurt people, it undermined our collective resilience.

Nine other states, with diverse populations and political majorities, have already recognized the need to protect this basic right. Wisconsin should do the same. Let's make it clear that, in our state, faith is not second-tier and constitutional rights don't disappear in a crisis.

This will be the second time AJR 10 has been heard in the Assembly Committee on Judiciary. Last session, former Representative Ty Bodden (R-Stockbridge) authored this resolution, which was passed by both the Assembly and Senate. I am simply continuing to move his idea forward because Wisconsinites deserve a government that respects the free exercise of religion. Thank you for your time and consideration. I ask for your support on Assembly Joint Resolution 10. I'm happy to answer any questions you may have.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Assembly Joint Resolution 10

Assembly Committee on Judiciary

May 7, 2025

AJR 10 is the second consideration of a constitutional amendment to restrict the state government or any local governments in Wisconsin from closing places of worship during a state of emergency. Last session, I was the author of SJR 54 along with former Representative Bodden. Should this resolution pass again this session, it will go in front of the voters for ratification on November 3, 2026.

Both the United States and Wisconsin Constitutions broadly protect the freedom of assembly, religion, and speech. However, during the COVID pandemic we saw places of worship forcibly closed at a time when many needed their faith communities and spiritual advisors the most. Whether you personally practice a religion or not, it is a fact that there are many people who turn to their faith in a time of crisis. For some, it is the only thing that allows them to get up in the morning. Their faith provides them with the hope they need to get through a tough time in their lives.

The closing of churches isn't an anecdotal story or a theory. It actually happened here in Wisconsin. Shocking its parishioners at Pilgrim Lutheran Church in West Bend, a congregation was interrupted by law enforcement in the middle of their pastor's Palm Sunday sermon in April of 2020. In America... in Wisconsin... law enforcement stopped a church service because the government decided that a virus was more important than the constitutional rights of Americans. This is disturbing and unacceptable.

Even today, our state continues to grapple with the lasting challenges of the COVID 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.

AJR 10 makes crystal clear that these places of worship shall not be forced to close by the heavy hand of the government during a state of emergency, regardless of that emergency, protecting every individual's right to 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. It is my hope and prayer that Wisconsin becomes the 10th.

Public Testimony on 2025 Assembly Joint Resolution 10
Assembly Committee on Judiciary
Wednesday, May 7, 2025



Thank you Chairman Tusler and Members of the Committee for the unique privilege of speaking my support for Assembly Joint Resolution 10 today. I applaud the collective efforts of both the assembly and the senate to keep this resolution moving forward. I have served as a pastor in Wisconsin for over 23 years and wish to add the voice of my congregation to the collection of voices from all groups and individuals who practice their religious beliefs in this state.

The language of Article 1, Section 18 in its current form should have been clear enough to prevent the actions imposed by our governor and others in 2020. But obviously, it was not. In effect, a non-authorized, unwritten exception principle was applied which superseded our state Constitution and also the First Amendment of our US Constitution: "Congress shall make no law respecting an establishment of religion or *prohibiting the free exercise thereof...*"

Because this has happened, it is critically important that the proposed amendment to Section 18 of our state Constitution be presented for approval to the citizens of Wisconsin.

It is of grave concern to me and many other citizens of this state and across our country that during the COVID-19 pandemic, churches and other places of worship were forced to close regardless of what health and safety measures were implemented. Since then, I am aware that at least nine other states have already taken action to protect religious services during a declared emergency. ([Arizona, Florida, Kentucky, Montana, New Hampshire, North Dakota, Oklahoma, and South Carolina - American Legislative Exchange Council 2022](#)) The governmental actions which determined all places of worship were 'non-essential,' show a remarkable lack of understanding of what the free exercise of one's religion entails. It is different than possessing faith which is distinctly personal. Exercising one's religion includes activities that are communal and interactive. There wasn't even a definition as to why churches were classified as 'non-essential' – only a declaration that they were.

