

Hope, Sam

From: Taylor, Chad
Sent: Friday, April 03, 2020 12:24 PM
To: Gibbs, Adam; Hope, Sam; Eberle, Ed
Subject: FW: WILL Demand Letter: Sheriff, School Administrator Used COVID Crisis to Violate First Amendment

This is unbelievable. "We are from the government and here to help."

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Friday, April 03, 2020 12:15 PM
To: Sen.Craig <Sen.Craig@legis.wisconsin.gov>
Subject: WILL Demand Letter: Sheriff, School Administrator Used COVID Crisis to Violate First Amendment

For more information, contact:
Collin Roth | WILL Director of Communication
collin@will-law.org | 414-607-2558



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

WILL Demand Letter: Sheriff, School Administrator Used COVID Crisis to Violate First Amendment

Marquette County Sheriff threatened teen with arrest over Instagram post

The News: The Wisconsin Institute for Law & Liberty (WILL) issued letters to Marquette County Sheriff Joseph Konrath and Westfield School District Administrator Robert Meicher demanding recompense after an Oxford, Wisconsin teen was threatened with arrest if she failed to remove a social media post. WILL is representing the teen and her parents, Rick and Angela Cohoon, after a Marquette County Sheriff's Patrol Sergeant threatened to cite or jail their teen daughter or them on March 27 for disorderly conduct if she did not remove an Instagram post indicating she was recovering from COVID-19 (despite a negative test).

Background: Rick and Angela Cohoon's teen daughter, Amyiah, developed a severe respiratory illness in March after a spring break trip to Florida. Doctors at Divine Savior Hospital in Portage indicated to the Cohoons that their daughter likely had COVID-19 but could not be tested due to the testing criteria at the time. She was sent home with instructions to strictly self-quarantine but ended up in the hospital three days later after symptoms worsened. She tested negative for COVID-19 in Madison, but doctors suggested she likely had the virus but had missed the testing window.

While in the hospital, Amyiah posted to Instagram that she was recovering from COVID-19. Westfield School District officials then swung into action to tell district parents that Amyiah was not telling the truth about her COVID-19 experience and complained to the Marquette County Sheriff. On March 27, a Marquette County Sheriff Patrol Sergeant was dispatched to the Cohoon's home to demand the Instagram post be removed or face arrest for disorderly conduct. The Instagram posts were removed after the threat from law enforcement.

WILL's Demand Letter: The demand letters issued to Marquette County Sheriff Joseph Konrath and Westfield School District Administrator Robert Meicher require three specific actions to avoid a lawsuit:

1. A written apology.
2. Acknowledgment that the Cohoons have a First Amendment right to freely express themselves on social media, including the post they removed under threat.
3. The Westfield School District remove a March 27 news update on the incident.

The Quote: WILL Deputy Counsel Luke Berg said, "School district officials and law enforcement used a public health emergency to overreact and violate the First Amendment rights of the Cohoons. During this unprecedented and challenging time, government officials cannot be allowed to trample civil liberties without the clearest justification."

Read More:

- [Demand Letter to Marquette County Sheriff Joseph Konrath, April 3, 2020](#)
- [Demand Letter to Westfield School District Administrator Robert Meicher, April 3, 2020](#)
- [Instagram Photo 1](#)
- [Instagram Photo 2](#)



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Hope, Sam

From: Hope, Sam
Sent: Wednesday, April 01, 2020 2:29 PM
To: Libby Sobic; Sen.Craig
Cc: CJ Szafir
Subject: RE: WILL blog post –Senate Bill Can Help K-12 Schools Post-COVID

Libby,

Thanks for the info. As you know Senator Craig is already of supporter of this legislation and we appreciate WILL's continued advocacy on the issue. We will let you know if we additional questions.

Sam Hope
Office of Senator David Craig
28th Senate District
608-266-5400
Sam.Hope@legis.wisconsin.gov

From: Libby Sobic <libby@will-law.org>
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For many of our most vulnerable students in underserved communities, the reality of distance learning may cause them to fall further behind and widen the racial achievement gap. Despite many schools best efforts, students are falling behind as the traditional classroom learning structure has been disrupted.

But by expanding the “part-time open enrollment” program with SB 789, Wisconsin lawmakers will have the opportunity to provide more options to families and schools who will desperately need it next fall. SB 789 will expand options for students and can help address their individual needs - without the school having to create new classes at a time when budgeting may be difficult.

SB 789 is pending in the Senate and awaits a floor vote. We believe this bill is one way that Wisconsin students can be helped to get back on track after this crisis.

Please let me know if you have any questions.

Best,
Libby

Libby Sobic
Director of Education Policy
WILL
414-322-4495

From: Wisconsin Institute for Law & Liberty
Sent: Wednesday, April 1, 2020 1:40 PM
To: Libby Sobic
Subject: Senate Bill Can Help K-12 Schools Post-COVID



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

WILL Executive Vice President CJ Szafir and Director of Education Policy Libby Sobic write on SB 789, a bill in the Wisconsin State Senate to expand course access. Szafir and Sobic argue this bill could prove critical to the post-COVID education landscape in Wisconsin. You can share this analysis [here](#).

COVID-19 is a massive earthquake to Wisconsin's K-12 school system. Almost overnight, nearly every student went from learning in a classroom to distance learning — a blend of online and take-home work. Many could thrive in this new environment. And just as many could fall behind, especially those who are already struggling academically, resulting in a worse “summer slide.”

Policymakers must be ready for the aftermath. Many schools will be better prepared to offer virtual courses as a result of the 2020 spring. But racial and income achievement gaps are also likely to widen with students experiencing a “lost” spring. The upcoming school year 2020–2021 will be crucial towards getting those students back on track.

Fortunately, there is a bill currently in the Wisconsin Senate ([SB 789](#)) — Expanding Course Access — that can better equip families and Wisconsin's K-12 system for what comes next.

SB 789, which improves upon the outdated “Part-Time Open Enrollment” program — allows any elementary, middle, or high school student to take up to two courses at any other school, including public, public charter, and private. And this happens all without the student ever dis-enrolling from their school. This could allow students to

take courses at any nearby school “in-person” — or at a school across the state “virtually.” SB 789, led by Senator Alberta Darling and Representative Jeremy Thiesfeldt, received bipartisan support in its passage in the Assembly and now awaits a vote in the Senate.

Even before COVID, Wisconsin had a course access problem. Too many students in rural and urban K-12 schools simply do not have access to important courses. 60% of public high schools in Wisconsin do not offer intro computer science. Surveying AP courses offered at all traditional Milwaukee Public Schools (MPS) high schools, 95% do not offer computer science, 84% do not offer economics, and 84% do not offer physics. In Northeastern Wisconsin, a survey of high schools found that 100% do not offer Spanish or economics, and 78% do not offer government or computer science. All of this is directly related to Wisconsin’s K-12 educational woes — struggling urban and rural schools, major racial achievement gaps, and too many graduates not equipped for the workforce.

Wisconsin’s current “Part-Time Open Enrollment Program” (aka Course Choice) is antiquated because it unfairly limits student participation and provides little to no easily accessible information to parents. SB 789 knocks down those barriers. It allows any public school student to participate in the program and opens it up to students at public charter and private schools. It also repeals the laws that prevent collaboration between traditional public, public charter, and private schools by allowing private schools to opt in. And it gives parents access to information about what schools offer what courses.

For example, a student in Oconto public schools could apply to take an online course — say computer science, physics, or AP Economics at Racine Unified, Madison Metropolitan, or a private school in the Milwaukee Parental Choice Program. The course offering will be posted on the school and DPI website. The student would not have to dis-enroll from their local school and could take the course at home or at the local school’s library. The money follows the student with the receiving school billing the local school — who is not educating the child for that hour.

This was always common-sense K-12 public policy, which is why SB 789 has strong support from the business community, school leaders, and graduates of public and private schools. Yet, the bill should be part of any COVID K-12 education recovery plan. More Wisconsin students than ever are experiencing blended learning, expanding the educational horizon for thousands of children. But the policy environment must be updated for these opportunities to be fully realized. Fortunately SB 789 does just that.

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Hope, Sam

From: Gibbs, Adam
Sent: Wednesday, April 01, 2020 2:25 PM
To: Hope, Sam
Subject: RE: WILL blog post –Senate Bill Can Help K-12 Schools Post-COVID

Just have a response from you letting her know that Dave is a co-sponsor and we'll let them know if we have any questions.

From: Hope, Sam <Sam.Hope@legis.wisconsin.gov>
Sent: Wednesday, April 01, 2020 2:20 PM
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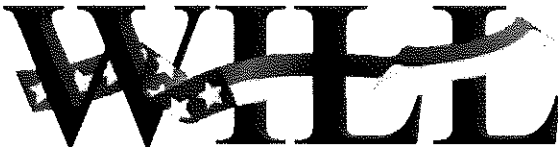
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This was always common-sense K-12 public policy, which is why SB 789 has strong support from the business community, school leaders, and graduates of public and private schools. Yet, the bill should be part of any COVID K-12 education recovery plan. More Wisconsin students than ever are experiencing blended learning, expanding the educational horizon for thousands of children. But the policy environment must be updated for these opportunities to be fully realized. Fortunately SB 789 does just that.

Share this analysis [here](#).



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Hope, Sam

From: Libby Sobic <libby@will-law.org>
Sent: Wednesday, April 01, 2020 2:14 PM
To: Sen.Craig; Hope, Sam
Cc: CJ Szafir
Subject: WILL blog post –Senate Bill Can Help K-12 Schools Post-COVID

Senator Craig and Sam –

I hope you and your families are well and staying healthy. Today, CJ and I published a blog post about SB 789, an important piece of legislation to increase course access for Wisconsin students. We appreciate the Senator's continued support of SB 789. Course access for students is even more important in light of school closures during the COVID19 crisis.

For many of our most vulnerable students in underserved communities, the reality of distance learning may cause them to fall further behind and widen the racial achievement gap. Despite many schools best efforts, students are falling behind as the traditional classroom learning structure has been disrupted.

But by expanding the "part-time open enrollment" program with SB 789, Wisconsin lawmakers will have the opportunity to provide more options to families and schools who will desperately need it next fall. SB 789 will expand options for students and can help address their individual needs - without the school having to create new classes at a time when budgeting may be difficult.

SB 789 is pending in the Senate and awaits a floor vote. We believe this bill is one way that Wisconsin students can be helped to get back on track after this crisis.

