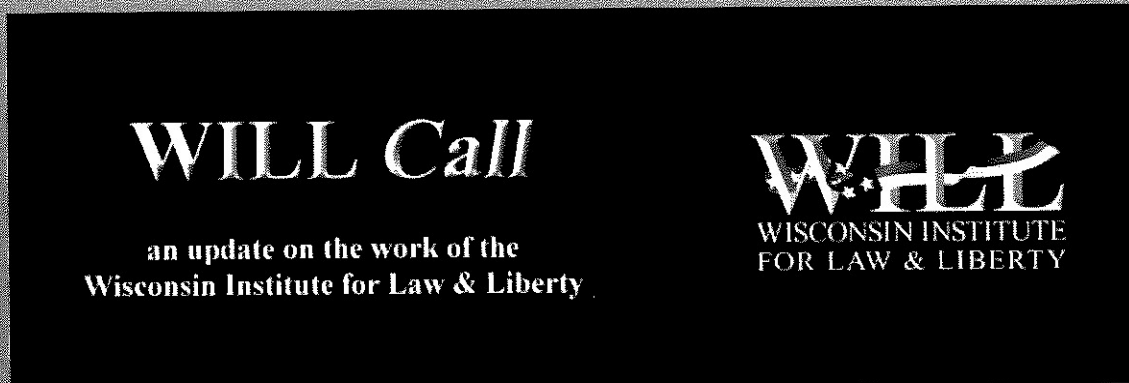
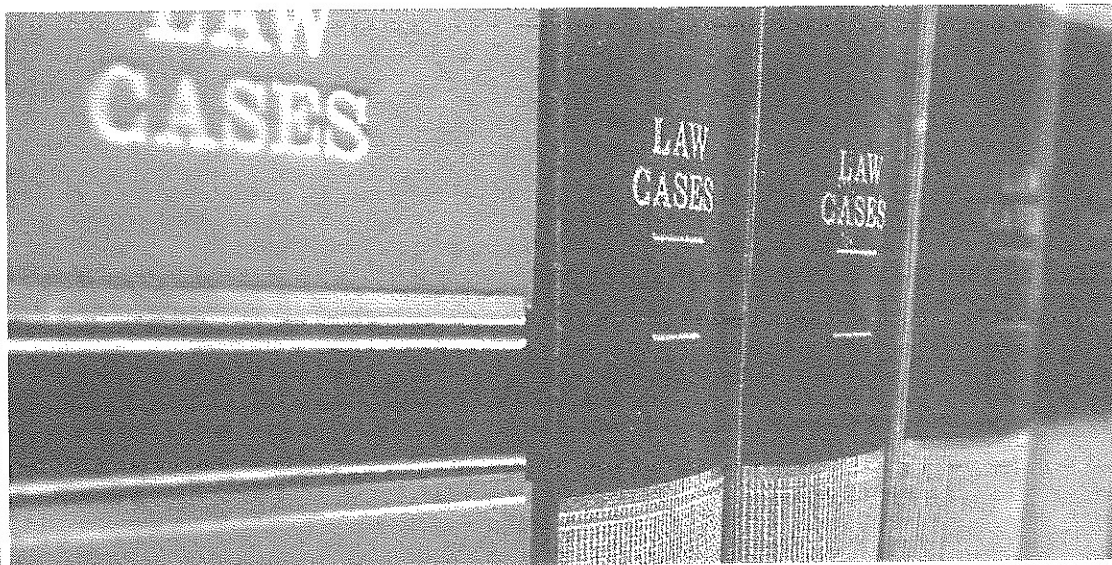


Hope, Sam

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Monday, March 23, 2020 7:00 PM
To: Gibbs, Adam
Subject: WILL Call | COVID & Emergency Powers, Medicaid Expansion, and Medical Professionals



News and Updates



Wisconsin Emergency Powers and Their Limits

In response to the coronavirus pandemic, state and local officials have moved quickly to initiate bans using the authority of a public health emergency. Last week, WILL President **Rick Esenberg** summarized emergency powers in the state of Wisconsin and some of their potential limits.

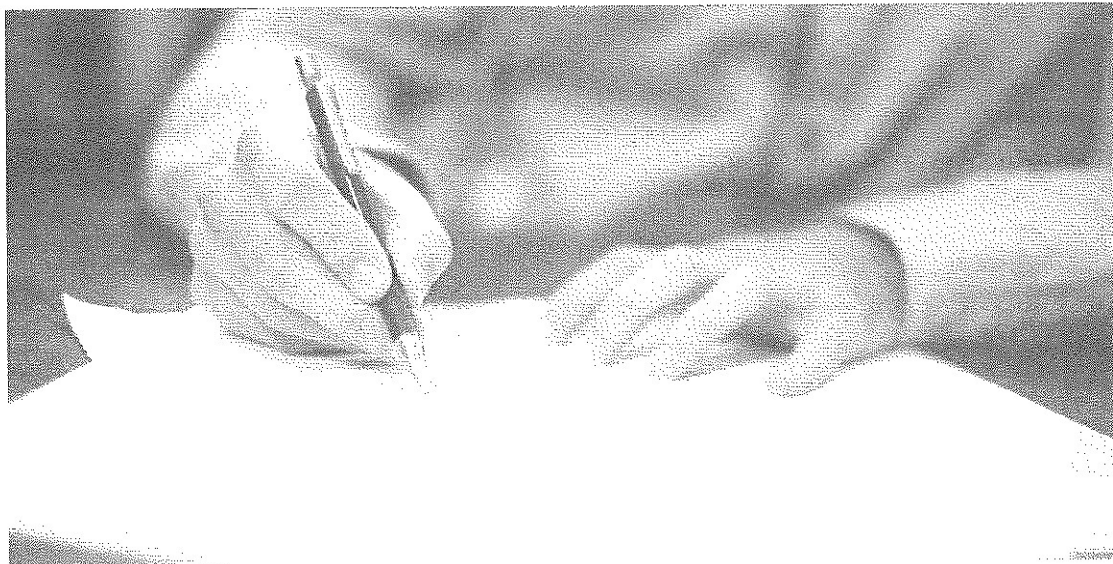
Read more [here](#).



Ease Medical Licensing To Address Pandemic

Policy analyst **Collin Roth** argues Governor Evers should take emergency action to ease licensing regulations for medical professionals to ensure that out-of-state and retired professionals can practice in Wisconsin.