I would remind all of us that right here in Dane county, officials did agree to place houses of worship as "essential services" meaning that they could operate at 25% of capacity which was initially embraced by churches. Yet just a few days later, a new order was released that capped in-person church services to 50 people or less, regardless of the capacity of their facility. However shopping malls, bars, movie theaters, restaurants, bowling alleys, and a host of other entertainment venues were free to operate at 25%

Pastor Jack W. Austin • Pastor Zachary A. Tornow • Pastor Kodiak D. Boersma

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capacity. If churches violated their 50-person maximum, they were promised a fine of up to \$1000 for every instance that the order was broken. This is clearly a non-uniform way of applying the order. It is discriminatory.

Our government does not possess the authority, the right to tell any of its citizens when we may or may not attend services. It was never given to our government, either at the state or federal level. To be sure, some church attendees decide to stay home because of interest, sickness, personal health risks, or even due to inclement weather! Yet our government gave blanket restrictions and lockdowns on very healthy people. I would also observe that the proposed language is in response to “an emergency related to public health.” It does not address snowstorms or bitterly cold temperatures. It does not include these because no one could ever imagine our government forbidding free exercise of religion due to a weather event, even though it could endanger the health of people. Prior to 2020, we could not imagine our government taking such overt action against our First Amendment freedoms either!

It has become necessary to clarify that our freedom to assemble for religious expression is not granted *and/or withdrawn by governmental permission*. Therefore we support AJR10 strongly.

Thank you for your kind attention.

Sincerely,

Jack Austin
Senior Pastor



ProLife
LOVE. FOR LIFE. **WI.**

**Testimony in Support of Assembly Joint Resolution 10: 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**

May 7, 2025

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) 10, 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 10 recognizes and reinforces this reality. Importantly, the legislation upholds our unqualified federal First Amendment rights to freely exercise our religious beliefs and freely assemble and strengthens 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.

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Chairman Tusler, Vice-Chair Jacobson, and honorable Committee Members:

Thank you all for being here today and allowing me to speak in favor of Assembly Joint Resolution 10.

My name is Hoyt Lovelace. I think it is pertinent to provide a brief biographical sketch as a foundation for the position I hold regarding this resolution.

I reside in Janesville where I am the executive pastor of Resonate Church. I hold a degree in chemical engineering. I have taught biology, chemistry, physics, and genetics at the high school level. My wife is a physician who practiced during the COVID pandemic, and my oldest daughter is currently a genetics major in the first, and finest, genetics program in the world, the University of Wisconsin-Madison. I realize this is not a medical hearing, yet it obviously has scientific undertones.

I also hold a masters and a PhD in theological fields. God has blessed our family to be used in the planting (founding) of six churches in the USA, as well as two in Japan. I sit on several local, regional, and international boards that concentrate their efforts on ways to start and sustain thriving churches. I am the founder of an effective international NGO and multiple international businesses whose purposes are to train pastors and church planters around the globe. I give this introduction, not as a prideful listing of accomplishments, but, rather, in an attempt to provide some sort of demonstration for my deeply held religious beliefs and convictions about the Bible and God's Kingdom.

We are obviously here as a result of the non-legislative orders that came from our state government entities as a result of the COVID-19 pandemic, i.e., Safer at Home Order, Emergency Order #28, etc. These orders, as well as the resultant county and city orders, forced the limitation and/or closure of houses of worship across the state.

Even though the current Wisconsin Constitution states that "The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed," I am here today to argue the further statement that: the worship of Almighty God shall not even be infringed "in response to a state of emergency at the national, state, or local level, including an emergency related to public health."

I would like to present my testimony under two categories: a biblical argument and a quality-of-life argument. As a minister of the gospel, theologian, and pastor, my deeply held beliefs are constructed and maintained in the Bible.

The Biblical Argument

1. The Primary Authority of God:

- a. Contained within the Old and New Testaments of the Bible, a consistent command of obedience is found. Although mankind regularly fails in the application of obedience, we must strive to follow what God has proclaimed. From the time Scripture was written to today, we have often found that the world makes demands that are opposed to those of God; however, when the world,

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including government actions, conflicts with God's commands, believers are called to make obedience to God their priority. One of these commands is to gather for worship.