Please let me know if you have any questions.

Best,
Libby

Libby Sobic
Director of Education Policy
WILL
414-322-4495

From: [Wisconsin Institute for Law & Liberty](#)
Sent: Wednesday, April 1, 2020 1:40 PM
To: [Libby Sobic](#)
Subject: Senate Bill Can Help K-12 Schools Post-COVID



WISCONSIN INSTITUTE
FOR LAW & LIBERTY

WILL Executive Vice President CJ Szafir and Director of Education Policy Libby Sobie write on SB 789, a bill in the Wisconsin State Senate to expand course access. Szafir and Sobie argue this bill could prove critical to the post-COVID education landscape in Wisconsin. You can share this analysis [here](#).

COVID-19 is a massive earthquake to Wisconsin's K-12 school system. Almost overnight, nearly every student went from learning in a classroom to distance learning — a blend of online and take-home work. Many could thrive in this new environment. And just as many could fall behind, especially those who are already struggling academically, resulting in a worse “summer slide.”

Policymakers must be ready for the aftermath. Many schools will be better prepared to offer virtual courses as a result of the 2020 spring. But racial and income achievement gaps are also likely to widen with students experiencing a “lost” spring. The upcoming school year 2020–2021 will be crucial towards getting those students back on track.

Fortunately, there is a bill currently in the Wisconsin Senate ([SB 789](#)) — Expanding Course Access — that can better equip families and Wisconsin's K-12 system for what comes next.

SB 789, which improves upon the outdated “Part-Time Open Enrollment” program — allows any elementary, middle, or high school student to take up to two courses at any other school, including public, public charter, and private. And this happens all without the student ever dis-enrolling from their school. This could allow students to take courses at any nearby school “in-person” — or at a school across the state “virtually.” SB 789, led by Senator Alberta Darling and Representative Jeremy Thiesfeldt, received bipartisan support in its passage in the Assembly and now awaits a vote in the Senate.

Even before COVID, Wisconsin had a course access problem. Too many students in rural and urban K-12 schools simply do not have access to important courses. 60% of public high schools in Wisconsin do not offer intro computer science. [Surveying AP courses](#) offered at all traditional Milwaukee Public Schools (MPS) high schools, 95% do not offer computer science, 84% do not offer economics, and 84% do not offer physics. In [Northeastern Wisconsin](#), a survey of high schools found that 100% do not offer Spanish or economics, and 78% do not offer government or computer science. All of this is directly related to Wisconsin's K-12 educational woes — struggling urban and rural schools, major racial achievement gaps, and too many graduates not equipped for the workforce.

Wisconsin's current "Part-Time Open Enrollment Program" (aka Course Choice) is antiquated because it unfairly limits student participation and provides little to no easily accessible information to parents. SB 789 knocks down those barriers. It allows any public school student to participate in the program and opens it up to students at public charter and private schools. It also repeals the laws that prevent collaboration between traditional public, public charter, and private schools by allowing private schools to opt in. And it gives parents access to information about what schools offer what courses.

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From: The MacIver Institute <info@maciverinstitute.com>
Sent: Tuesday, March 31, 2020 2:30 PM
To: Gibbs, Adam
Subject: Free Market Coalition To Gov. Evers: Continue Cutting Red Tape To Fight Pandemic

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Free Market Coalition: Continue to Cut Red Tape to Fight Pandemic

After Governor Tony Evers issued an executive order to cut red tape on medical licensing, the Wisconsin Institute for Law & Liberty (WILL), the Badger Institute, The MacIver Institute, and Americans for Prosperity (AFP) urge

Governor Tony Evers and the state legislature to continue to cut red tape to fight the coronavirus pandemic in Wisconsin.

Governor Tony Evers took meaningful steps on March 27 by issuing Executive Order #16 to ease critical licensing barriers for medical professionals. EO #16 includes the following measures:

- Allows any health care provider with a valid and current license issued by another state to practice under that license and within the scope of that license in Wisconsin without first obtaining a temporary or permanent license. This, importantly, includes practicing via telemedicine.
- Allows temporary licenses to remain valid for 30 days after the conclusion of the public health emergency.
- Expands scope of practice for physicians' assistants and nurse practitioners.
- Expedites license renewal for retired medical professionals and those with a recently expired license.
- Ensures nurses that are close to graduation will be able to contribute.

These are positive steps, but Wisconsin can and should do more to assist in this current pandemic and prepare for future public health emergencies.

- To address the current testing shortage, Wisconsin should use the FDA waiver to authorize state labs to develop and implement COVID-19 tests. Thus far, only five states have taken advantage of this flexibility.
- The legislature should consider ensuring that when a public health emergency is declared, the licensing barriers relaxed under Executive Order #16 automatically go into place. This will ensure that future

administrations do not have to spend critical time reviewing and issuing new orders.

- Wisconsin has a moratorium on the number of hospital beds allowed in the state. While the number of beds may be more than sufficient during normal periods, this moratorium should be lifted, at minimum, during public health emergencies.
- Allow pharmacists to extend prescription refills by 30 days during public health emergencies.

This coronavirus pandemic has been revealing in many ways. Notably, the rules and regulations meant to protect citizens have been proven, in many cases, to actually hinder the response to a public health crisis. We look forward to seeing Wisconsin continue to cut red tape to better address the crisis and keep its citizens safe.

This release was published on March 31, 2020, and is also available at www.maciverinstitute.com. Visit our website for daily updates on COVID-19 policy and the latest free market news in Wisconsin.

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Hope, Sam

From: Michael Jahr <michael@badgerinstitute.org>
Sent: Tuesday, March 31, 2020 1:41 PM
To: Gibbs, Adam
Subject: Free Market Coalition: Continue to Cut Red Tape to Fight Pandemic



Continue to Cut Red Tape to Fight Pandemic

The News: After Gov. Tony Evers issued an executive order to cut red tape on medical licensing, the Badger Institute, Wisconsin Institute for Law & Liberty (WILL), The MacIver Institute and Americans for Prosperity (AFP) urge the governor and state Legislature to continue to cut red tape to fight the coronavirus pandemic in Wisconsin.

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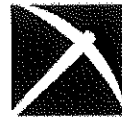


Hope, Sam

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Tuesday, March 31, 2020 12:30 PM
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PROSPERITY**
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**BADGER
INSTITUTE**
Free Markets ▪ Opportunity ▪ Prosperity



MacIver Institute
The Free Market Voice for Wisconsin

WILL
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FOR LAW & LIBERTY

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Hope, Sam

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Monday, March 30, 2020 7:01 PM
To: Hope, Sam
Subject: WILL Call | Webinar on WI Emergency Powers, How Choice and Charter Schools Are Navigating The Crisis

WILL Call

an update on the work of the
Wisconsin Institute for Law & Liberty

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News and Updates

Analysis

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Liberty vs. Safety: Pandemic Response Raises Tough Legal Questions

In response to the coronavirus pandemic, Governor Tony Evers issued a "Safer at Home" order. WILL President **Rick Esenberg** examines the order and the difficult legal questions the order provokes.

Read more [here](#).

Join Us!

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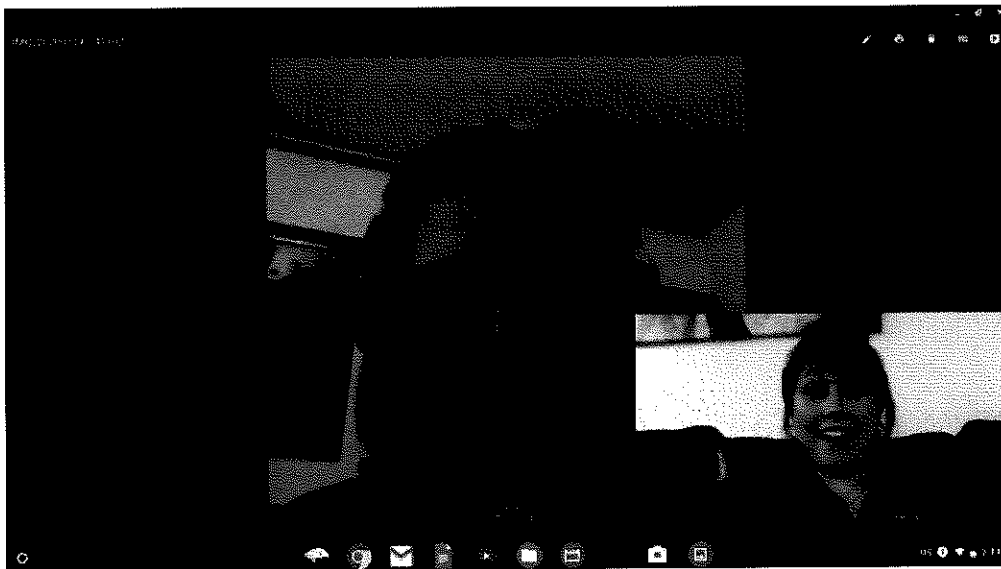
1 PM CST on Wednesday April 1, 2020



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Please register to join us Wednesday [here](#).



Charter and Choice Schools Step Up to Help Families, Communities

Libby Sobic and **Jessica Holmberg** reached out to private choice schools and charter schools to see how they were navigating the coronavirus pandemic and virtual learning. Read more about the inspiring stories of innovation and schools stepping up to help their community.

Read more [here](#).



WILL Interviews: Congressman Mike Gallagher on the Coronavirus Pandemic

Director of Communication **Collin Roth** interviewed **Congressman Mike Gallagher** last week on the the current pandemic crisis, the response in Congress, and what needs to happen before Wisconsin can enter the next phase.

Watch the full interview [here](#).

Tweet of the Week



ExcelinEd in Action @ExcelinAction · 4h

A great read from @WILawLiberty on public and private school partnerships during school closures.

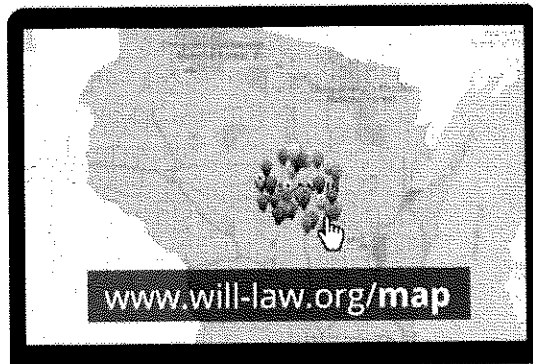


In This Together

How private and public charter schools are serving their families and communities during the COVID-19 crisis.