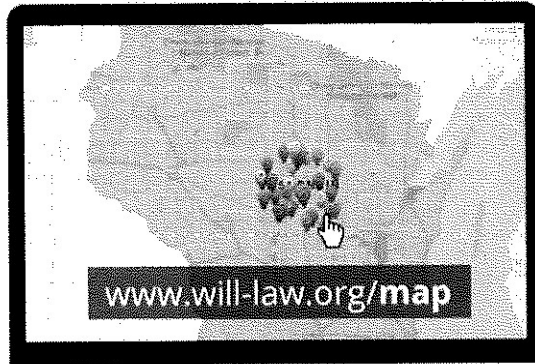
Read more [here](#).



Medicaid Expansion Not The Answer to Coronavirus

Research Director **Will Flanders** takes on the claims that a Medicaid expansion is the correct policy response to the coronavirus pandemic at RightWisconsin.com.

Read more [here](#).



Find the *best*
school for
your child.

WILL's **School Quality Map** is an innovative tool to empower parents with critical school information right at their finger tips.



Search Your School

WILL recently launched the [Wisconsin School Quality Map](#) to provide an innovative tool that equips parents and school leaders with critical data about Wisconsin schools.

Search *your* school and share what you find!

Tweet of the Week



Competitive Enterprise Institute 
@ceidotorg

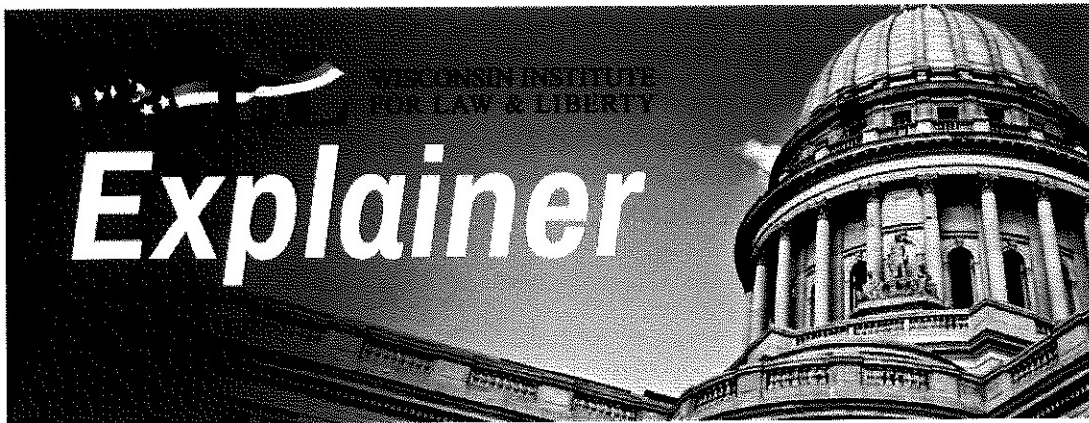


Recent study by CEI, @powerthefuture & @WILawLiberty shows how difficult the #GreenNewDeal would be in reality for Wisconsin, families, farmers and manufacturers. @WillFlandersWI shares @thehill



This Is How Devastating the Green New Deal Would Be for Wis...
The Hill cites CEI's joint study on the costs of the Green New Deal:
cei.org

Tweet It!



WEC Lawsuit FAQ

Have questions about WILL's lawsuit against the Wisconsin Elections Commission? With new developments every week, make sure you read WILL's FAQ on the case, the impact, and our answers to various claims about the lawsuit.



Donate

The work we do would not be possible without the generosity of our donors; we are a tax exempt 501(c)(3) organization that receives no public funds. Our focus is primarily, if not exclusively, on Wisconsin – a state that has become one of the focal points of our ongoing debate about the proper role of the government within society and of the courts within government. As a non-profit and non-partisan organization, we litigate in the areas of property rights, the freedom to earn a living, voting rights, regulation, taxation, school choice, and religious freedom. As an educational organization, we strive to advance the debate concerning law and public policy in these and other areas.

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Hope, Sam

From: WisPolitics-Publishing
Sent: Thursday, March 19, 2020 10:46 AM
To: Gibbs, Adam
Subject: THU News Summary: Wisconsin coronavirus cases rise above 100; Johnson votes 'no' on federal coronavirus package



THU News Summary -- 19 March 2020

Exclusively for WisPolitics Subscribers - DO NOT FORWARD

Access the mobile version of the News Summary:

<https://www.wispolitics.com/2020/thu-news-summary-wisconsin-coronavirus-cases-rise-above-100-johnson-votes-no-on-federal-coronavirus-package/>

STORY TOPICS

- [2020](#)
- [Coronavirus](#)
- [State government](#)
- [Federal government](#)
- [Local government](#)
- [Civil liberties](#)
- [Courts](#)
- [Culture](#)
- [Economy](#)
- [Education](#)
- [Elections](#)

TOP STORIES

Coronavirus cases rise above 100 in Wisconsin as day care capacity is limited and election lawsuit filed

... Milwaukee Health Commissioner Jeanette Kowalik said there has been a "surge" of testing. [now 50 cases in county] ... Harvard Global Health Institute [analysis found] the Madison and Milwaukee areas won't run out of hospital beds under a scenario in which 20% of the U.S. population becomes infected over an 18-month time period. ... [DHS Sec.] Palm said the state will receive "a small allotment" of a variety of pieces of equipment from the federal stockpile and will figure out how to prioritize the distribution of such supplies. ... Nationwide shortages could leave Wisconsin without enough resources to respond to the spread of coronavirus. By MILWAUKEE JOURNAL SENTINEL <https://www.jsonline.com/story/news/2020/03/18/coronavirus-wisconsin-hospital-bed-shortage-election-lawsuit/2868842001/>

Wisconsin Puts Limits On Child Care Centers Over COVID-19

... [DHS, effective today,] "scaling down" ... child care centers can now have no more than 50 children on site and no more than 10 staff members. ... prioritize care for families providing health care or other essential services. ... asking all others to keep their kids home. ... looking into on-site child care options at health care facilities, in conjunction with officials in health care, child care and the Wisconsin National Guard. By WPR <https://www.wpr.org/wisconsin-puts-limits-child-care-centers-over-covid-19>

