

MJC
STATEMENT ON THE SUNDAY CLOSING BILL 362, S
April 24, 1963

The Milwaukee Jewish Council is deeply concerned with the preservation of religious freedom and it is on this ground that we wish to oppose The Sunday Closing Bill 362, S.

Our principal concern is religious freedom which we believe can remain inviolate only when the state refrains from intruding its authority in the religious affairs of our citizens. We believe that 362, S is the imposition on all of the people of Wisconsin of a pattern of conduct which finds its sanction in a particular religious belief. This bill constitutes, in our view, a violation of the religious freedom of Jews and all others who do not observe Sunday as their day of rest. It requires them to conduct themselves in a manner which may be inconsistent with their own kind of religious commitment. We believe that placing the authority of the state behind the observance of the holy day of a particular religious group constitutes "an establishment of religion" in violation of the First Amendment.

We believe the exemption clause contained in paragraph 5 raises a serious question with regard to constitutionality. This paragraph provides an exemption from this law for one "who prives that he conscientiously observes another day as a day of rest in accordance with the requirements of his religious faith and actually refrains from all secular labor and business of this other day". To whom shall this proof be offered? What agency of the state shall judge whether one "conscientiously observes"? What standards shall be applied in judging that the day of rest has actually been observed "in accordance with the requirements of his religious faith"? Religious belief and how one observes religious belief is a matter of private conscience protected by the First Amendment to the constitution. A careful reading of this exemption clause discloses that a good deal more is required of the one who observes Saturday as his day of rest than the one who observes Sunday because the former must prove his conscientiousness and actually refrain from any other activity.

It is within the concern of the state to legislate for the public welfare by prescribing work standards including maximum hours and conditions of work. However, the selection of a particular day of rest for all of the people of the state which may conflict with a religious commitment of others and which is imposed upon all by the state power is in violation of the spirit of religious freedom.

For these reasons the Milwaukee Jewish Council opposes Bill 362 S.