[medium.com](#)

Tweet It!



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.

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Donate

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WILL Call

an update on the work of the
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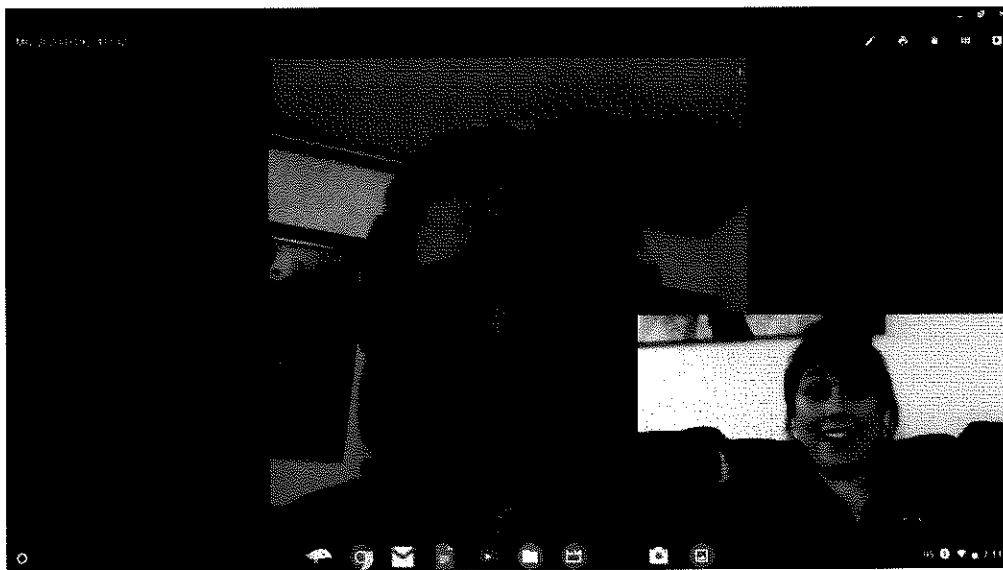
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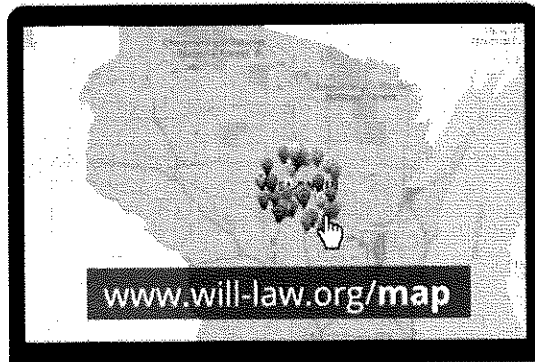


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Hope, Sam

From: WisPolitics-Publishing
Sent: Friday, March 27, 2020 3:59 PM
To: WisPolitics Notification Services
Subject: FRI PM Update: Fitzgerald calls Evers' plan for April 7 election a 'complete fantasy'



FRI PM Update -- 27 March 2020

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Subscribers: We are sending this PM Update today in place of the FRI REPORT, which will return next week. Thank you for subscribing!

From WisPolitics.com ...

-- Senate Majority Leader Scott Fitzgerald called Gov. Tony Evers' latest effort to stage the April 7 election amid the coronavirus outbreak a "complete fantasy."

Meanwhile, the Legislature's two top Dems favored the move.

Evers early today called on the Legislature to change state law on absentee ballots so all registered voters could be mailed one.

Fitzgerald blasted the move as "a hoax" and said that "in pitching this idea, the governor is lying directly to Wisconsinites about this even being remotely possible."

"Governor Evers just proposed procuring, printing, verifying, and mandating the mailing of millions of ballots within ten days. Even he knows that's not logistically feasible," the Juneau Republican said in a statement.

Assembly Minority Leader Gordon Hintz, D-Oshkosh, said his preference is to delay the election, but he understands "even that action has consequences and lacks the immediate support necessary to happen in time for the April 7 election."

"We now need Republican leadership to step up and recognize that acting to best protect our democracy and keep people safe is both necessary and possible," Hintz said.

Senate Minority Leader Jennifer Shilling, D-La Crosse, tweeted, "We are living in an unprecedented time and I appreciate that Gov. Evers is proposing solutions to ensure full and fair elections on April 7th. Our democracy is strongest when everyone can make their voice heard and Democrats are

committed to ensuring every single vote is counted."

In a video message on Twitter, Evers also called for ballots postmarked by Election Day to be counted and for local election officials to be given more time to count them.

The move comes 11 days out from the election. Evers, who has repeatedly rebuffed calls to delay the vote, didn't call for delaying the vote in his message today.

"The bottom line is that everybody should be able to participate in our democracy," Evers said in the video.

So far, four federal lawsuits have been filed seeking changes to the upcoming April 7 election due to concerns over COVID-19.

Wisconsin Institute for Law & Liberty President and General Counsel Rick Esenberg in a statement said the measures might have made sense had the state deactivated the registrations for some 200,000 voters who may have moved.

"Mailing ballots to those addresses would put those 200,000 ballots in the hands of individuals not entitled to them," Esenberg said.

He also noted the Dane and Milwaukee county clerks have urged those mailing back absentee ballots to list themselves as "indefinitely confined" to avoid having to upload an ID.

"We cannot do things that might be reasonable in other contexts when the officials who are supposed to ensure fair elections refuse to do their duty, and evade the law," Esenberg said. "Given the circumstances under which Wisconsin elections are being run, we need to take every precaution to ensure a fair election and that does not leave room for Governor Evers' current proposal."

See Evers' tweet:

<https://twitter.com/GovEvers/status/1243591395484372992>

See the Fitzgerald statement:

<https://www.wispolitics.com/2020/sen-fitzgerald-rejects-evers-idea-as-fantasy/>

See Esenberg's statement:

<https://www.wispolitics.com/2020/wisconsin-institute-for-law-liberty-statement-from-rick-esenberg-president-general-counsel/>

**See a story below on a Legislative Reference Bureau memo saying it "would not be appropriate" for voters to avoid presenting voter ID when requesting an absentee ballot by claiming they are indefinitely confined due to Evers' stay-at-home order.*

-- President Trump today signed a sweeping \$2 trillion coronavirus relief package just hours after it cleared the House.

The chamber approved the package by voice vote, meaning members of the Wisconsin delegation weren't on the record. Still, two of the state's Republican lawmakers expressed tepid support on the floor during the more than four hours of debate ahead of the vote.

U.S. Rep. Bryan Steil, R-Janesville, labeled the package "far from perfect" but added lawmakers "cannot let the perfect be the enemy of the good."

Speaking nearly two hours later, U.S. Rep. Glenn Grothman knocked the package's price tag as being "too high" and he was concerned an unemployment insurance provision "delays the recovery."

Still, the Glenbeulah Republican said Congress "must act to calm the panic and move back to normalcy."

Speaking ahead of the vote to Wisconsin Manufacturers & Commerce, U.S. Rep. Mike Gallagher said the package "may be well spent if we can prevent the death of hundreds of thousands and keep the economy tied together with a little bit of duct tape."

But the Green Bay Republican said lawmakers couldn't continue to infuse dollars back into the country at the rate they are currently and mirrored Grothman's concerns about a "dramatic expansion" of unemployment benefits.

"I think that's a dangerous disincentive and an unintended consequence of moving so quickly and trying to strike that balance with getting relief right now versus not setting off unintended consequences," he said.

On the other side of the aisle, U.S. Rep. Ron Kind, D-La Crosse, and Gwen Moore, D-Milwaukee, praised the package.

In a statement, Kind praised the package as an "important step toward getting businesses, working families, and health care providers the support they need."

Moore highlighted a number of aspects in the package but added "more work needs to be done."

Spokesmen for U.S. Reps. Mark Pocan, D-Town of Vermont, and Jim Sensenbrenner, R-Menomonee Falls, were not immediately available for comment.

See the Steil speech:

<https://www.c-span.org/video/?470724-1/house-approves-2-trillion-coronavirus-economic-relief-bill&start=3712#>

See the Grothman speech:

<https://www.c-span.org/video/?470724-1/house-approves-2-trillion-coronavirus-economic-relief-bill&start=10918#>

See the Kind statement:

<https://www.wispolitics.com/2020/u-s-rep-kind-statement-on-todays-bipartisan-vote-to-bring-economic-relief-to-wisconsins-workers-families-small-businesses-and-health-care-system/>

See the Moore statement:

<https://www.wispolitics.com/2020/u-s-rep-moore-applauds-the-passage-of-families-workers-first-coronavirus-response-package/>

-- While the state is much better prepared to handle economic turmoil than it was during the Great Recession, current reserves and coming federal aid may not be enough to manage a

prolonged downturn, state and local finance experts say.

Former state budget director Michael Heifetz, who served under Republican Gov. Scott Walker, told WisPolitics.com the state is "reasonably well-prepared" for a slipping economy in the short term. But he said it wouldn't be able to sustain funding beyond "weeks or a short number of months" without assistance from the federal government.

"It's hard to plan for a complete shutdown of the U.S. economy," said Heifetz, who currently works as health care chief executive for Infinite Policy Solutions. "It's all hands on deck. Anything that isn't a necessity is probably being very critically analyzed."

Congress this week passed a \$2 trillion economic stimulus package that would deliver roughly \$150 billion to state and local governments. It unanimously passed the Senate and passed the House today by voice vote. See an NCSL analysis of federal aid to state and local governments:
<https://www.ncsl.org/ncsl-in-dc/publications-and-resources/coronavirus-stimulus-bill-states.aspx>

Pew Research Center's Stateline service reported today that the money in the bill for state and local governments allows "some flexibility" on how it could be spent but does not address diminished tax collections caused by the slowing economy.

Pew said the money would be distributed to states based on population, but that every state would receive at least \$1.25 billion, with 45 percent of a state's money saved for local governments over 500,000 residents.

While exact numbers per state have yet to be determined, Heifetz estimated Wisconsin might see around \$3 billion if the disbursement formula is similar to previous federal programs.

"It's hard to say, but depending on how long this lasts and how we rebound as a community and a society, if it happens in the near term that'll be enough money," he said. "That just tells you the ambiguity."