Johnson one of eight senators voting no on coronavirus package

- Environment
- Health care
- Law and order
- Small business
- Tribes
- Columns

Wisconsin Republican Ron Johnson was one of eight Republican senators Wednesday who voted against a multibillion-dollar emergency aid package that will provide paid sick and family leave for many Americans while also offering free testing for the coronavirus and bolstering unemployment insurance. The measure passed 90-8. Tammy Baldwin of Wisconsin joined all Democrats in voting yes. ... opposed paid leave mandates ... "would do a great deal of economic harm" and damage to small employers. ... proposed a different method of getting cash to people ... using state unemployment systems, with the federal government covering the costs ... tried unsuccessfully to amend [Dems Manchin, Sinema supported amendment, GOP Romney, Collins, Murkowski opposed] ... "Although I want to provide immediate financial support to Americans and American businesses affected by the coronavirus, I voted no on HR 6201 because the Senate failed to address the major problem with the bill that was eminently fixable." Final bill passed 90-8, with Baldwin support. Baldwin statement: "While we should still do more, (the bill) provides small and medium-sized businesses with financial help to provide workers with emergency paid family leave, including paid sick leave ... This coronavirus response legislation is a strong step forward and the Senate is going to have to work together across party lines to take additional steps, including an economic stimulus response that is targeted toward helping workers and small businesses get through this crisis." By Gilbert, MILWAUKEE JOURNAL SENTINEL

<https://www.jsonline.com/story/news/2020/03/18/2869972001/>

STORY TOPICS
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2020 ^{^top^}

- Coronavirus crisis could put Wisconsin's April election under a national spotlight ... Democratic race is largely over in the eyes of most analysts ... But if Sanders keeps running, Wisconsin would be the only real chance for him to make anything like a "last stand" ... "I think it could be an interesting test case for the rest of the country to examine," [UW prof.] Burden said of the "terrible trade-off" between holding the election as scheduled and putting it off. ... Even before coronavirus, Wisconsin occupied a quiet stretch of the nominating season. But now, "it's really going to be dead," said political scientist Josh Putnam ... "I wouldn't call it a 'last stand,' but it's kind of approaching that," Putnam said of the stakes for Sanders in Wisconsin. "It's time to put up or shut up." Burden: "My view is it's not clear there is a better date out there. The impact of the virus continues to increase. It may be worse for an event held in May or the first week of June."

<https://www.jsonline.com/story/news/politics/analysis/2020/03/19/coronavirus-could-put-wisconsins-april-election-under-spotlight/2870372001/>

- Left Behind? National Democrats Carve More Progressive Path Than Wisconsin Party Leaders ... "I mean we have real progressive candidates ... very progressive," Andruskiewicz told WPR after an Eau Claire County Democratic Party meeting. "(They) are bringing us to the left of where the Democratic Party is and where the 'Wisconsin Idea' and all the progressive policy of Wisconsin that it's known for. I think that's really where the Democrats can win on that." Others, like Democrat Peder Hamm of Menomonie, think a winning political message must include some moderation. ... [MU prof.] Azari said a number of factors, including Sanders' 2016 run against former Secretary of State Hillary

Clinton and social movements in the U.S. like Occupy Wall Street gave momentum to progressive policies. Citizen Action's Kraig took credit for Evers' support for Badgercare For All option, which Evers said is not the same as Medicare For All.

<https://www.wpr.org/left-behind-national-democrats-carve-more-progressive-path-wisconsin-party-leaders>

- John Nichols: The Coronavirus Doesn't Have to Disrupt Our Elections, We have ways to keep voters safe. Now we just need to use them.

<https://www.thenation.com/virus-elections-mail-voting/>

CORONAVIRUS ^{^top^}

- Evers restricts child care center capacity as state COVID-19 cases top 100

<https://madison.com/wsj/c1d614d2-745e-5953-a679-f731844d7799.html>

- Evers limits child care children, days after he closed schools

<https://www.postcrescent.com/story/news/education/2020/03/18/gov-tony-evers-puts-new-restrictions-child-care-providers-another-measure-fight-covid-19/2867713001/>

- AG's office warns the public to be on the lookout for virus-related scams, price gouging

<http://www.rivernewsline.com/main.asp?SectionID=6&SubSectionID=59&ArticleID=88262>

- Menards gets cease-and-desist letter from Michigan AG's office on raising bleach, face mask prices

https://www.leadertelegram.com/covid-19/menards-gets-cess-and-desist-letter-from-michigan-ag-s/article_0367a2fa-2b8e-5401-90c2-f593c3b5ec43.html

- WI confirmed cases of coronavirus surpass 100

<https://www.postcrescent.com/story/news/2020/03/18/confirmed-cases-coronavirus-surpass-100-wisconsin/2865691001/>

- Hospital Care Needed in 31% of U.S. COVID-19 Cases

<https://urbanmilwaukee.com/2020/03/18/31-of-u-s-covid-19-cases-need-hospital-care/>

- COVID-19 Testing Supplies Running Low

<https://urbanmilwaukee.com/2020/03/18/covid-19-testing-supplies-running-low/>

- State not yet sure how many ventilators and ICU beds will be available

<https://www.jsonline.com/story/news/politics/2020/03/18/ventilators-wisconsin-not-yet-sure-how-many-available/5071293002/>

- Physicians Adapt To Rapidly Evolving Treatment During Coronavirus Response ... Some are following the recommendation ... to postpone elective procedures ... Many facilities are asking people to call their doctor before seeking care at a hospital or clinic. ... [Dr.] Sturm said his main focus is the health of the patient and anyone that person may come in contact with during a visit. ... [UW Health's Dr. Pothof] telling providers to determine which appointments are urgent, such as procedures that were time-sensitive or could extend a patient's life. ... On Wednesday, Children's Wisconsin said 200 patients and health care workers at its hospital are being tested for coronavirus after a doctor treating at-risk kids tested positive for the disease. Bellin Dr. Wozney, GUndersen Dr. Pfaff, NorthLakes COO Akl comment.

<https://www.wpr.org/physicians-adapt-rapidly-evolving-treatment-during-coronavirus-response>

- WI nurses say the shortage of masks, gowns and PPE puts them at risk during outbreak ... [WNA's] Dennik-Champion said that nurses have few choices [but to over-use, re-use masks, etc.]. "It's that or nothing at this stage of the game," she said. Children's Hospital' Brodzeller understands, but cited CDC guidelines on PPE conservation. ... In a press release Wednesday, the Wisconsin Federation of Nurses and Health Professionals called for "drastic action" from hospital executives and government officials to protect healthcare workers. DHS Sec. Palm announced small allotment from fed stockpile. Nilsestuen for Evers said the governor's office is responding "as best we can." UW Health's Pothof, Froedert's Schooff and de la Pena commented.
<https://www.jsonline.com/story/news/2020/03/19/2870463001/>

- Everything's In Limbo: Wisconsin Tenants Out Of Work Due To COVID-19, Concerned About Evictions, Breaking Down The Process Of Being Evicted, Process Can Take Up To A Month
<https://www.wpr.org/everythings-limbo-wisconsin-tenants-out-work-due-covid-19-concerned-about-evictions>