- b. Passages such as Psalm 95:5-7, proclaim, ***"The sea is his, for he made it, and his hands formed the dry land. ⁶ Oh come, let us worship and bow down; let us kneel before the LORD, our Maker! ⁷ For he is our God, and we are the people of his pasture, and the sheep of his hand.*** This passage and numerous others affirm that the ability to worship God is a fundamental human right that is intrinsic to the human relationship with God. This God-ordained right should not be violated by government action.
- c. Hebrews 10:24-25 encourages believers not to neglect meeting together. It says, ***"And let us consider how to stir up one another to love and good works, ²⁵ not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near."*** The context of this passage addresses times of difficulty and how we should respond with faith. The subsequent chapter is even called the "Hall of Faith" because it addresses those who stood for their faith in times of difficulty and struggle. ***"For by it (faith) the people of old received their commendation."*** Therefore, the application of faith is specifically practiced by gathering to worship in difficult times.
- d. Acts 5:29 displays early Christians in a difficult situation. Two leaders are preaching in an area where they have been ordered by the governing officials not to preach. They are preaching material that they have been ordered not to preach. Their words are humble but firm, ***But Peter and the apostles answered, "We must obey God rather than men.*** It was evident that the church fathers would have preferred to live in peace, but when faced with the choice, the primary authority rested with God.

2. The Religious Distinction of the Temple:

- a. In Matthew 21, Jesus cleanses the temple of the business people and those who had other priorities other than worship. The place of worship only has one authority.
- b. In the Old Testament, a king was not to take on the actions of the priest. There was a separation between the duties. God punished the people when the temple was coopted into the purposes of governmental affairs. In fact, God warned His people that they would be placed in a difficult situation if they chose to have a king rule over them instead of God ruling over them. This, again, shows that the realm of worship lies outside of the realm of government.

3. Freedom of Religion and Assembly:

- a. Subsequent to the previous point, the First Amendment to the U.S. Constitution aligns with the biblical principles of worship. Religious freedom is a personal and individual right given by the Creator that allows us to worship in freedom as our conscience constrains us without the interference of government.
- b. Acts 4:18-20 illustrates the biblical supremacy concept. It recounts, ***"So they called them and charged them not to speak or teach at all in the name of Jesus. ¹⁹ But Peter and John answered them, "Whether it is right in the sight***

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of God to listen to you rather than to God, you must judge,²⁰ for we cannot but speak of what we have seen and heard." This provides the Christian's foundation for a commitment to preaching and gathering despite government opposition.

- c. The settlers of our country had experienced this exact problem. They had been restricted from worshipping; they had been abused; their property had been taken; their lives had been forfeited.
- d. Our US history shows that the Bill of Rights was pledged as a necessity for the ratification of the Constitution. Notably, the first amendment contained the freedom of religion, "Congress shall make no law...prohibiting the free exercise thereof," as does our Wisconsin Constitution with different language, "The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed."
- e. The government should not risk the danger of overreach into the area of spiritual and religious matters. If the government were able to close a church, which naturally falls under God's jurisdiction, it would set a dangerous precedent for the ability to manipulate or coerce a preferred method or message that was approved by the government as a precursor for meeting.

Quality of Life Argument

1. The Role of the Church in Society:

a. The Church as the Body of Christ:

- i. In 1 Corinthians 12, Paul describes the church as the metaphorical body of Christ, with every member necessary in order for the body to function correctly. This metaphor stresses the importance of the community of believers being together, which is essential for the church's functionality and health.
- ii. Noted above was Hebrews 10:24-25 for its value in the realm of individual faith. Also of importance is this passage's importance for the health of the body of believers, *"And let us consider how to stir up one another to love and good works,²⁵ not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near."* It highlights the benefit of fellowship as an edifying tool that enables the people of the church to serve and encourage the rest of society.

b. The Church as the Light of the World:

- i. Matthew 5:14-16 states, *"You are the light of the world. A city set on a hill cannot be hidden. ¹⁵Nor do people light a lamp and put it under a basket, but on a stand, and it gives light to all in the house. ¹⁶ In the same way, let your light shine before others, so that they may see your good works and give glory to your Father who is in heaven."*
- ii. In order for the church to do its God-ordained task of being a proper light to the world, she must be able to meet, *as not to be hidden*. The church cannot be placed "under a basket"; rather, in times of difficulty, the church should be placed "on a stand" so it can "give light to all in the house." The



church takes this statement by Jesus very seriously. We strive to be light for our community.