Gov. Tony Evers' budget director, Brian Pahnke, didn't respond to a request for comment.

Wisconsin Policy Forum Research Director Jason Stein said the combination of the rainy day fund and remaining general revenue amounts to slightly less than 10 percent of the state's roughly \$17.5 billion in 2019 GPR expenditures.

He called the numbers a "huge improvement" from Wisconsin's situation going into the 2007-08 Great Recession with under 2 percent GPR expenses in reserves and close to nothing in the rainy day pot. But he added that ultimately wouldn't be enough if nothing changes in the coming months.

"If you weren't taking in revenue at all, and you were spending out of the general fund at your average daily rate, that would last you roughly five weeks," Stein said.

Stein said the "clear answer" is Wisconsin does not have enough in reserve to withstand any significant recession without aid from the feds.

Before current events, the Legislative Fiscal Bureau announced at the beginning of the year that the state was expected to collect an additional \$818.2 million in tax revenue over the biennium, with about half going into the rainy day fund. The budget stabilization fund totaled \$654 million at the end of February, according to the latest State Investment Fund earnings report.

A recent Pew analysis of rainy day funds by state ranked Wisconsin 40th in how many days it could run on total balances (35.3). But the research did find this was the highest balance relative to spending for the state in the last 20 years.

However, Assembly Speaker Robin Vos, R-Rochester, this week said the projected revenue is "gone" thanks to the coronavirus pandemic, and that the state must be judicious in maintaining a balanced budget.

Stein added the state unemployment insurance fund is in its strongest position in decades with more than \$2 billion, including \$1.9 billion in cash. But a February U.S. Department of Labor report found the fund still fell short of federal unemployment insurance recommendations and ranked 30th among states on that metric.

"We're in much better shape than we were, but the difference is we were among the least prepared states in the country and now we're in the middle of the pack," Stein said. "That's a big improvement, but it's not the same as being top of the class."

The Department of Workforce Development so far received 159,029 UI applications since March 15, 1.5 times the entire population of Green Bay.

Meanwhile, a record 3.3 million people filed for unemployment benefits nationwide last week. The previous weekly record was 695,000 set in 1982.

Stein warned the state could take up to a 14 percent GPR hit in a "moderate-to-severe" recession scenario. And local governments, which he said typically operate with razor-thin budgets already, wouldn't be able to get significant stimulus from the state due to its own economic troubles.

Wisconsin Counties Association Research Director Dale Knapp told WisPolitics county budgets "have been tight for quite a number of years and this is obviously going to put some strain on them."

He estimated up to a 13 percent decline in county sales tax revenue due to Evers' stay-at-home order and the loss of hotel and restaurant sales, in addition to a spending hike in services.

"At first blush it doesn't look like a big hit, but when you're already operating at tight margins you have got to figure out how to deal with those types of productions," Knapp said. "Any hit to your revenue source is cause for concern."

Analysts largely agreed that although the dropoff is steep, it's a real possibility that the economy could see a quick rebound whenever the pandemic is tamed. Heifetz highlighted this as one key difference between today and 2008.

"When the Great Recession was occurring, I'm not sure if we knew there was a bottom or if there was a known end," he said. "The economy itself today is foundationally strong. We can get back when this is gone, and that wasn't the case in 2008."

See more:

<https://www.pewtrusts.org/en/research-and-analysis/articles/2020/03/18/states-financial-reserves-hit-record-highs>

<https://wispolicyforum.org/research/ready-for-recession-recent-financial-gains-will-help-but-may-not-be-enough/>

<https://dwd.wisconsin.gov/covid19/public/ui-stats.htm>

-- Evers today directed DHS to temporarily suspend evictions and foreclosures amid the COVID-19 pandemic.

Under the order, landlords are prohibited from evicting tenants for any reason "unless failure to proceed with the eviction will result in an imminent threat of serious physical harm to another person." It also prevents foreclosures for 60 days.

The gov's office noted the order doesn't relieve anyone's obligation to pay their rent or mortgages.

See the release:

<https://www.wispolitics.com/2020/gov-evers-suspends-evictions-and-foreclosures-during-public-health-emergency/>

-- The Legislative Reference Bureau says it "would not be appropriate" for voters to avoid presenting voter ID when requesting an absentee ballot by claiming they are indefinitely confined due to Gov. Tony Evers stay-at-home order.

This comes after Dane County Clerk Scott McDonell and Milwaukee County Clerk George Christenson early this week urged anyone struggling to upload a photo of their voter ID to the state's MyVote website to utilize the "indefinitely confined" option. Under that process, voters are exempt from the ID requirement.

Senate Majority Leader Scott Fitzgerald, R-Juneau, and Assembly Speaker Robin Vos, R-Rochester, today blasted that move, saying in a statement "it's no surprise the liberal clerks in Dane and Milwaukee counties are encouraging people to vote illegally by not providing proper identification."

"At a time when our state should be coming together, it's sad that liberal clerks see it as an opportunity for political gain," the pair said.

In a memo prepared at Fitzgerald's request, the bureau today highlighted a number of exemptions to Evers' order and concluded those loopholes "demonstrate that not all Wisconsin residents are indefinitely confined to their homes."

"For this reason, it would seem inconsistent with current law for a clerk or other election official to suggest that every individual in this state is indefinitely confined for purposes of receiving an absentee ballot," the bureau said.

The memo concludes there are a number of penalties facing those who intentionally neglect their duties, including criminal charges and a five-year disqualification from serving as a clerk.

Wisconsin Elections Commission spokesman Reid Magney told WisPolitics.com under state law, only a poll worker can "challenge an absentee ballot for failure to adhere to voting requirements."

McDonell and Christenson were not immediately available for comment.

See the LRB memo:

http://legis.wisconsin.gov/senate/13/fitzgerald/media/1401/absenteeballotquestions_fitzgerald_03262

-- GOP state Sen. Kathy Bernier has filed a complaint asking the state Elections Commission to order the clerks in Dane and Milwaukee counties to reverse their calls to use the "indefinitely confined" option to avoid the voter ID requirement for absentee ballots.

Bernier, a former Chippewa County clerk, urged the Commission to not allow local elections officials to make a decision "that will disenfranchise electors in other areas of the state!"

Read the letter:

<https://www.wispolitics.com/wp-content/uploads/2020/03/200327Bernier.pdf>

-- The liberal A Better Wisconsin Together and the conservative Republican State Leadership Committee are both out with new six-figure media buys as the Supreme Court race begins the home stretch.

The buys include one spot from the Republican State Leadership Committee's Judicial Fairness Initiative that touts President Trump's endorsement of conservative Justice Daniel Kelly.

The RSLC Judicial Fairness Initiative, which made a strong final push in last year's Supreme Court race, is spending \$824,446 on TV ads, according to a filing with the state Ethics Commission. The group also reported a \$16,000 text message campaign supporting Kelly.

The group is out with two ads, both of which start with the narrator describing Karofsky as "dangerously soft on crime" and charging as a prosecutor she went easy on criminal predators like no jail time for a "monster" who sexually assaulted a 5-year-old girl.

Both ads say Karofsky has dangerously bad judgment.

One then switches to Kelly, calling him the "conservative choice." The narrator says Kelly is endorsed by Wisconsin law enforcement and Trump before showing a clip of the president at one of his Wisconsin rallies.

"Go vote for Justice Daniel Kelly to defend the rule of law in Wisconsin," Trump says.

The other ad doesn't mention the president's backing. Instead, after knocking Karofsky, the narrator in that ad calls Kelly the "safer choice." The narrator says Kelly "fought to protect victims of sexual assault and punish predators."

"Daniel Kelly, protecting Wisconsin and the rule of law," the spot concludes.

See the ads:

<https://youtu.be/wpSwxILBLVQ>

<https://youtu.be/SGMquslpZZE>

-- A Better Wisconsin Together praises Karofsky and knocks Kelly in its three new ads.

The group said two of the spots are running on broadcast TV in Green Bay and Milwaukee, while the

third is a digital ad. The group declined to say how much it spent on the buy other than it was "significant."

But a filing with the state Ethics Commission shows A Better Wisconsin Together Political Fund has now spent \$737,656 on TV, digital ads and mail supporting Karofsky and opposing Kelly.

Yesterday, the National Democratic Redistricting Committee announced it had given A Better Wisconsin Together Political Fund \$150,000 to support its efforts backing Karofsky, a Dane County judge.

A 30-second TV spot charges Kelly has a "real bad" record on fighting corruption, including voting against rules to help stop it and repeatedly refusing to recuse himself "from cases where he has a major conflict of interest."

The narrator then says, "We need an independent Supreme Court justice" before going on to praise Karofsky. The spot says she's been honored for standing up for victims of sexual assault and domestic violence and isn't " beholden to an extreme agenda."

The second TV spot is a 15-second ad that has a similar line about Karofsky being honored for standing up for victims, noting she's a former prosecutor backed by "Wisconsin nurses, teachers, law enforcement and judges."

The digital ad features Patti Seger, who says she's been a domestic violence advocate for the past 36 years and has worked closely with Karofsky. She says a recent ad that implies "Jill is somehow not good on victim rights" is "completely false and a bald-faced lie."

"Jill has my respect, because she is so strong on victim advocacy, so strong in her support for victim rights," Seger says.

See the ads on TV:
https://youtu.be/N_HCh08PK2s
https://youtu.be/dna8Ud_3ci8

See the digital spot:
<https://youtu.be/M2LeMe5qOrE>

-- New polling from the conservative Restoration PAC has President Trump with a slight edge over Dem frontrunner Joe Biden among registered Wisconsin voters.

The poll found 48.7 percent backed the president, while 45.3 percent supported Biden.

Against Bernie Sanders, Trump was at 50.3 percent compared to 42.8 percent for the Vermont senator.

The poll, conducted March 17-19, also found Trump's job approval was 52.2 percent with 45.7 percent disapproving of his performance.

It also found a large swatch of Wisconsin voters undecided on this spring's Supreme Court race. Conservative Justice Daniel Kelly was backed by 36.3 percent, compared to 29.2 percent who supported liberal Dane County Judge Jill Karofsky.

Restoration PAC commissioned the poll, which was conducted by Hodas & Associates of Springfield, Ill. It sampled 600 registered voters via telephone with 70 percent of the live interviews done over landlines and the rest via cellphone.

The margin of error was plus or minus 3 percentage points.