- Judges freeze evictions in Milwaukee and Dane counties to prevent homelessness, disease spread
<https://www.jsonline.com/story/news/local/2020/03/18/judges-milwaukee-and-dane-counties-order-sheriffs-deputies-not-evict-people/2867116001/>

- COVID-19 Changing How Wisconsin Grocery Stores Operate, Retailers Scale Back Hours So They Can Clean, Restock Shelves ... On its website, the Wisconsin Grocers Association has a COVID-19 page to update retailers and warehouse personnel on local, state and federal government changes specific to the COVID-19 emergency. ... Many stores, including Festival Foods and Hy-Vee, have restaurants or even bars at their locations where shoppers can eat and drink. But not anymore. Tuesday Gov. Tony Evers ordered the state health department to limit bars and restaurants to carry-out and delivery service only ... "We've shut down self-serve donut cases. And we've closed our salad bar, our olive bars and soup bars--anything that's open air or self-serve," said Hy-Vee spokesperson Janelle Grunwald.
<https://www.wpr.org/covid-19-changing-how-wisconsin-grocery-stores-operate>

- How customers can help Madison's restaurant scene survive amid COVID-19 coronavirus pandemic
<https://madison.com/ws/j/bd74a561-1dc8-5ffe-a55f-1796f3fc22df.html>

- Restaurants adjust to tighter COVID-19 restrictions
https://www.leadertelegram.com/covid-19/restaurants-adjust-to-tighter-covid--restrictions/article_b9f134e7-c797-59a3-bbc9-d76edab2da6a.html

- Cable restaurant [facing bankruptcy] giving away meals during shutdown
https://www.apg-wi.com/ashland_daily_press/news/local/cable-restaurant-giving-away-meals-during-shutdown/article_40a59660-6964-11ea-96b7-6f4266b1f64f.html

- Bar closures hit staff, patrons hard
https://www.apg-wi.com/ashland_daily_press/covid-19/bar-closures-hit-staff-patrons-hard/article_77a4c04e-6966-11ea-b7ab-875ec55ec853.html

- Walworth County reports first local case of coronavirus
https://www.kenoshanews.com/news/local/walworth-county-reports-first-local-case-of-coronavirus/article_cf77e6fa-5a03-506f-b7ad-2178e8dc94e2.html

- Daycare limits set, Kenosha County student tests positive for COVID-19
<https://journaltimes.com/news/local/daycare-limits-set-kenosha-county-student-tests-positive-for->

[covid/article_795081cf-612e-5b09-a0c9-1b9d3fc36bc5.html](https://www.wisconsinnews.com/portagedailyregister/news/local/columbia-county-has-two-confirmed-cases-of-covid/article_6286fbb0-0ff0-5fcf-9181-ff1d7a812346.html)

- Brown County confirms second coronavirus case

<https://www.greenbaypressgazette.com/story/news/2020/03/18/coronavirus-brown-county-health-official-confirms-countys-second-case/2872326001/>

- Columbia County has two confirmed cases of COVID-19

https://www.wisconsinnews.com/portagedailyregister/news/local/columbia-county-has-two-confirmed-cases-of-covid/article_6286fbb0-0ff0-5fcf-9181-ff1d7a812346.html

- With no coronavirus cases yet, Wausau leaders take steps to prepare

<https://www.wausaudailyherald.com/story/news/2020/03/18/coronavirus-no-cases-yet-wausau-leaders-take-steps-prepare/5073395002/>

- Coronavirus is isolating Wisconsinites. Here's how to cope, care for mental health.

<https://www.wausaudailyherald.com/story/news/2020/03/19/coronavirus-how-you-can-care-your-mental-health-amid-isolation/5066950002/>

- WI funeral homes prepare to care for families during the COVID-19 pandemic

https://www.wisconsinnews.com/bdc/news/local/wisconsin-funeral-homes-prepare-to-care-for-families-during-the/article_c137424c-b67e-5492-ad58-bce3c0a6df8a.html

STATE GOVERNMENT ^{^top^}

- News outlets [MJS, WSJ, CT, AP, GBPG's Anderson, represented by Westerber, Kamenick] sue Wisconsin Assembly for withholding sexual harassment complaint against [Rep. Gruszynski] ... Assembly Minority Leader Gordon Hintz of Oshkosh barred Gruszynski from caucusing with Democrats and said he should resign. Gruszynski, a freshman who also serves on the Brown County Board, declined to do that and is seeking re-election to the Assembly this fall. ... Gruszynski said Wednesday he had requested a copy of the complaint as well, but was told it was being kept from the public to protect the identity of the woman involved. ... Hintz and Assembly Speaker Robin Vos, R-Rochester, did not immediately react to the filing of the lawsuit.

<https://www.jsonline.com/story/news/politics/2020/03/18/wisconsin-media-sue-state-withholding-harassment-complaint-against-lawmaker/2863210001/>

- News organizations sue Assembly over lawmaker's sexual harassment records

<https://madison.com/ct/9cdbc30e-84a5-5d08-be77-7a8f2ffb96be.html>

FEDERAL GOVERNMENT ^{^top^}

- Rep. Steil, DHS Sec. Palm to answer virus questions by tele-town hall Friday.

https://www.gazettextra.com/news/health_care/coronavirus/rep-steil-and-state-official-to-answer-virus-questions-by/article_3687dc52-a9f2-59a0-99ad-84033f0483d3.html

- WI GOP all vote against bipartisan paid leave bill responding to coronavirus [Medill]

<https://madison.com/wsj/a1d30079-7a58-539e-8742-a9bba2ceeec9.html>

LOCAL GOVERNMENT ^{^top^}

- Madison mayor announces limits on city services, paid emergency leave for city employees

<https://madison.com/ct/f7a2899f-f928-50ac-a0f6-577c9e0642b5.html>

- Crisis mode, Everything is on pause while Madison confronts the coronavirus
<https://isthmus.com/news/cover-story/everything-is-on-pause-while-madison-confronts-the-coronavirus/>

CIVIL LIBERTIES ^{^top^}

- Gun and ammunition sales rise [in Superior, US] due to COVID-19 outbreak
<https://kbjr6.com/2020/03/18/gun-and-ammunition>

COURTS ^{^top^}

- Who's got the right? Marsy's Law on the ballot April 7
<https://isthmus.com/news/news/marsys-law-on-the-ballot-april-7/>

- Thompson analysis: Judge Adelman Blasts U.S. Supreme Court, Getting buzz nationally. Is his critique warranted?
<https://urbanmilwaukee.com/2020/03/18/data-wonk-judge-adelman-blasts-u-s-supreme-court/>