2. The Role of the Church in Community Health

- a. "Surveys have long shown that religious believers in the United States are happier, healthier, longer-lived, and more generous to charity and to each other than are secular people." This is a quote from a renowned atheist, Jonathan Haidt, in *Morality Wars*, 2021. Considering that community health was the specific flash point, even those who stand opposed to the church agree that people are healthier when allowed to attend church.
- b. In a *USA Today* op-ed titled "[Religion May Be a Miracle Drug](#)," journalist John Siniff wrote, "If one could conceive of a single elixir to improve the physical and mental health of millions of Americans—at no personal cost—what value would our society place on it?" He was referring to the health value of church attendance.¹
- c. A multitude of studies and academic articles exist that clearly demonstrate the additive mental and physical health benefits of church attendance.
 - i. Kleiman, Evan M, and Richard T Liu. "Prospective prediction of suicide in a nationally representative sample: religious service attendance as a protective factor." *The British journal of psychiatry: the journal of mental science* vol. 204 (2014): 262-6.
 - ii. Nisbet PA, Duberstein PR, Conwell Y, Seidlitz L. "The effect of participation in religious activities on suicide versus natural death in adults 50 and older." *J Nerv Ment Dis.* 2000;188(8):543-546.
 - iii. VanderWeele TJ, Li S, Tsai AC, Kawachi I. "Association between religious service attendance and lower suicide rates among US women. *JAMA Psychiatry.* 2016;73(8):845-851.
 - iv. Strawbridge, W J et al. "Religious attendance increases survival by improving and maintaining good health behaviors, mental health, and social relationships." *Annals of behavioral medicine: a publication of the Society of Behavioral Medicine* vol. 23,1 (2001): 68-74.
- d. Tyler J. VanderWeele, PhD, lead researcher of The Human Flourishing Program at Harvard University's Institute of Quantitative Social Science, wrote that participants of the project who attended church at least once a week were 68 percent less likely to die by suicide, drug overdose, or alcohol during the 16-year sample and follow-up. Men were 33 percent less likely to die of the same causes during their 26-year study.²
- e. Those within a religious community form social relationships that help provide encouragement and purpose when people face problems and despair.
- f. Of a personal note, we saw so many people in our community who were hurting. Children became disconnected from their friends and many fell into a more

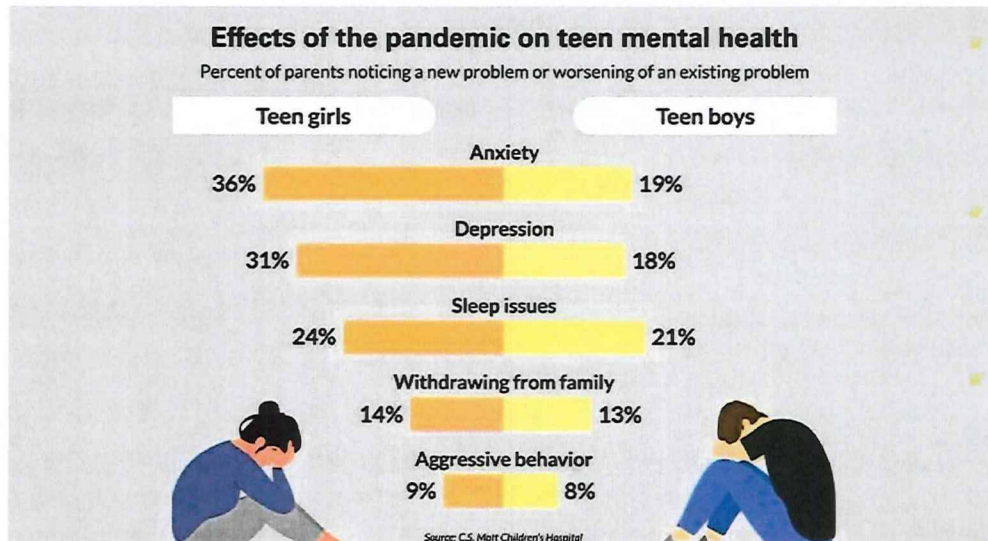
¹ <https://www.usatoday.com/story/opinion/2016/10/28/religion-church-attendance-mortality-column/92676964/>.

