



DAVID CRAIG

STATE SENATOR

March 19, 2020

The Honorable Josh Kaul
Attorney General
State of Wisconsin
17 West Main Street
Madison, WI 53703

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

Dear Attorney General Kaul,

During this serious COVID-19 pandemic there have been numerous efforts to limit the spread of the virus. One recent order, Department of Health Services EMERGENCY ORDER #5, (EO#5) prohibits gatherings of 10 or more people in most places in Wisconsin. Violation or obstruction of the order issued under Wis. Stat. § 252.02(3) carries with it a penalty of up to 30 days in jail and a fine of up to \$500.

I have not yet received a response from Governor Tony Evers relating to [my letter dated March 17, 2020](#) requesting narrowly-tailored accommodations be made for places of worship under EO#5. While I await his response, I took note of your posture towards EO#5 which you referenced when conveying "local law enforcement agencies will be the primary enforcement authorities for violations" of the ban on gatherings of 10 people or more.

As state government takes steps to protect the well-being of Wisconsinites, it is important to provide clear guidance to citizens surrounding issues involving fundamental rights, including the right to peaceably assemble and the free exercise rights of individuals seeking to worship according to the dictates of their conscience.

Given the protections under Article I, Section 18 of the State Constitution which states "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...", will you and/or your office support: (1) the arrest of individuals for violations of EO#5 while conducting or participating in a worship service despite observance of social distancing?, (2) the prosecution of individuals charged with violation of EO#5 for conducting or participating in a worship service?

Thank you again for your service to the people of Wisconsin during 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 fluid and cursive, with the first name "David" written in a larger, more prominent script than the last name "Craig".

David Craig
State Senator
28th Senate District