

Wisconsin Family Action: Religious freedom wins in Brown County Circuit Court

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Judge rules in favor of churches & religious organizations

Madison, WI – Last Friday, Brown County Circuit Court Judge William Atkinson issued a common-sense and constitutional decision in a religious freedom case involving five churches and a Christian not-for-profit organization.

The case stems from a decision in late 2017 by the De Pere City Council to pass an ordinance that considered churches and religious organizations as “places of public accommodation” for purposes related to the city’s so-called “anti-discrimination” policy. To comply with the policy, churches and religious organizations would have to violate their religious beliefs. The policy has no exemption for churches or religious ministries.

Judge Atkinson ruled that the ordinance cannot be applied to churches and religious organizations and indicated that this exemption was to be effective immediately.

Julaine Appling, president of Wisconsin Family Council, stated, “Judge Atkinson got this exactly right. Wisconsin’s constitution makes it clear that the freedom of religion and conscience shall never be abridged. Even government cannot force churches and religious organizations to comply with laws that require them to violate their beliefs and conscience.

“The five churches, along with Lakeshore Communications, Inc., have shown

incredible courage on this matter. Rather than just accept the unconstitutional and onerous ordinance city officials enacted into law, they pushed back with this lawsuit. More churches and Christian ministries need to do the same thing.

“These alleged ‘anti-discrimination’ policies a number of Wisconsin municipalities have passed provide special rights and protections based on various classes and characteristics of people are dangerous in their own right. When they have no exemption for churches and religious institutions, they are patently unconstitutional. We contend even with such exceptions, they are in and of themselves unconstitutional because they also abridge the religious freedom of business owners who may have sincerely held religious beliefs that must either be set aside, or the owners risk fees and penalties for being in violation of these ordinances.

“We hope other communities will take note of this decision and either amend their current ‘anti-discrimination’ policies or drop the idea altogether rather than run afoul of the law. De Pere would be smart to accept this decision, amend the policy and not appeal.”

The five churches and Lakeshore Communications, Inc. were represented in this case by Pacific Justice Institute.

A statement from Lakeshore Communications, Inc., is below.

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Wisconsin Family Council is a statewide, not-for-profit organization engaged in strengthening, preserving and promoting marriage, family, life and liberty in Wisconsin.

Lakeshore Communications, Inc. Statement on Court Ruling Challenging DePere’s Non-discrimination Ordinance

In late 2017 the DePere City Council debated an ordinance that would identify churches and non-profit religious organizations as “places of public accommodation”, mandating them to hire, provide facilities usage and services to all citizens even if it violated the organization’s historic, deeply held religious convictions and beliefs. This is a clear violation of long standing Wisconsin Law. Several local religious leaders urged city officials to amend the ordinance before

passage to acknowledge Wisconsin Law that exempts churches and religious organizations from such intrusive legislation but city officials refused, in spite of a letter stating that failure to do so would trigger a legal challenge. The ordinance was passed effective March 1, 2018.

Supported by The Pacific Justice Institute, 5 churches in DePere and Lakeshore Communications, Inc. filed a legal challenge in Wisconsin Court, asking that the ordinance be appropriately changed to concede that churches and religious organizations are not considered “places of public accommodation”, and that if the City of DePere refused to modify its ordinance that the court rule the ordinance unconstitutional based on Wisconsin law. The City of DePere refused to modify its position despite clear Wisconsin Law to the contrary.

On December 14, 2018 Judge William Atkinson granted our motion and ruled that the DePere Ordinance cannot be applied to churches or non-profit religious organizations based on Wisconsin Law protecting religious freedoms of practice and conscience. The Court ruled that its decision to prevent enforcement against churches is effective immediately.

Lakeshore Communications, Inc., a biblically based non-profit Christian organization, believes that all human beings should be loved and treated with proper respect.

Our objection to the ordinance is based solely on religious protection grounds as clearly laid out in Wisconsin Law. Churches and religious organizations are legally protected from hiring individuals who disagree with their deeply held religious views and are exempt from performing services, providing facilities or being coerced into promoting or teaching anything that clearly violates our religious beliefs and conscience. This is what caused us to oppose this legislation.