CULTURE ^{^top^}

- Knowledge, then progress ... Alex Gee: "Our goal is that people take responsibility."
<https://isthmus.com/news/snapshot/alex-gee-justified-anger-history-series/>

ECONOMY ^{^top^}

- Beloit unemployment rate jumps up in January: 5.9%. 2 point jump
https://www.beloitdailynews.com/news/local-news/beloit-unemployment-rate-jumps-up-in-january/article_118960a8-8960-5bb5-95c4-baa984a5394f.html

- WEDC Launches Programs To Aid Business, Loan and grant programs intended to provide bridge for businesses hurt by pandemic.
<https://urbanmilwaukee.com/2020/03/18/state-launches-programs-to-aid-business/>

EDUCATION ^{^top^}

- UW-La Crosse closes two buildings as precaution after virus test results
https://lacrossetribune.com/news/local/uw-la-crosse-closes-two-buildings-as-precaution-after-virus/article_f8157e4a-abce-5f37-80c7-9b5306d4b9e7.html

- Schools go digital: Several Dane County districts move to online, remote education amid COVID-19 coronavirus pandemic
https://madison.com/wsj/news/local/education/local_schools/schools-go-digital-several-dane-county-districts-move-to-online/article_a6566549-3885-572e-b99a-77c5447128e9.html

- Not in schools but still learning: What closure means for local Wisconsin students, staff and boards, All Wisconsin schools are set to close by Wednesday, here's how local districts are responding.
<https://www.rivertowns.net/news/education/5003137-Not-in-schools-but-still-learning-What-closure-means-for-local-Wisconsin-students-staff-and-boards>

- PolitiFact: Tony Evers' school funding idea a partial reversal of past position ... Evers said he

wanted to be cautious about the projected surplus and not use it to fund ongoing expenses. A week later, he proposed using some of that money to boost school funding ... Half Flip.

<https://www.politifact.com/factchecks/2020/mar/17/tony-evers/wisconsin-governor-takes-half-step-back-using-surp/>

ELECTIONS ^{^top^}

- State Election Officials Spar Over Possible Postponement Of April 7 Election ... Evers has indicated he isn't in favor of delaying the election. ... noted that a number of local offices are on the ballot on April 7, including county executive and mayoral races. ... During Wednesday's meeting, [WEC] Chair Dean Knudson agreed. ... Commissioner Ann Jacobs argued in favor of postponing the election ... Commissioner Mark Thomsen echoed that concern. ... Commissioner Julie Glancey argued in favor of an election by mail-in ballot only. ... In a memo to commission members posted before Wednesday's meeting, Elections Commission administrator Meagan Wolfe said while some clerks have raised concerns, extending the deadline for online or mail-in registration isn't possible without action by the state Legislature. ... clerks statewide are short 600,000 envelopes needed to mail ballots. ... noted more than 50 percent of poll workers in the state over age 60, a population considered at higher risk of contracting COVID-19.

<https://www.wpr.org/state-election-officials-spar-over-possible-postponement-april-7-election>

- Democrats Sue To Change Wisconsin Election Laws Amid COVID-19 Pandemic ... [DPW/DNC federal case against WEC seeks] several changes to state election laws as voters and election officials grapple with the virus' spread. ... March 18 deadline for online and mail voter registration to be extended until April 3. ... receipt of mail-in absentee ballots to be moved ... to 10 days after the election ... postmarked by Election Day. ... suspend its voter ID law for mail-in ballots and ... proof of residence for online or mailed voter registration. ... Baldauff said the governor "has been urging folks to vote by absentee ballot and believes that process should be as simple and accessible as possible. Ensuring the health and safety of Wisconsinites is our top priority, but the governor has also said that our democracy must continue." ... [RPW] criticized the lawsuit as a Democratic attempt to "rig the April 7 election in their favor." RPW's Jefferson, DPW's Wikler, DNC's Perez comment.

<https://www.wpr.org/democrats-sue-change-wisconsin-election-laws-amid-covid-19-pandemic>

- Amid pandemic, Dems sue to ease absentee voting rules

<https://madison.com/ct/b36c8820-c6b9-5fa2-bbda-74e1d86bfeaf.html>

- Dems sue to extend WI's deadlines for online voter registration, counting absentees

<https://www.jsonline.com/story/news/politics/2020/03/18/wisconsin-absentee-voting-ballot-online-registration-deadlines-voter-id-coronavirus-lawsuit/2862992001/>

- County clerk: Reduce the spread of COVID-19 with absentee ballots, In Wisconsin, any registered voter may apply for an absentee ballot and vote by mail.

<http://www.rivernewsonline.com/main.asp?SectionID=6&SubSectionID=47&ArticleID=88261>

ENVIRONMENT ^{^top^}

- What is a watershed and why should you care? Because the health of watersheds and flooding, water quality are inseparable.

<https://www.postcrescent.com/story/news/2020/03/19/wisconsin-flooding-and-water-quality-watersheds-define-where-how-were-affected/4832716002/>

HEALTH CARE ^{^top^}

- Mayo [EC] begins drive-up COVID-19 testing; Marshfield plans to follow

https://www.leadertelegram.com/covid-19/mayo-begins-drive-up-covid--testing-marshfield-plans-to/article_c7617191-359f-5938-b51d-c4133b0ca001.html

LAW AND ORDER ^{^top^}

- Police practicing social distancing to stem COVID-19 spread

https://www.kenoshanews.com/news/police-practicing-social-distancing-to-stem-covid--spread/article_1ac16309-da9c-5f02-bc79-7ae53f9e854a.html

- Some jails letting Huber inmates serve sentences at home

https://www.leadertelegram.com/covid-19/some-jails-letting-huber-inmates-serve-sentences-at-home/article_f12adb9e-8ff9-5ae2-8841-3160a7440b8d.html

- WDOC suspending visits amid COVID-19 concerns

<https://kbjr6.com/2020/03/13/wi-department>

- Needed supplies for responders are strained

<https://ehextra.com/Content/News/News-Articles/Article/Needed-supplies-for-responders-are-strained/12/35/60630>

SMALL BUSINESS ^{^top^}

- Small business owners struggle to adapt while the newly unemployed wonder what's next

https://www.kenoshanews.com/news/local/small-business-owners-struggle-to-adapt-while-the-newly-unemployed/article_782dd47f-e29e-5509-b01c-a3cb3233ebff.html

- SBA updates criteria for requesting loans for small businesses impacted by coronavirus

<http://www.rivernewsonline.com/main.asp?SectionID=6&SubSectionID=47&ArticleID=88263>

- Local businesses grapple with impact of coronavirus restrictions, Bars and restaurants can offer takeout or delivery only until further notice

<http://www.rivernewsonline.com/main.asp?SectionID=6&SubSectionID=47&ArticleID=88253>

TRIBES ^{^top^}

- Tribes Expect Little Help in Fight to Protect Elders From Coronavirus ... As tribes across the country take steps to fight the spread of the coronavirus, they're doing so mindful that the virus has proven especially dangerous to the elderly, a venerated group in many Native communities. ... Native communities are more prone to have several families under a single roof, as well as respiratory issues like high smoking rates and radon exposure. ... Several tribal leaders noted pandemics have been a tragic part of the Native American story, as diseases brought by Europeans killed vast numbers of Indigenous people on the continent.