See the release:

<https://www.wispolitics.com/2020/restoration-pac-trump-leads-in-pa-wi-trails-in-michigan-as-restoration-pac-begins-monthly-polling-in-pivotal-states/>

Political TV

(Check local listings for times in your area)

"UpFront" is a statewide commercial TV news magazine show airing Sundays around the state. This week's show, hosted by ADRIENNE PEDERSEN, features BRIAN JACOBSEN, chief portfolio strategist for Wells Fargo Funds Management, on the economic impact of the coronavirus and federal efforts to shore up the economy; Workforce Development Secretary CALEB FROSTMAN on the spike in jobless claims and what people who have been laid off should do right now; and ARTHUR IRCINK, creator and producer of the "Wisconsin Foodie" program, on whether restaurants can bounce back from restrictions imposed upon them. *See more about the program here:

<http://www.wisn.com/upfront/>

*Also see a recap of the show online each Monday at WisPolitics.com

"Rewind," a weekly show from WisconsinEye and WisPolitics.com, airs at 8 p.m. on Fridays and 10 a.m. on Sundays in addition to being available online. On this week's episode, WisPolitics.com's JR ROSS and WisconsinEye's STEVE WALTERS discuss developments over the past week in the COVID-19 pandemic and the retirement of state Sen. FRED RISSER.

*Watch the show later today at <https://www.wispolitics.com/>

"The Insiders" is a weekly WisOpinion.com web show featuring former Democratic Senate Majority Leader CHUCK CHVALA and former Republican Assembly Speaker SCOTT JENSEN. This week, the two consider how the COVID-19 pandemic is reshaping political organizing and the issues important to voters.

*Watch the video or listen to the show:

<https://www.wispolitics.com/2020/wisopinion-com-the-insiders-discuss-covid-19s-impact-on-politics/>

"Meeting in Middle America," with STEVEN OLIKARA, founder and president of the Millennial Action Project, features an interview with the Milwaukee Journal Sentinel's CRAIG GILBERT. The two talk about issues surrounding the April 7 election amid the coronavirus pandemic. This week's version is audio-only.

*Listen to the show here:

<https://www.wispolitics.com/2020/meeting-in-middle-america-features-the-milwaukee-journal-sentinels-craig-gilbert/>

On the latest episode of the new "Battleground Wisconsin Now" web show, Edge Messaging LLC President BRIAN FRALEY and Cap Times Opinion Editor JESSIE OPOIEN discuss the state and federal response to the COVID-19 pandemic as Gov. Tony Evers issues a stay-at-home order.

*Watch the show:

<https://www.wispolitics.com/2020/battleground-wisconsin-now-with-fraley-and-opoien-for-march-24/>

Wisconsin Public TV's "Here and Now" airs at 7:30 p.m. Fridays. On this week's program, anchor FREDERICA FREYBERG speaks with Department of Health Services Secretary ANDREA PALM for an update on the COVID-19 pandemic. And U.S. Rep. MARK POCAN talks about the emergency stimulus package which includes direct payments to individuals, hundreds of billions of dollars to hospitals and states.

BILLS INTRODUCED

<http://docs.legis.wisconsin.gov/document/proposaltext/2017/REG/top>

AB 1018: Sponsors of nutritional counseling education programs and repealing and modifying administrative rules related to sponsors of nutritional counseling education programs. Referred to Committee on Rules.

AB 1019: Creating a flood mitigation program in the Department of Transportation, Granting rule-making authority, and making an appropriation. Referred to Committee on Rules.

AB 1020: Income tax deduction for flood insurance premiums. Referred to Committee on Rules.

AB 1021: Bonding for the soil and water resource management program and granting bonding authority. Referred to Committee on Rules.

AB 1022: Human trafficking awareness certifications for lodging establishments and making an appropriation. Referred to Committee on Rules.

AB 1023: Interns employed by assembly and senate offices, the governor, and the Department of Justice, an intern placement program administered by the Department of Workforce Development, and making an appropriation. Referred to Committee on Rules.

AB 1024: Creating a human trafficking council. Referred to Committee on Rules.

AB 1025: Aids for certain highways damaged by a disaster. Referred to Committee on Rules.

AB 1026: Funding for the municipal flood control program and making an appropriation. Referred to Committee on Rules.

AB 1027: Disaster assistance payments and making an appropriation. Referred to Committee on Rules.

AB 1028: Medically accurate information. Referred to Committee on Rules.

Ab 1029: Right to choose an abortion and elimination of certain abortion-related regulations. Referred to Committee on Rules.

AB 1030: Violence prevention grants and making an appropriation. Referred to Committee on Rules.

AB 1031: Construction and renovation of a veterans village, granting bonding authority, and making an appropriation. Referred to Committee on Rules.

AB 1032: Authorized activities and operations of credit unions, automated teller machines of financial

institutions, and repealing rules promulgated by the Department of Financial Institutions. Referred to Committee on Rules.

AB 1033: Allowing certain rehired annuitants to elect to not become new participants in the Wisconsin Retirement System for a defined period. Referred to Committee on Rules.

AB 1034: Suspension of the waiting period for collection of unemployment insurance benefits. Referred to Committee on Rules.

AB 1035: Regulating the sale of certain drugs and medical supplies below cost. Referred to Committee on Rules.

AB 1036: Juvenile court jurisdiction; the serious juvenile offender program; extending out-of-home care to 21 years of age for certain persons; juvenile interrogations; deferred prosecution agreements and diversion services for juveniles; the authority of school districts and school resource officers to respond to school-based behavior;; providing an exemption from emergency rule procedures; providing an exemption from rule-making procedures; granting rule-making authority; and making an appropriation. Referred to Committee on Rules.

AB 1037: The length for a declared state of emergency; reporting of arrests for a violation of an order relating to the control of an outbreak or epidemic; requiring legislative approval of any statewide order mandating individuals to stay at home for reasons related to an epidemic, pandemic, or communicable disease; requiring a written report to the legislature detailing the justification for any ban of gatherings of 50 or fewer individuals. Referred to Committee on Rules.

Track bills for free:

<https://notify.legis.wisconsin.gov/>

TOP HEADLINES

WPR: What To Know About Changes To Student Loans During Coronavirus Pandemic
<https://www.wpr.org/what-know-about-changes-student-loans-during-coronavirus-pandemic>

Journal Sentinel: The coronavirus test that wasn't: How federal health officials misled state scientists and derailed the best chance at containment
<https://www.jsonline.com/story/news/investigations/2020/03/27/coronavirus-test-officials-botched-rollout-derailed-containment/5080781002/>

Journal Sentinel: You could get a \$500 fine in Wauwatosa if you don't obey the safer-at-home order
<https://www.jsonline.com/story/communities/west/news/wauwatosa/2020/03/27/coronavirus-wauwatosa-city-enforce-safer-home-order/2926426001/>

State Journal: 'There's no words': families separated, memorials postponed as health emergency hits mourning rituals
https://madison.com/wsj/news/local/health-med-fit/there-s-no-words-families-separated-memorials-postponed-as-health/article_64e64000-1f47-58ad-a922-72b12428d534.html

NYT: Some U.S. Cities Could Have Coronavirus Outbreaks Worse Than Wuhan's
<https://www.nytimes.com/interactive/2020/03/27/upshot/coronavirus-new-york-comparison.html>

Roll Call: Fifth lawmaker tests positive for coronavirus

<https://www.rollcall.com/2020/03/27/fourth-lawmaker-tests-positive-for-coronavirus/>

Reuters: A U.S. recession? Probably. Depression? Only if the virus is untamed

<https://www.reuters.com/article/us-health-coronavirus-usa-depression/a-u-s-recession-probably-depression-only-if-the-virus-is-untamed-idUSKBN21E2X8>

The Hill: Trump uses Defense Production Act to require GM to make ventilators

<https://thehill.com/homenews/administration/489909-trump-uses-defense-production-act-to-require-gm-to-make-ventilators>

SATURDAY'S CALENDAR

<https://www.wispolitics.com/category/events/>

- No events listed.

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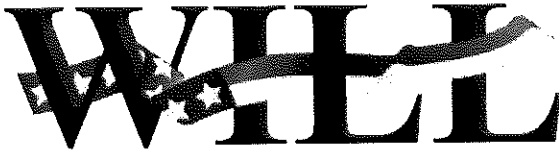
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Hope, Sam

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Friday, March 27, 2020 11:40 AM
To: Gibbs, Adam
Subject: Friday Read: Rick Esenberg Analyzes "Safer at Home" Legal Questions



**WISCONSIN INSTITUTE
FOR LAW & LIBERTY**

Liberty vs. Safety: Pandemic Response Raises Tough Legal Questions

In light of the coronavirus pandemic and the unprecedented steps taken by state and local officials, WILL President and General Counsel Rick Esenberg dives into the tough legal questions provoked by the "Safer at Home" order. You can share this analysis [here](#).

Last week, I [analyzed the potential legal issues](#) raised by the initial social distancing orders issued by Tony Evers and other governors. This week, the Governor issued a more stringent "lock-down" style order, euphemistically entitled the "[Safer At Home](#)" order. What can we say about this?

As I explained previously, any challenge to an order designed to restrict movement in the face of disease would have to contend with a long history of cases supporting short-term quarantines to control infectious diseases. The persuasiveness of these older cases to a current court would be strengthened by the dire predictions associated with the novel coronavirus but weakened by the breadth and duration of the order. Quarantines are usually limited in scope — involving the isolation of individuals and small groups — and duration. The restriction orders being put in place now are either relatively lengthy (Evers' order is in effect for thirty days) or indefinite in duration.

Evers' order is an extraordinary document. Like similar orders issued in the past few days by other governors, I have never seen anything like it. The governor orders Wisconsinites to stay at home. They may not host or visit friends or family who do not live with them, no matter how small the group or close the relationship. As the Governor said at a press conference, "no sleepovers, no play dates, and no dinner parties with friends and neighbors." While there are many exceptions to the lock-down imposed by the order, almost all are subject to "Social Distancing Requirements" which, among other things, specify how long you must wash your hands and how a cough must be

covered. Cough into your hands (rather than your elbow or sleeve) and you are subject for imprisonment for up to thirty days.