² <https://www.psychologytoday.com/gb/blog/human-flourishing/202005/deaths-of-despair-and-the-role-of-religion>

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sedentary life marked by loneliness. We saw young adults and older adults self-medicate with drugs and alcohol. We saw marriages struggle. Our community needed fully functioning churches to minister to the mental and emotional pain.

- g. Religious teachings stress value and individual worth based upon the Image of God within them instead of the circumstances around them.
- h. Considering the massive increase in mental health issues that were caused or exacerbated by the lack of social interaction, the churches have a needed position withing the mental health of culture.



Thank you for allowing me this opportunity to speak. Please know that I and the church are called to pray for you, as we do. We truly strive to be good and productive citizens to make our communities better.

1 Timothy 2:1-4: ***"I urge, then, first of all, that petitions, prayers, intercession and thanksgiving be made for all people—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness. This is good, and pleases God our Savior, who wants all people to be saved and to come to a knowledge of the truth."***



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May 7, 2025

Resolution #AJR10

Assembly Committee on Judiciary

Chair Rep. Tusler and Members of the Committee

Thank you to the committee for this opportunity to share our experience during the Covid-19 emergency in 2020. I am a volunteer staff member at Fountain Park Global Methodist Church in Sheboygan.

At that time we were still a part of the United Methodist church and when orders came from the Bishop that we needed to shut down in-person church services, we initially complied. We transitioned to video services, like many other churches did, to keep in touch with our church family. But we quickly saw that we were losing touch with our members during this critical time when anxiety, depression and uncertainty were growing.

It wasn't long before we came to the conclusion that being forced into isolation was only making things much worse. People needed a support system that government could not fill. They needed spiritual hope that they could only get through the church. People need a solid foundation of faith from the past, in the present and into the future that never waivers and they can depend on.

Unfortunately the government was trying to take that away by closing churches, labeling them as non-essential, which left people feeling lost, uncared for and a future of loneliness.

That's when we decided to make a bold move and go against the push to stay closed, and we developed a plan to reopen after only 2 months. We adopted the guidelines requiring masks and distancing, taping off some pews to maintain the distancing. We

also did temperature checks at the door and asked 4 simple questions to assure that people attending were in good health. We also asked people to monitor themselves and if they felt under-the-weather, they should stay home. We also implemented an aggressive cleaning procedure in the church. By following these strict guidelines, this reassured members that we were providing a safe & healthy environment where they could come, gather and worship God.

Soon word got out into the community that we were open, while all other churches were still closed. In addition to many of our members returning to our church services, we were starting to see members of other church denominations also coming to attend our services. We welcomed all those you wished to join us regardless of what church or religion they belonged to.

Let me emphasize, these individuals sought out a place to worship together to fulfill their personal needs that were not being met anywhere else. So they came to us to meet those needs.

During this time we experienced no outbreak of illnesses and we give thanks to the Lord for His guidance and His blessings during this critical time.

Considering the variety of denominations coming together, this proved overwhelmingly that worshipping together in-person was not only essential but very important in people's spiritual lives giving them hope and reducing stress. These people expressed their gratitude thanking us for being open and giving them an opportunity to worship the Lord together just as the Bible asks us to do.

I thank you for giving me this opportunity to share our story. Based on our experience, we strongly feel that we were able to provide a valuable spiritual mental health service to the people in our community. Judging by the number of people from various religious backgrounds coming together to worship, shows that people were looking for this type of support and proves that churches do in fact provide an important role in society and should not be overlooked.

Respectfully,

John Winter
Fountain Park Global Methodist Church
Sheboygan, WI

Re: Assembly Joint Resolution 10
Freedom to Worship Amid Public Health Emergencies

Dear Chairperson Ron Tusler and Lawmakers of Wisconsin,

As a longtime resident of Madison, Wisconsin, an alumni of the University of Wisconsin-Madison, a father, a marketing professional by day, a pastor of a local church on the side, and perhaps most importantly, a rec league soccer coach for an impressively ferocious group of eight year olds, I'm eager to bring testimony before you today regarding Assembly Joint Resolution 10.

This issue holds particular relevance for me because I lived and worked in Madison during the pandemic and its accompanying lockdowns. I served as a pastor at a church in the area during that time. I also sat on the COVID-19 Task Force for a nationwide faith based college ministry and non-profit organization, where it was my role, alongside six other individuals, to set policy and guidance for the national movement.