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/03/19/tribes-expect-little-help-in-fight-to-protect-elders-from-coronavirus>

COLUMNS ^{^top^}

- Paul Fanlund: Sheriff Dave Mahoney, one of many in the eye of the storm

<https://madison.com/ct/6e424c86-48f9-54fa-9048-1558fd444ce7.html>

- Dave Zweifel: What ever happened to Trump's grand infrastructure plans?
<https://madison.com/ct/ee662aea-8aa8-592e-a32a-09799f9ab219.html>

- Rick Esenberg: Wisconsin emergency powers and their limits: Can a governor effectively suspend economic activity in a state and impose strict restrictions on public life? The answer is not clear.
<https://rightwisconsin.com/2020/03/18/wisconsin-emergency-powers-and-their-limits>

- Frank Shansky: What I learned from 12 years of knocking doors in Wisconsin
https://madison.com/ct/opinion/column/frank-shansky-what-i-learned-from-years-of-knocking-doors/article_033675b6-1f85-51a1-8db5-62d282445abf.html

- Craig Bartlett: Gutted, Let's make sure we support each other through these hard times
<https://isthmus.com/opinion/opinion/hopeful-during-the-corona-virus/>

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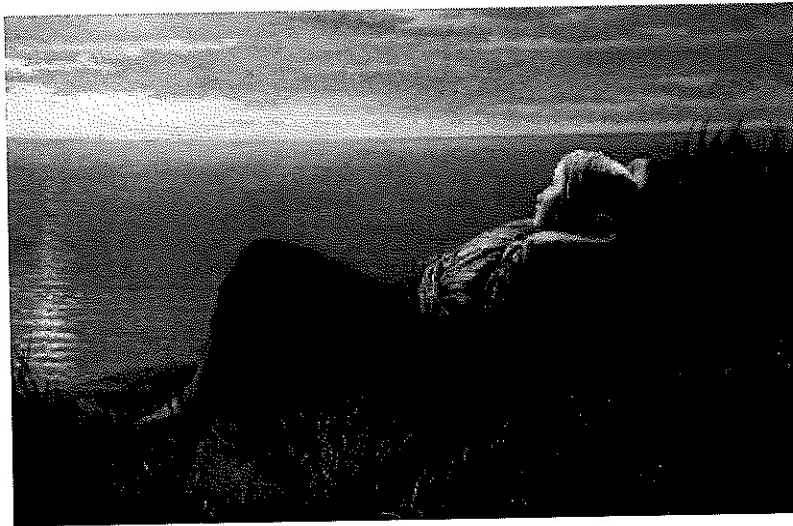
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Hope, Sam

From: RightWisconsin <RightWisconsin@RightWisconsin.com>
Sent: Thursday, March 19, 2020 6:15 AM
To: Gibbs, Adam
Subject: The Limits of Quarantine

RightWisconsin Daily Update

[View this email in your browser](#)



RIGHTWisconsin

The Cost of the Green New Deal to Wisconsin

What are the limits to the state's power in a pandemic crisis?

Dear Adam,

We're all feeling a bit overwhelmed by the news, and I'm no exception. Making it worse, I see the online comments, conspiracy theories and general dismissals of the seriousness of the situation we know face with the spread of the Coronavirus. Unfortunately, the news is only going to get worse for a while.

But, in a way, nothing has changed from yesterday. We're all adjusting to a temporary life of social distance, closed public spaces, and a rapidly crashing economy.

The question becomes, when does government go too far, and how much power does our government have even in this Coronavirus crisis?

I don't ever want it to be thought that I am diminishing the severity of the situation. But we can have a debate over the steps the government is taking to protect us. Maybe Gov. Tony Evers is right, and maybe the Trump Administration is correct. But let's not lose all sight of the country we were just two weeks ago.

Rick Esenberg of the Wisconsin Institute for Law & Liberty has been raising some concerns, and he does again in an op ed, [Wisconsin Emergency Powers And Their Limits](#). We're going to have an interesting debate in the days ahead, and this looks like a good place to start.

RightWisconsin is taking the day off today, which means no newsletter Friday morning. The newsletter will return Monday.

In the meantime, we suggest that everyone just take some time away from social media. Go read a book or some poetry. Listen to some jazz or opera, especially if you've never tried to listen to those genres before. (Thursday night is going to be a John Coltrane night at my house.) Order out from a local restaurant who needs your business. Call family and friends just to check in on them and say hello.

Take a break. We're in this for a while.

James Wigderson

Editor

RightWisconsin



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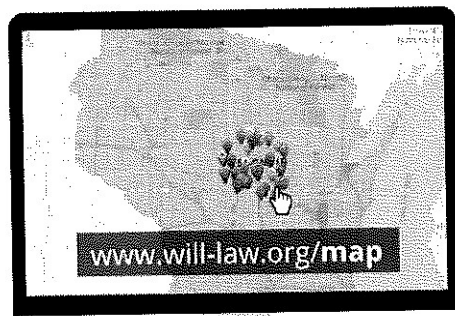
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WISCONSIN EMERGENCY POWERS AND THEIR LIMITS

by Rick Esenberg

Can a governor effectively suspend economic activity in a state and impose strict restrictions on public life? The answer is not clear.

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IS CLOSING CHURCHES DUE TO CORONAVIRUS GOING TOO FAR?

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Does the governor's administration have the authority to close down churches, especially when other exceptions are being made?