While there are a number of exceptions and they are so loosely drafted that many businesses will be able to argue that they can remain open, the order exerts plenary control over our economy. Everyone must close except for those businesses which the state affords a dispensation. That there are, as near as I can tell, quite a few of them does not undercut the gob smacking presumption of the order. It assumes the power to exercise unlimited control of private entities.

Even our most basic and fundamental liberties are substantially impaired by the order. There are exceptions for an excursion to the pet store, but not for political canvassing or meetings. Grocery stores can be full of people subject to certain restriction, but religious gatherings must limit themselves to fewer than ten (even in the grandest of cathedrals) and must comply with Social Distancing Requirements "as much as possible."

As we explained last week, all of this raises profound constitutional questions and could be challenged in a variety of ways. But because constitutional rights are not absolute, a court asked to pass on the constitutional validity of any of these restrictions would have to engage in some type of balancing test. Some types of claims might require a form of balancing that is called "strict scrutiny."

For claims involving freedom of speech, certain family rights, the right of assembly and (under Wisconsin's constitution) the freedom of religion, the government would have to show that the restrictions are necessary to achieve a compelling state interest and are narrowly tailored to serve that interest. For other claims involving due process and certain forms of equal protection, the government would only have to show that the restriction was rationally related to a legitimate state interest. Particularly if strict scrutiny is involved, the government would have to prove the weight of the interest that it seeks to advance and the connection between it and the restriction being challenged.

If a plaintiff were to challenge the order's broad prohibition on public assemblies, a court might ask if such a ban is necessary to achieve an interest that is critically important ("compelling") and no less restrictive than required to serve that interest. But, in the context of the coronavirus, this is where the constitutional analysis starts to break down. There is no question that preventing spread of the virus is compelling. But are these particular restrictions necessary for that purpose and narrowly tailored to achieve it?

Too much uncertainty

Governor Evers — and most other governors who have issued these orders — cannot have been acting on a significant outbreak of COVID-19 in their states. In all but a handful of them, there is no such outbreak. As I write this (March 26), there are more than 700 confirmed cases in Wisconsin. This constitutes 0.0001% of the state's population — roughly 1 out of every 10,000 state

residents. Everyone assumes that this substantially understates the number of cases and the number is sure to go up. But, without minimizing the impact of those who have been infected, the footprint of the virus is still relatively small in Wisconsin. The number of confirmed cases has sharply increased but the number of tests has also increased, making it impossible to conclude what the increase in confirmed cases tells us about the rate of spread of the virus.

If this were the end of the matter, the order — or at least the more stringent restrictions introduced over the past week and a half — would almost certainly be declared unconstitutional. But it is not. The state will argue that experience elsewhere and simulations that show catastrophic spread of the virus support its argument that the restrictions are both necessary and narrowly tailored. In particular, it relies on a model developed by researchers at Imperial College in London which purports to “show” that there may be 2.2 million deaths in the US without aggressive social distancing measures (and, alarmingly, 1.1 million with the measures in place unless they are continued until a vaccine is developed). Governor Evers and his administration has somehow extrapolated from this work (and, perhaps, similar claims) to assert that, without this order, 20,000 Wisconsinites could be infected within two weeks and 1000 of us might die.

This is frightening and certainly warrants a serious response. But models like this are only as good as the assumptions they employ and the data they are based upon. While there are areas that have seen alarming increases in confirmed cases, there are others that have not. We know that COVID-19 can spread rapidly, but, given the novelty of SARS-CoV-2, there is limited data from which to create a model that can be applied across differing populations and locations. It is no criticism of the scientists involved to say that they can offer little more than educated guesses. No one could do better. Stanford epidemiologist John Ioannidis complains that the data we have is “utterly unreliable” — what he calls an “evidence fiasco.” If he’s right, modeling simply isn’t possible. David Katz, an expert in public health at Yale, calls restrictive orders like this “open warfare” when a “surgical strike” is required. Nobel laureate and Stanford biophysicist Michael Levitt argues that the “real situation is not as nearly as terrible as they make it out to be.” This is not to say that the models are wrong. It is to suggest that there is much we don’t know.

You can see the problem for constitutional adjudication. Normally, evidence that is uncertain or speculative could not justify the restriction of fundamental rights; government action based on it could not withstand strict scrutiny. But lawyers have a saying: ‘Hard cases make bad law.’ A case can be hard for many reasons. In the present circumstances, the level of fear and uncertainty surrounding the pandemic would make most challenges difficult. The risk of a very bad outcome — and the present difficulty in assessing its probability — present daunting challenges to any litigator who would seek to challenge the restrictions at this current moment.

But that doesn't mean that the proper response to orders like the one enacted by Governor Evers is unquestioning quiescence. Even if you ultimately conclude that these restrictions are justified, a broad and lengthy restriction on constitutional liberties — an order that you may not see family, can't work and are prohibited from worship or gathering with your fellow citizens — based on what might happen ought to at least trouble you. If we accept them, we ought to do so provisionally and with ongoing scrutiny of the need for them to continue.

Even if we accept the more dire forecasts for COVID-19 or they, God forbid, turn out to be true, all agree that restrictive orders like these are not necessarily efforts to suppress the virus but attempts to slow or mitigate its spread to avoid overwhelming the health care system. And that is the objective that must justify the restrictions. Under such circumstances, it is reasonable to ask whether the level of restriction is narrowly tailored to the goal of mitigation or "flattening the curve."

But an order like this is in unavoidable tension with our Constitution and with the very foundation of the American project. It must be limited in duration, narrow in its application and requires extraordinary justification at every step of the way. John Philpot Curran said, "the condition upon which God hath given liberty to man is eternal vigilance." Questioning the scope of the order and the length of its duration as new information is available is the vigilance that liberty requires.

Share this analysis [here](#).



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From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Thursday, March 26, 2020 7:00 PM
To: Hope, Sam
Subject: WATCH: WILL Interviews Rep. Mike Gallagher on COVID-19 Crisis



**WISCONSIN INSTITUTE
FOR LAW & LIBERTY**

WILL Interviews Rep. Mike Gallagher on the COVID-19 Crisis

Congressman Mike Gallagher joined WILL Director of Communication Collin Roth for a conversation about the coronavirus pandemic, how to think about re-opening our economy, the state and federal response, and more.

Watch the full interview [here](#).

On the tension between rights and safety

"Ultimately, I think, the tension can only go so far. In other words, I think there are limits, particularly in a state like Wisconsin... we jealously guard our natural rights. I do think if pushed much further, this would induce some social unrest. I think a flashpoint could be the election on April 7. Right? I understand the health concerns with physically allowing people to go vote. But when you start restricting people's right to go out and vote in person, because not everyone may be able to get an absentee ballot and do other things. That's a very difficult thing to justify."



On Governor Tony Evers' leadership during the crisis

"I think the governor and leaders need to – if they're asking Wisconsinites to sacrifice – at least show us what is the light at the end of this tunnel. I think Wisconsinites are prepared to sacrifice if you give them a theory of victory. Right now we're just in this fetal position. It feels like we're on defense. And I don't like that feeling."



On when we'll know we can transition to the next phase of the COVID-19 crisis

"Until we get testing where we need it to be, we won't know. I mean, we're fighting blind right now...Until we can use technology to collect data and use that to improve our sense of what's going on, we're going to be wildly throwing everything at this effort without any sense of knowing whether what we're doing is working."



Watch the full interview with Congressman Gallagher [here](#).

Read More:

- [“Wisconsin can cancel the apocalypse”](#), Wisconsin State Journal, March 24, 2020



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From: WisPolitics-Publishing
Sent: Thursday, March 26, 2020 10:31 AM
To: Gibbs, Adam
Subject: THU News Summary: GOP leaders agree with Evers' plans to proceed with April 7 election



THU News Summary -- 26 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-gop-leaders-agree-with-evers-plans-to-proceed-with-april-7-election-amid-pandemic/>

STORY TOPICS

- [White house](#)
- [Coronavirus](#)
- [State government](#)
- [Federal government](#)
- [Local government](#)
- [Civil liberties](#)
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- [Demographics](#)
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TOP STORIES

GOP leaders agree with Evers' plans to proceed with April 7 election amid pandemic

... "I support the decision to move forward. I know we can do it safely and at this point I'm agreeing with Gov. Evers that we should continue," Vos said. "I think this is too important for us to not move forward." ... added that lawyers notified him that Evers would need legislative approval to postpone the vote or move it to an all mail-in election [as GB, LOWV suggest] ... "I understand, things are getting much different out there and there are obviously a lot of concerns about what will that look like on Election Day ... with the amount of poll workers and volunteers that you're going to need," Fitzgerald said. "So we're monitoring it very closely ... but at this point I don't see a change." ... [considering a COVID-19 special session, but] "We cannot do anything until we understand what's happening from Washington, D.C.," Vos said. ... "We have to be very judicious in how we spend the state dollars because we already know the surplus is gone," Vos said. ... Vos and Fitzgerald said they felt [Evers' stayhome] directive ... created confusion among some business owners and employees. ... still are working through the order to determine its full impact. ... [WEDC's] Callender said the corporation had received nearly 2,000 inquiries as of midday Wednesday regarding the order. ... [spike in UI claims] DWD ... job centers will be closed to the public. Services will remain available online and over the phone. By Schmidt, WISCONSIN STATE JOURNAL
<https://madison.com/ws/j/b65c124f-872e-552b-8adc-87cd37a81518.html>

Coronavirus spreads across Wisconsin with a spike in confirmed cases,

- Energy
- Foxconn
- Health care
- Law and order
- Manufacturing
- Military
- Non-profits
- Public health and safety
- Retail
- Small business
- Tourism
- Transportation
- Editorials
- Columns

an outbreak in a senior facility and questions over spring election

... 585 confirmed cases ... 28% jump from the day before ... [8 total deaths, latest include] a 60-year-old man in Milwaukee and a person in their 70s in Dane County. ... a 60-year-old woman from West Allis. ... State health officials have warned there are likely thousands more with the virus [unknown] because of a shortage of tests ... Several [who tested positive] urged others to follow Gov. Tony Evers' order to stay home. [Rev. Lewis, Rep. Bowen describe intense symptoms] ... urged Evers to delay the state's presidential primary and election for state Supreme Court and local offices. [rehash DNC, GB suits, Evers refusal to cancel election, Vos, Fitzgerald concurrence, federal stimulus package] ... Ascension WI announced uninsured patients will not be billed for coronavirus-related testing or treatment, and patients who are insured will not be billed for out-of-pocket expenses, or co-pays related to coronavirus testing or treatment. By Luthern and Marley, MILWAUKEE JOURNAL SENTINEL <https://www.jsonline.com/story/news/health/2020/03/25/wisconsin-coronavirus-cases-spike-including-nursing-home-outbreak/5083703002/>