In light of my role as a pastor, my personal experiences of loss from pandemic lockdowns, and my loyalty to the state of Wisconsin, I bring this testimony before you today.

Key to the issue before us is this critical question: **who has the authority to define and declare a public health crisis?** And, who has the authority to define and enforce appropriate measures to be taken in light of that crisis?

The answer to this question during the COVID-19 pandemic became clear almost immediately: **a small number of highly educated, city-dwelling bureaucrats held that authority.** Individuals and institutions who heralded themselves as scientifically minded were enthroned overnight into advisory roles with unprecedented levels of power.

The result of this sudden and frightening centralization of power was lockdowns across the land. Closed businesses. Closed workplaces. Closed schools. And of course, closed places of worship.

In retrospect, we now possess numerous objective measures that prove the ill-fated nature of the guidance widely promoted as "common sense" at the time. We now know that school closures were virtually useless in keeping COVID-19 from spreading among school aged children, a group that was never particularly vulnerable to severe disease in the first place. We now know that the Wuhan lab leak theory actually holds significant merit, where it was written off as a wack-job conspiracy at the time. We now know that the Biden administration and the NIH colluded with one another and with tech company executives to censor information that challenged the prevailing COVID-19 narrative they sought to put forth.

In other words, children were kept from school, businesses closed their doors, and worshipping communities were forced to remain physically isolated because a small handful of powerful bureaucrats decided it was best. In retrospect, their decisions appear foolish at best, and willfully deceptive at worst.

As a religious person with a view of the world informed by the Judeo-Christian scriptures, I take it as a given that suffering and sickness are an inevitable part of the human experience. It's important to understand that the scientific bureaucrats who crafted lockdown policies were themselves operating from a competing worldview. Namely, a secularist and utopian worldview which asserts that through human ingenuity and scientific understanding, the human race has the potential to rise above sickness and suffering and usher in a new era of wholeness and health through scientific achievement. Where salvation for religious people comes through a Savior, a Messiah, an After Life, and / or a New Creation, salvation for secularists comes through hand sanitizer, appropriate facial coverings, and timely vaccination. While religious believers may affirm the goodness and benevolent potential of such medical tools, we never raise them to a level of ultimate salvation. By way of contrast, anyone who interacted with left-leaning individuals during the pandemic can attest to the religious fervor with which they evangelized the importance of remaining homebound, properly masked, and promptly vaccinated.

It's critical to see that all public policy stems from a foundational worldview. The idea of a supposedly "secular space" where we can make policies while checking our beliefs at the door is a myth of the modern academy.

As religious individuals and communities who dwell in a country that aims to defend the freedom of worship, it is critical for worshipping communities to be able to define and declare public health emergencies for *themselves*. **No bureaucrat can tell a religious believer whether or not it is safe to leave their home or to enter their synagogue. For as religious believers, we know the only safe place that exists is the center of our religious tradition.** The world will never stop delivering tragedies, war and plagues. For a believer, it is our religious traditions that bring solace in the midst of such suffering. In a land that prides itself on being free, no politician can rightly hinder a person from entering their place of worship because the *politicians* decided it was unsafe.

All the world is unsafe. **It is up to worshipping communities to define their own approach to so-called public health emergencies, determining for themselves what level of risk is appropriate for their own communities and physical spaces.**

To return to our original question then: who has the authority to define and declare a public health emergency? The answer to that question for religious communities and the physical spaces they inhabit is the religious communities themselves. Therefore, it is critical that no governing body has the authority to hinder or stop the gathering of religious communities simply because those governing bodies which operate from a different worldview decided it was unsafe.

Thank you for defending the future of the freedom of worship in our state through this crucial policy.

Sincerely & For Liberty,

Erik Dunkin

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Resident of Madison, Wisconsin



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TESTIMONY IN SUPPORT OF ASSEMBLY JOINT RESOLUTION 10 ASSEMBLY COMMITTEE ON JUDICIARY WEDNESDAY, MAY, 7, 2025

Thank you, Chairman Tusler and committee members, for the opportunity to testify on Assembly Joint Resolution 10. My name is Sam Krebs, and I serve as the legislative director for Wisconsin Family Action which supports this resolution.