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Hope, Sam

From: Sen.Craig
Sent: Wednesday, March 18, 2020 2:57 PM
To: Gibbs, Adam
Subject: ** Legal Analysis: Wisconsin Emergency Powers and Their Limits

Importance: High

Great article. Check out sections on Freedom of Religion and Ever's Orders being poorly written, not narrowly-tailored and thus subject to legal attacks for the number of exemptions that seem to swallow the general prohibition (as we had discussed yesterday and this morning)

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Wednesday, March 18, 2020 2:50 PM
To: Sen.Craig <Sen.Craig@legis.wisconsin.gov>
Subject: Legal Analysis: Wisconsin Emergency Powers and Their Limits



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

Legal Analysis: Wisconsin Emergency Powers and Their Limits

In light of the coronavirus pandemic and the unprecedented steps taken by state and local officials, WILL President and General Counsel Rick Esenberg explains the breadth of Wisconsin's emergency powers as well as some of their constitutional limits. You can share this analysis [here](#).

Wisconsin Governor Tony Evers' response to the threat of COVID-19 has included cancelling school indefinitely throughout the state, closing bars and restaurants except for take-out service, and tight restrictions on social gatherings to fewer than 10. The state's response, like the crisis itself, has moved with enormous speed. At the behest of guidance from the Centers for Disease Control, gatherings and businesses that were permitted on Monday were barred by Tuesday. Is all this legal? Let's walk through it.

What does the law say?

Can a governor effectively suspend economic activity in a state and impose strict restrictions on public life? The answer is not clear. In our federal system

the power to order this type of emergency shutdown has traditionally been reserved to the states. Wisconsin law is not unique, and the governing principles here do not differ dramatically from those that exist elsewhere.

Wisconsin law grants the Department of Health Services (DHS) the authority to “close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics” and “authorize and implement all emergency measures necessary to control communicable diseases.”

Other statutes also provide authority including the Governor’s power to declare a public emergency and, in such circumstances, to “issue such orders as he or she deems necessary for the security of persons and property.” Other states have similar provisions.

Upon reading these statutes, you might conclude that the Governor can do whatever he wants. But you would be wrong. Any action the Governor takes must also comply with the state and federal constitutions. And there are at least four potential constitutional challenges. Each would have to overcome centuries of law supporting the right of governments to impose quarantines to prevent the spread of disease — recall the story of Typhoid Mary — and even the *cordon sanitaire* — the centuries old practice of preventing the movement of people to stem the spread of disease. But each would be buoyed by the unprecedented breadth and indeterminate length of the Governor’s order. In short, we have never seen anything like this.

Due process

It is well accepted that orders of quarantine and isolation may not be “arbitrary, oppressive and unreasonable.” But this is not a very exacting standard of review. A challenger would have to convince a court that there is little or no basis for the order or some aspect of it. While there are anomalies in the order — why is social distancing adequate for retail establishments and not for restaurants? — this would be a tall order, particularly this early in the outbreak.

The freedom of assembly

While I believe that a reasonable case can be made that the Wisconsin Constitution protects the fundamental right to earn a living, there is no clearly established right to run a restaurant or a bar, and there is a long tradition of subjecting such establishments to reasonable health and safety regulations. But the Governor’s order prohibits gatherings of more than ten people under most circumstances. Both the state and federal constitution guarantee the right of the people to “peaceably assemble.” How can the Governor prohibit gatherings? While the law of assembly is not well-developed, and the right is closely associated with political gatherings, both the United States and Wisconsin Supreme Courts have made clear the right to assemble is fundamental. How can such a sweeping order survive constitutional scrutiny?

Constitutional freedoms are not absolute. Even fundamental rights can be infringed if whatever the state has done is found to be necessary to serve a compelling interest and is narrowly tailored to serve that interest (a standard lawyers refer to as “strict scrutiny”). At least for a time, it is almost certain that a court would find that slowing the spread of the coronavirus is a compelling interest, and that some combination of isolation and social distancing is necessary to achieve it.

Whether an order like Evers has issued is narrowly tailored is another matter. Although courts will not require absolute consistency, the anomalies and exceptions in the current order open it up to some scrutiny.

These issues may become more important as the crisis goes on. But it is unlikely that a court would second-guess a Governor now, given the degree of uncertainty and fear that has gripped the nation.

The freedoms of speech and religion

The freedom of speech is at its zenith when political expression is involved. Even if Governor Evers’ order is generally permissible, a harder case would be presented if it were used to prevent a political gathering. Similar complications may be presented by its application to worship services. Under the federal constitution, neutral laws of general applicability are constitutional even if they incidentally burden a religious practice. But as long as there are exceptions — under Governor Evers’ order, gatherings are permitted in retail establishments, hotels, motels, relief facilities, childcare centers, etc. — it may be possible to argue that the bans are not generally applicable.

More fundamentally, some states — including Wisconsin — provide more robust protection for the freedom of worship. In these states, burdens on religious practices are subject to strict scrutiny, and a plaintiff may argue that the existence of exceptions for other types of activities establishes that the limitations on worship services are not necessary or narrowly tailored.

Taking without compensation

Depriving an owner of the use of his or her property can constitute a “taking” that requires just compensation. Temporary deprivations have not been regarded as takings but, as David French points out, it is not hard to imagine the United States Supreme Court re-examining this rule. Orders like this will destroy businesses that have been in families for generations. A successful takings challenge may be an uphill battle but the extraordinary nature of these restrictions may compel a court to re-examine existing ways of analyzing the issue.

I agree with French that, in the near term, legal challenges are unlikely to be successful, although it is possible that certain elements of orders like this can be pared back. But as the crisis wears on, the tension between our constitutional norms and life lived on an emergency footing will become more

acute. The longer they last, the more burdensome these restrictions become and, depending on the progress of the virus, the case for imposing them may grow weaker. When pundits tell you that life on lockdown is the new normal, I would take it with a grain of salt. Extreme measures like those ordered by Governor Evers and other officials are unsustainable for a variety of reasons. The Constitution may become one of them.

Share this analysis [here](#).