As State Responds To COVID-19, GOP Leaders Say Debate Over Evers' Emergency Powers Can Wait

... during a conference call with reporters Wednesday, [Vos, Fitzgerald] repeatedly stopped short of saying the governor had gone too far. "This is a different reality than any of us have ever been in before," Vos told reporters. "I think we're going to look back and have questions about how all this went, but this is not the appropriate time to question it." [feared longer stay-at-home order would force businesses to close.] But neither he nor Fitzgerald criticized the substance of the order or suggested it should be shorter. "It is what it is at this point," Fitzgerald said. "It wasn't the smoothest thing that has happened so far, but I understand we're in a difficult period of time here and things like that are going to happen." Some rank-and-file Republican lawmakers feel differently. Sen. LeMahieu said Evers "used a sledgehammer rather than a scalpel." Sen. Craig sent memo to all lawmakers, sought cosponsors for a bill giving Legislature more checks over the governor's emergency powers, "To impair fundamental rights -- as gathering bans, etc. do -- the government must have a compelling state interest to do so AND must do so in a narrowly tailored and least restrictive means possible under the constitution. Without additional clarity by the executive branch, it is clear that this authority has been exceeded." Moments after Fitzgerald and Vos spoke, Justice Bradley tweeted a quote from Samuel Adams, "The liberties of our country are worth defending at all hazards." Fitzgerald and Vos declined considering a resolution to revoke Evers' emergency powers. "I'm not prepared to say that that would be something that we would even consider," said Fitzgerald. "It's not something I've considered." Vos said Evers March 12 emergency lasts only 60 days, "Once we get past that 60 days, we have to see a very clear-cut reason if there is any to extend beyond those 60 days. ... We're going to be able to look back in hindsight and perhaps say we made a lot of mistakes. But I don't know how else we can get this virus under control." By Johnson, WPR <https://www.wpr.org/state-responds-covid-19-gop-leaders-say-debate-over-evers-emergency-powers-can-wait>

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STORY TOPICS

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WHITE HOUSE ^{^top^}

- Trump Can't Lift Pandemic Restrictions, In a state of emergency local health officials have broad authority to maintain restrictions.

<https://urbanmilwaukee.com/2020/03/25/trump-cant-lift-pandemic-restrictions/>

CORONAVIRUS ^{^top^}

- David Bowen, Gwen Moore Talk COVID-19 From Quarantine, Two black political leaders share their story and why social distancing is key.

<https://urbanmilwaukee.com/2020/03/26/david-bowen-gwen-moore>

- Rep. David Bowen describes his battle with coronavirus

<https://www.jsonline.com/story/news/politics/2020/03/25/coronavirus-wisconsin-david-bowen-describes-his-battle-virus/5078617002/>

- Waupaca County confirms first case of coronavirus; person is quarantined

News

<https://www.postcrescent.com/story/news/2020/03/25/wisconsin-coronavirus-waupaca-county-confirms-first-case-covid-19/5085116002/>

- WI's nursing shortage spotlighted as hospitals face influx of COVID-19 cases ... [WI Nursing Board] unanimously approved steps to extend the amount of time recently graduated nurses can work without passing [RN] exam ... looked at loosening a state regulation requiring students to complete at least 50% of their clinical hours in person. ... could soon add retired nurses, those licensed in other states ... Deans of several nursing schools ... praised the board's steps, which allow [DSPS] to begin drafting the emergency rules. ... 2018 survey [found] nearly 3,300 nurses plan to leave direct patient care within the next two years. About 3,000 nursing students graduate from Wisconsin programs each year. [Rehash nursing programs, Evers' \$10M stimulus removed from budget.] ... And the nurse educator shortage is projected to worsen. Nearly 20% of current educators plan to retire within the next five years. UW, UWEC deans, students comment.

<https://madison.com/wsj/4792bc21-4575-5ea6-b4c4-dd02f654e7cd.html>

- Baraboo distillery donated 70 gallons of alcohol to hospitals across the state to help hand sanitizer production

https://www.wiscnews.com/baraboonewsrepublic/news/local/baraboo-distillery-donated-gallons-of-alcohol-to-hospitals-across-the/article_7af3bd03-e51e-58a7-a5b5-4bf3db79acbd.html

- Bice: Who's responsible for coronavirus misinformation and mishaps? Here are our picks. ... [radio host Belling] last week. ... posted that ... Evers was just hours from locking down the state and virtually shuttering "all Wisconsin businesses. The Wisconsin National Guard has been deployed and is basing at State Fair Park to enforce the order," Belling wrote. He called it an "unprecedented assault on personal freedom." ... "It was corrected on air within five minutes and was taken down," Belling said this week. ... was also up long enough to earn a smackdown from state Rep. Dan Knodl. "Ramping up the fear factor and creating hysteria is hardly what's needed at this time," the Germantown Republican wrote. ... "Some ppl are getting sick with the Corona Virus while young ppl flex good health on the gram," [33 y/o Rep.] Bowen posted on Instagram with a photo of Bowen flexing his good health along with shrugging shoulders and smiley emojis. [before he came down with

it] ... "That was a bad joke," the veteran lawmaker said of his Instagram post. "I definitely contributed to it not being taken seriously." The post has been removed. ... [MI AG] Nessel last week accused ... Menards of price gouging, sending the retailer a cease-and-desist letter ... "We are disappointed and are taking this very seriously," a company spokesman said. ... [DATCP] on Wednesday accused yet another 16 companies of [price gouging] ... Then the New York Times took aim at Uline ... company pushed back ... doing all it could to provide supplies to hospitals and health care providers. ... all nonessential employees were working from home. But this week two Uline staffers contacted the Journal Sentinel to say ... Lots ... nonessential positions are being forced to go to work ... [WEDC] website soon crashed "due to the volume of inquiries." [from businesses about whether they were essential] ... Several conservatives appear to be offering disingenuous interpretations of Evers' orders. [CFG's O'Keefe, Sen. Stroebel, Rep. Jarchow remarks on family separation] ... [NRA] praised the governor for including "firearm and ammunition suppliers and retailers for purposes of safety and security" in his list of essential businesses. ... Evers posted a 30-second video on Twitter last week in which he and Lt. Gov. Mandela Barnes thanked health care providers working to keep people safe during the pandemic. ... but ... sat no more than inches from each other. ... Rep. Ron Tusler ... went to Facebook to recruit volunteers to get absentee ballots to "at-risk" folks ... posted a picture of him standing perhaps 2 feet from one of his constituents. "Old picture," Tusler explained. "But I agree that is too close for today's crisis." ... post has been removed.

<https://www.jsonline.com/story/news/investigations/daniel-bice/2020/03/26/whos-responsible-coronavirus-misinformation-here-few/5077868002/>

- Cities, Legislatures Learn to Govern by Conference Call ... Indiana Gov. Eric Holcomb, a Republican, issued an executive order allowing local governments to vote remotely if one member is physically present. ... In Michigan, Democratic Gov. Gretchen Whitmer also allowed for local bodies to vote electronically, while the legislature in Oklahoma passed a bill allowing teleconferencing options. Colorado is exploring whether electronic forms of communication comply with the state's open meetings law. ... Even before the coronavirus crisis, Oregon and Wisconsin had rules in place allowing their legislatures to vote remotely in emergency situations, making them outliers. Both legislatures are troubleshooting their systems ... "We've got the concept, we've tested the concept and had a walk-through a couple days ago, and it's looking good," said Wisconsin state Senate President Roger Roth, a Republican. "It's not perfect, the video won't be perfect, but it will absolutely convey to the public everything that's happening." ... Virtual sessions are to be broadcast on WisconsinEye ... Wisconsin legislature delayed the end of its session as the pandemic spread across the country, and the Senate still needs to act on more than 100 bills passed by the Assembly, Roth said. ... Roth said the virtual-vote plan has been mostly accepted, but it's not been without opposition. "I don't want to be calling in on a teleconference trying to take care of important business," state Sen. Tim Carpenter, a Democrat, told the Wisconsin State Journal. ... urged the legislature to meet in person as soon as possible, did not respond to a request for comment.

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/03/26/cities-legislatures-learn-to-govern-by-conference-call>

- Some services for elderly, who are most at risk for COVID-19, continue in Madison
<https://madison.com/wsj/5e6e4d25-58a9-534e-b137-d427e6adf832.html>

- Madison bus driver tests positive for COVID-19
<https://isthmus.com/news/news/madison-bus-driver-tests-positive-for-covid-19/>

STATE GOVERNMENT ^{^top^}

- WI GOP leaders strike a cooperative tone in COVID-19 response
<https://madison.com/ct/bf1a84c4-4d1c-5945-ad4f-600c8a043700.html>

- GOP leaders deferring to Evers, for now, over coronavirus

<https://www.jsonline.com/story/news/politics/2020/03/25/coronavirus-wisconsin-gop-leaders-deferring-evers-now/5078225002/>

- Businesses flood state with inquiries seeking clarity on 'essential' services under Evers order

<https://www.bizjournals.com/milwaukee/news/2020/03/25/wisconsin-businesses-flood-state-seeking-clarity.html>

- Readers react with anger to essential business list from Gov. Evers

<https://www.postcrescent.com/story/money/2020/03/25/essential-businesses-questioned-criticized-post-crescent-readers/5079620002/>

- AG reminds Wisconsin consumers to know their rights

<http://www.rivernewsjournal.com/main.asp?SectionID=6&SubSectionID=59&ArticleID=88346>

FEDERAL GOVERNMENT ^{^top^}

- Both Wisconsin senators praise stimulus package ... Milwaukee County reported 18 additional cases of coronavirus Thursday morning, bringing the area total to 343. ... Baldwin issued this statement: ... "This is another strong step forward by Congress responding to the challenges we face in Wisconsin. ... we need to continue working together across party lines to take additional steps" ... Johnson said in a statement: ... "Across the board, elected and non-elected federal, state and local officials are making tough decisions and taking decisive action to limit the spread of the coronavirus. These decisions are being made with limited information, so the results will be far from perfect. We must accept the fact that there will be negative unintended consequences."

