



# DAVID CRAIG

STATE SENATOR

March 17, 2020

The Honorable Tony Evers  
Governor  
State of Wisconsin  
2 East Main Street  
Madison, WI 53703

**RE: DHS EMERGENCY ORDER #5 - Prohibiting Mass Gatherings of 10 People or More**

Dear Governor Evers,

The people of Wisconsin undoubtedly appreciate the efforts made by our government officials to take the COVID-19 pandemic seriously. As you are aware, today your administration ordered the prohibition of gatherings of 10 or more people in most places in Wisconsin through Department of Health Services EMERGENCY ORDER #5. The order issued under Wis. Stat. § 252.02(3) states, in part, that "This order may include, but is not limited to mass gatherings at: public or private schools, auditoriums, theaters... and places of worship and religious gatherings." Included in the order are exemptions for numerous institutions including gatherings of "public, private, and charter schools only for noninstructional purposes", "childcare locations", and "retail establishments".

Obviously, all of these exempted institutions provide important resources for Wisconsinites, as do places of worship. Article I, Section 18 of the State Constitution reads, "The right of every person to worship Almighty God according to the dictates of conscience shall never be infringed... nor shall any control of, or interference with, the rights of conscience be permitted...". As state government takes steps to protect the well-being of Wisconsinites, it is also important that state government not infringe upon fundamental rights of our citizenry, including the free exercise rights of individuals seeking to worship according to the dictates of their conscience. This includes many religions that worship sacramentally and in concert with others of their faith. The rigidity of this order makes it functionally impossible to exercise religious freedoms specifically protected under the State and U.S. Constitutions.

Given the rapidly escalating pace of governmental efforts to stem the tide of COVID-19, I am asking that, in order to preserve the free exercise rights of Wisconsinites, the administration consider options to provide: (1) a **narrowly-tailored** accommodation, as constitutionally required, be given when a place of worship can facilitate worship while providing for safe social distancing or (2) specific information as to why such an accommodation cannot be given.

Along with providing for physical security, government must accommodate the free exercise of individuals to engage in congregational worship.

Thank you again for your efforts to address this crisis. I look forward to your prompt response to these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "David Craig". The signature is stylized and cursive.

David Craig  
State Senator  
28th Senate District

CC: Secretary-designee Andrea Palm