The Wisconsin Constitution, under Article I, Section 18, guarantees: *“The right of the people to worship Almighty God according to the dictates of their own consciences shall never be infringed.”* We support second consideration of this constitutional amendment to strengthen the fundamental right to worship freely. These rights should never be subject to the force of government control based on the whim of a state of emergency. They are natural, inalienable rights which protect individuals from government overreach and ensure that religious freedoms remain unassailable, regardless of circumstance. Religious freedom in Wisconsin should not merely be tolerated; it should flourish.

AJR 10 adds language that one might think is unnecessary as it already states rather clearly what the residents of this state have the freedom to do. But, as we saw in 2020, it took a lawsuit and a Supreme Court ruling to fully restore the right of the people to assemble in places of worship.

For example, in April of 2020, our organization received numerous contacts from religious leaders across the state regarding the confusing impact and legal application of Governor Evers’ Emergency Order #12.

Some pastors were being told by local officials that not only could they not meet in their buildings, but they could not even hold drive-in services in parking lots with those attending staying in their cars.

Wisconsin Family Action, alongside the Wisconsin Institute for Law and Liberty, urged the governor to issue a clarifying statement—which thankfully he did. But we should not forget that this was not the experience in every state, and underscores why government has neither the right nor authority to dictate the free exercise of religion.

A month later, in Dane County, we saw an even more troubling example. On May 18, 2020, Madison and Dane County officials issued an order labeling houses of worship as “essential services,” allowing them to operate at 25% capacity. Yet just four days later, a new order capped in-person worship at 50 people—placing churches below shopping malls, gyms, salons, and even trampoline parks, which were still permitted to operate at 25% capacity. Churches were informed they could face \$1,000 fines per violation, and government “overseers” would be visiting congregations to ensure compliance.¹

¹ On June 3, 2020, the Becket Fund for Religious Liberty and global law firms Sidley Austin and Troutman Sanders sent a letter to County Executive Joe Parisi and Mayor Satya Rhodes-Conway explaining that their unequal treatment of churches violates the First Amendment and the Wisconsin Constitution. On June 5, 2020 Mayor Rhodes-Conway and County Executive Parisi released a new “Forward Dane” executive order returning houses of worship to equal footing with secular services at 25 percent capacity for in-person worship services. “Wisconsin Churches Reopen - Becket.” Becket. June 5, 2020. <https://becketfund.org/case/wisconsin-churches-reopen/>

State and local actors cannot and should not use the occasion of a public health threat or any other threat to run roughshod over the right to free exercise of religion while permitting activities that are functionally equivalent from a public health or safety perspective.

Let me be clear: we are not here to impugn the motives of those making decisions under crisis. But neither the First Amendment nor the Wisconsin Constitution is suspended during emergencies. In fact, in November 2020, the U.S. 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.”

However, let me also state that AJR 10 is not just a knee-jerk reaction to 2020 and coronavirus. The events which transpired in 2020 should lead us to reflect on actions that were taken and prompt us to learn and improve from both good and bad choices. We believe AJR 10 is a thoughtful, measured response to ensure we apply the lessons learned.

Allowing the government to determine at all when churches are essential is a dangerous path. It doesn’t take much imagination to foresee scenarios where the government could declare an emergency for any kind of reason thereby granting itself the ability to infringe upon our right to worship.

Ronald Reagan said, “Freedom is a fragile thing and it’s never more than one generation away from extinction.”²

This amendment is necessary because it looks forward. It recognizes what government actors were willing to do in the past and takes clear steps to prevent future overreach like improperly restricting religious freedom.

It is incumbent on us now to be vigilant in defending our rights.

Places of worship provide a unique benefit to our society. They provide essential services that not only are deeply needed by their communities, but they provide millions of Americans the means to exercise their religion and live out the obligations of their faith.

We urge you to stand with the many Wisconsinites who cherish their religious freedom and to help safeguard these rights for generations to come.

Thank you for your attention and thoughtful consideration on this proposal.

²January 5, 1967 Inaugural Address <https://www.reaganlibrary.gov/archives/speech/january-5-1967-inaugural-address-public-ceremony>