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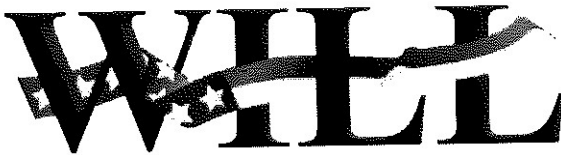
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Hope, Sam

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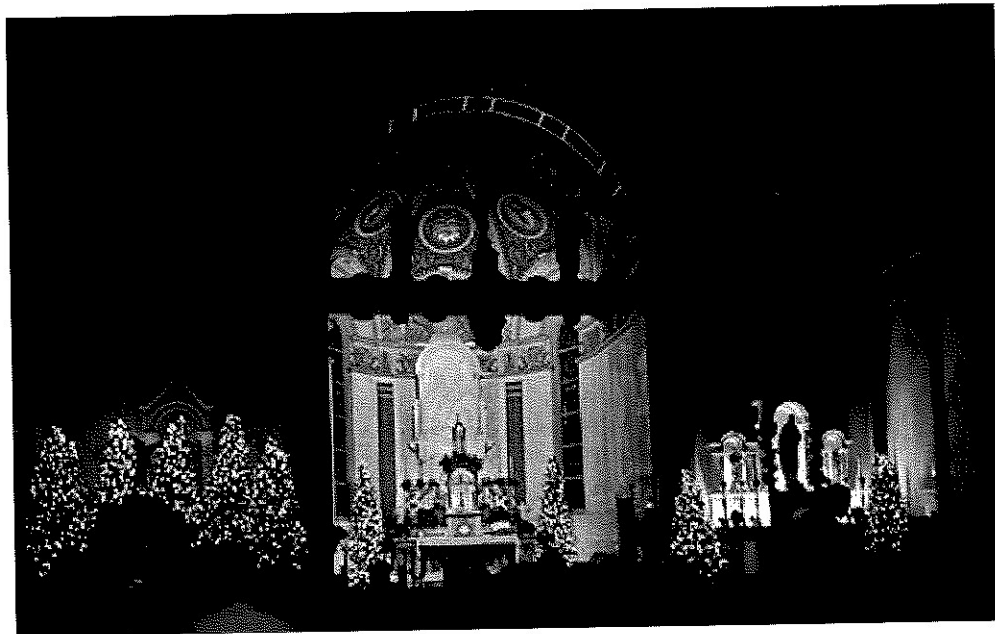
Hope, Sam

From: RightWisconsin <RightWisconsin@RightWisconsin.com>
Sent: Wednesday, March 18, 2020 6:15 AM
To: Gibbs, Adam
Subject: Coronavirus and Churches

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RIGHTWisconsin

The Cost of the Green New Deal to Wisconsin

Is shutting down churches constitutional, even in an emergency?

Dear Adam,

I hope you're using your Coronavirus-imposed "social distancing" time appropriately. I'm thinking about writing a pandemic romance novel, "Love In A Time of Covid-19."

As we grappled with each other for the last roll of toilet paper, our hands touched, breaking down the social distance between us. Suddenly I looked into his blue eyes and touched his face since he could no longer touch his own. The whole world fell away as we self-quarantined together in a romantic embrace...

The Coronavirus closings are not sitting well with the family, even if they understand the need for it. My daughter told me today she hates attending school online since she can't see her friends. Her activities are shut down, including a school play and a solo performance during a choir concert.

Meanwhile, my wife, the Lovely Doreen from Waukesha, misses singing with her church choir. This is Lent, of course, and it's hard not to be at church preparing for Easter.

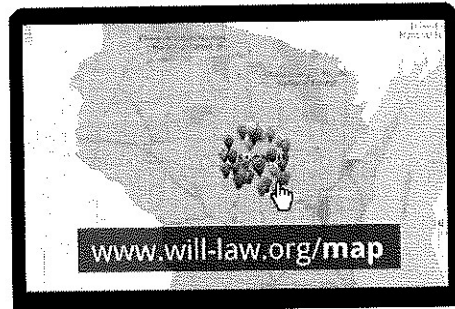
Which leads us into interesting territory, does the state actually have the authority to shut down church services? Rick Esenberg of WILL and state Sen. Dave Craig (R-Big Bend) both think the Evers Administration may have gone too far.

So far, it's an academic question. But will there be a lawsuit? Don't know yet. After all, which church wants to sue the governor so it can share a virus?

James Wigderson

Editor

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Let's not let panic over the Coronavirus lead Wisconsin down a policy path which we will come to regret in the future.

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[CORONAVIRUS CRAZY CLARKE](#)

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Oh yeah, we hear you Clarke, loud and clear. That's a large pizza and a whole lotta crazy bread.

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[EVERS: MOVING APRIL PRIMARY NOT ON THE TABLE](#)

by [Benjamin Yount](#)

Wisconsin Gov. Tony Evers on Monday said no one is talking about moving next month's primary election because of the virus.

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The Coronavirus will kill people. But how many? And will we take the steps necessary to reduce the number of deaths?

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[WISCONSIN REPUBLICANS EXPLAIN VOTING NO ON CORONAVIRUS BILL](#)

by [James Wigderson](#)

All four Wisconsin Republicans in the House voted "no," and it appears Sen. Ron Johnson (R-WI) may be a "no" vote next week in the U.S. Senate.

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Finally, some Coronavirus humor for everyone from Charlie Berens of the Manitowoc Minute. Enjoy.



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Hope, Sam

From: WisPolitics-Publishing
Sent: Tuesday, March 17, 2020 10:16 AM
To: WisPolitics Notification Services
Subject: TUE News Summary: Evers bans crowds of 50 or more; coronavirus testing labs overwhelmed



TUE News Summary -- 17 March 2020

Exclusively for WisPolitics Subscribers - DO NOT FORWARD

Access the mobile version of the News Summary:

<https://www.wispolitics.com/2020/tue-news-summary-evers-bans-crowds-of-50-or-more-coronavirus-testing-labs-overwhelmed/>

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TOP STORIES

Evers Bans Crowds Of 50 Or More As Number Of COVID-19 Cases Rises To 47

... [DHS order responds to community spread] applies to movie theaters, fitness centers, taverns and a variety of other locations, but not child care centers, grocery stores, pharmacies or hospitals. ... Restaurants and bars have been ordered to reduce capacity. 14 new cases: Wood 1, Outagamie 1, Dane 4, Milwaukee 6, Winnebago 2. DHS Dr. Westergaard: "The question is how widespread is community transmission in Wisconsin? We don't know because we've sampled a relatively low number of individuals with symptoms. My expectation is that it is not in all WI communities but the risk is that if the trajectory continues, it could be in the future." By Mills, WPR
<https://www.wpr.org/evers-bans-crowds-50-or-more-number-covid-19-cases-rises-47>

WI Labs Testing For COVID-19 Are Overwhelmed

... UW Health ... labs are able to run about 100 tests per day [results in 24-48 hours], which means tests are being limited mostly to health care workers and those with serious underlying health conditions. State Lab of Hygiene, Milwaukee Health Dept., Mayo Clinic, and private labs like ARUP, Quest Diagnostics and LabCorp are providing COVID-19 testing. UW Health's Pothof said samples also sent to out-of-state labs with excess capacity like UWash-Seattle, noted FDA is fast-tracking approvals for more labs, hoping to do 1,200 tests per day with results in 5-6 hours, "That's a game changer for us. That changes everything." Mayo Clinic touted new in-house COVID-19 testing - 2-