

# EXHIBIT J

**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

SCOTT HERNDON, REV. JOSH JONES, )  
and REV. MICHAEL GULOTTA, )

Plaintiffs, )

v. )

Case No.

BRADLEY JAY LITTLE, in his official )  
capacity as Governor of Idaho, and )

DAVE JEPPESEN, in his official capacity )  
as the Director of the Idaho Department of )  
Health and Welfare, )

Defendants. )

**DECLARATION OF REV. JOSH JONES**

I, Josh Jones, am an adult, under no disability, and hereby declare the following:

1. I am one of two pastors of Laclede Community Church in Laclede, Idaho. I have been a pastor at this church since September of 2015.
2. Before that, I was an assistant pastor at Sagle Victory Church in Sagle, Idaho.
3. I am a graduate of a four-year pastoral and Bible college at Victory Baptist Church.
4. I am competent to testify as to the matters contained herein, I am over the age of 18, and I make this declaration based upon my own personal knowledge, experience, and oral conversations I have personally held with local law enforcement.

5. The town of Laclede, Idaho is in Bonner County, Idaho.
6. Laclede does not have its own police force instead, the Bonner County Sheriff provides law enforcement for Laclede.
7. Laclede Community Church is an independent Christian church.
8. My duties as pastor include: Preaching on Sundays and religious holidays, teaching adult Sunday School, administering baptisms, performing wedding ceremonies, serving communion once a month, counseling people, ministry to the sick and dying, burying the dead, consoling the grieving and sorrowful, and being present with church members in all the joys and sorrows and significant milestones of life.
9. On or about March 25, 2020, the Governor of Idaho issued a “Statewide Stay-Home Order.”
10. On or about April 15, the Governor amended that Stay-Home Order.
11. I have read both the original and the amended Stay-Home Order.
12. I found the Stay-Home Order disconcerting because churches are excluded from the definition of “Essential Business.”
13. I was also concerned that the Stay-Home Order failed to include pastoral duties and church attendance are in the definition of “Essential Activities.”
14. Because churches are not “essential business” and my work as a pastor is not an “essential activity,” effectively, then, at least at face value, the Stay-Home

Order could be read as forbidding me from performing my vocation as a pastor, and forbidding my congregation from coming to church on Sunday.

15. Said another way, administration and reception of the Christian sacraments of baptism and the Lord's Supper, as well as conducting the church service generally, appear, by the plain meaning of the words of the Stay-Home Order, to be specifically prohibited.
16. Recognizing this, I was very concerned that the Governor of Idaho had declared the practice of public Christian worship to be illegal in this state. That thought is shocking to me as an American who has read the Constitution.
17. As a Christian pastor, I am very concerned to heed the admonition of God expressed, for instance, in Romans 13:1, that my congregation and I "be subject to the governing authorities."
18. In fact, at every Sunday church service, we pray for both our national and local political leaders.
19. However, it is also my personal belief, as well as the teaching of my church, that church attendance is an important, yea, necessary, part of the practice of the Christian faith.
20. As an example, my church and I find essential the exhortation from Hebrews 10:25, "not forsaking the assembling of ourselves together," and the words of Jesus in the Great Commission (Matthew 28:19), "Go ye therefore, and teach all nations, baptizing them."
21. Further, my education and life experience as an American leads me to believe that the government does not have the authority to order the closing of

churches in this country. Rather, the First Amendment of the United States Constitution and Article 1 of the Idaho Constitution protect our God-given natural law right to publicly attend church services.

22. On or about Tuesday, April 7, 2020, I received a phone call from Bonner County Sheriff Daryl Wheeler, who informed me that a deputy under him informed him that an unnamed citizen was concerned about us holding church services.
23. Sheriff Wheeler informed me that, whereas he has also has grave personal doubts about the constitutionality of the Stay-Home Order, he had recently seen more state police in the area than is ordinary.
24. Sheriff Wheeler advised me that if we decided to continue holding church services, he was concerned that state police, or even the National Guard on orders from the Governor, might arrest me for holding church services, and forcibly stop my church services.
25. After that phone call I discussed the Sheriff's concerns with the other pastor at my church.
26. The choice before us was deciding between God and government, between our sincerely held religious beliefs and being arrested by state police for exercising them.
27. This is chilling to me; the Stay-Home Order has forced me to chose between my pastoral oath and facing arrest, fines, and possible imprisonment.

28. Even if the governor lifts the Stay-Home Order, I am very concerned that he believes he has the authority to ban church again in the future, such as if this virus resurfaces again next winter like some predict.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed this 29th day of April, the Year of Our Lord Christ 2020, in Laclede, Idaho.

  
\_\_\_\_\_  
Rev. Josh Jones