<https://www.jsonline.com/story/news/2020/03/26/coronavirus-wisconsin-latest-updates-cases-cancellations/2914324001/>

LOCAL GOVERNMENT ^{^top^}

- City of Superior closes its places of public amusement

<https://www.superiortelegam.com/news/5015180-City-of-Superior-closes-its-places-of-public-amusement>

- [KUSD] Board blends in-person, virtual attendance with livestreamed meeting

https://www.kenoshanews.com/news/board-blends-in-person-virtual-attendance-with-livestreamed-meeting/article_ecec17e6-2bc3-5c94-9659-caae82b8123a.html

- City Council, committees to hold meetings via teleconference

https://www.kenoshanews.com/news/local/city-council-committees-to-hold-meetings-via-teleconference/article_32cabaeb-a031-5550-bdc0-f900e2a94bdf.html

CIVIL LIBERTIES ^{^top^}

- PolitiFact: No, Gov. Tony Evers is not pushing gun confiscation. Old claim was wrong then, is ridiculous now ... Many on Facebook have recently picked up a story from April 2019 headlined "Wisconsin gov. pushing firearm confiscation orders." ... Pant on fire.

<https://www.politifact.com/factchecks/2020/mar/25/facebook-posts/old-claim-tony-evers-and-gun-confiscation-wrong/>

COURTS ^{^top^}

- 2 judicial challengers fare well in survey of Milwaukee Bar Association members ... Karofsky earned 219 qualified votes to Justice Daniel Kelly's 120, while he attracted 123 not qualified to Karofsky's 45. She had 33 no opinions to Kelly's 41. ... Judge Paul Dedinsky had more qualified ratings (130) and fewer not qualified ratings (39) than challenger Brett Blomme, who scored at 85 and 64. Blomme ... had the second-highest no opinion score in the survey, 129.

<https://www.jsonline.com/story/news/politics/2020/03/26/wisconsin-courts-challengers-fare-well-bar-association-survey/2911344001/>

- Supreme decision, Wisconsin's choice between Jill Karofsky and Daniel Kelly will shape its future
<https://isthmus.com/news/cover-story/wisconsin-s-choice-between-jill-karofsky-and-daniel-kelly-will-shape-its-future/>

- Two Walker judicial appointees [Gabler, Kiefer] face challengers on ballot for Milwaukee County Circuit Court

<https://www.jsonline.com/story/news/politics/elections/2020/03/25/milwaukee-elections-2-scott-walker-judicial-appointees-face-tests/4999969002/>

DEMOGRAPHICS ^{^top^}

- The census and COVID-19: 'We have to live with an under count for a decade'

<https://www.rivertowns.net/news/government-and-politics/5011139-The-census-and-COVID-19-We-have-to-live-with-an-under-count-for-a-decade>

ECONOMY ^{^top^}

- More businesses to shut down with Tony Evers' monthlong 'safer at home' order amid COVID-19 pandemic

<https://madison.com/wsj/da2c55db-43fd-5ffb-9e4b-a9036b12c920.html>

- With a few exceptions, public employees escaping hardships, so far

<http://www.rivernewsline.com/main.asp?SectionID=6&SubSectionID=59&ArticleID=88331>

EDUCATION ^{^top^}

- UW-Madison leaders, students condemn chalk messages blaming China for coronavirus ... "We are aware of an increase in bias incidents on or near campus and online that have targeted our Asian, Pacific Islander, and Desi-American students and employees, particularly those from or perceived to be from China and East Asia," the [Chancellor Blank, VC Reesor, Sims] statement said.

<https://www.jsonline.com/story/news/education/2020/03/25/uw-madison-condemns-racist-chalk-messages-blaming-coronavirus-china/2913828001/>

- UW-Whitewater oversees mid-semester dorm move-out amid COVID-19 pandemic

https://www.gazettextra.com/news/health_care/coronavirus/uw-whitewater-oversees-mid-semester-dorm-move-out-amid-covid/article_95383784-8e7d-5580-89ab-29b57f7dbde4.html

- State cancels K-12 standardized testing for school year amid COVID-19 pandemic closures

<https://madison.com/wsj/0663a326-fafd-5ede-a759-75483d9d25a1.html>

- Madison teacher's accidental text to parent: 'I want to slap them through the phone!'

<https://madison.com/wsj/396462ea-bd6c-5971-91c9-054cccc43207.html>

ELECTIONS [^top^](#)

- Dane County: Voters may cast absentee ballot as indefinitely confined to avoid voter ID requirement ... to avoid having to upload their voter ID when requesting an absentee ballot ... It's not clear whether [Clerk] McDonell's recommendation is actually legal, however. Wisconsin law says people [already registered to vote] can certify they are indefinitely confined due to "age, illness, infirmity or disability." ... [WEC] does not condone abuse of the option, but said "voters of a certain age or in at-risk populations may meet that standard of indefinitely confined until the crisis abates." ... In an email to clerks, McDonell said voters are confined due to the pandemic, and when Gov. Tony Evers' stay-at-home order is lifted, the voter can change their designation back. ... "This feature in our law is here to help preserve everyone's right to vote." ... [WILL's Esenberg] said McDonell is "trying to create an exception in the law that doesn't exist. ... Ironically, the clerk may be disenfranchising these people. ... if somebody challenges that ballot down the line, they're probably going to win." ... McDonell later clarified that voters who do not need to be indefinitely confined shouldn't use the indefinitely confined option. Rehash voter ID and registration, absentee ballots, crisis of poll workers over 60, GB suit to extend deadlines and permit vote by mail.

<https://madison.com/wsj/ae5f9ee6-8e94-5f78-a991-efec307171f.html>

- Absentee voters in Milwaukee, Dane counties can say they're 'indefinitely confined' and skip photo ID, clerks say

<https://www.jsonline.com/story/news/local/milwaukee/2020/03/25/absentee-voters-milwaukee-dane-counties-can-skip-photo-id-coronavirus-indefinitely-confined/5085017002/>

- Three with COVID-19 diagnosis urge Gov. Tony Evers to postpone April 7 election ... Gregory Lewis, president of a group called Souls to the Polls that works to turn out black voters, and Rep. David Bowen urged the governor to postpone the election. They were joined in a press call Wednesday by Pablo Muirhead, a member of the Shorewood Board of Education and an instructor at Milwaukee Area Technical College.

<https://madison.com/ct/bdc4e041-ee4c-52fc-9830-fa3fa6e6622f.html>

- Racine mayor [Mason] calls for postponing April 7 election

https://journaltimes.com/news/local/racine-mayor-calls-for-postponing-april-election/article_b2310c56-0e33-5f37-8987-998df466f01d.html

- Those sickened with coronavirus threaten suit to stall election

<https://www.jsonline.com/story/news/politics/2020/03/25/related-how-get-absentee-ballot-wisconsin-during-coronavirus-outbreak/5079316002/>

- Bruce Murphy: Will Legislature Delay Election? Life-and-death issue poses the most danger for Milwaukee. Only the Legislature can act.

<https://urbanmilwaukee.com/2020/03/25/murphys-law>

ENERGY [^top^](#)

- Thompson analysis: What Will Green New Deal Cost? And why is the research on this so sloppy?

<https://urbanmilwaukee.com/2020/03/25/data-wonk>

FOXCONN [^top^](#)

- Foxconn construction continues amid pandemic

https://journaltimes.com/business/local/foxconn-construction-continues-amid-pandemic/article_5480aa4c-2554-5597-982e-94ddfb08e955.html

HEALTH CARE [^top^](#)

- Ascension WI will not bill uninsured patients for coronavirus tests, treatment

<https://www.jsonline.com/story/news/2020/03/25/ascension-wisconsin-cover-uninsured-coronavirus-tests-treatments/5085207002/>

- Despite conflicting signals, volunteers stitch cloth masks to ease medical supply shortage amid COVID-19 pandemic

<https://madison.com/wsj/dcf46d4c-05c8-56c2-81f4-9942414e4bc6.html>

- WI Businesses Pivot To Help Health Care Providers During Pandemic

<https://www.wpr.org/wisconsin-businesses-pivot-help-health-care-providers-during-pandemic>

- Physician Assistants Want To 'Step Up' To Fight Coronavirus. State Regulations May Be Getting In The Way.

<https://www.wpr.org/physician-assistants-want-step-fight-coronavirus-state-regulations-may-be-getting-way>

LAW AND ORDER [^top^](#)

- DOC confirms 3rd employee infected with COVID-19

https://www.wiscnews.com/news/state-and-regional/wisconsin-department-of-corrections-confirms-rd-employee-infected-with-covid/article_4a46b48e-3dfd-5f34-b8bf-5daebeb7ead2.html

- Racine County DA's Office issues guidance for law enforcement, public health officials

https://journaltimes.com/news/local/crime-and-courts/racine-county-da-s-office-issues-guidance-for-law-enforcement/article_f39f1541-5074-586c-a83b-7be7408e1fdb.html

- 'The Only Plan the Prison Has Is to Leave Us to Die in Our Beds,' Families of loved ones imprisoned in New York's notorious Tombs jail report that Covid-19 appears to be spreading in the facility--and there is no hand sanitizer.

<https://www.thenation.com/article/society/coronavirus-jails-mdc/>

- Man being arrested tells Brodhead police he has COVID-19

https://www.gazettextra.com/news/crime/man-being-arrested-tells-brodhead-police-he-has-covid/article_70e59c2d-4d35-5864-ac05-f163473e64ba.html

- Virus leading to reduced law enforcement calls

https://www.leadertelegram.com/news/front-page/virus-leading-to-reduced-law-enforcement-calls/article_610d4e43-77e0-58bf-9519-faf16f6aac78.html

- Columbia County Sheriff: 'We are not under martial law'

https://www.wiscnews.com/portagedailyregister/news/local/crime-and-courts/columbia-county-sheriff-we-are-not-under-martial-law/article_ac19a54b-c75f-56b0-8f4f-6a8c7492a291.html

MANUFACTURING [^top^](#)

- Trane employee tests positive for coronavirus, shutting La Crosse plant down temporarily
https://lacrossetribune.com/news/local/trane-employee-tests-positive-for-coronavirus-shutting-la-crosse-plant/article_7a553f02-707c-502c-bb3b-10e4e047b1b8.html

MILITARY [^top^](#)

- Civilian employee at Fort McCoy tests positive for COVID-19
https://lacrossetribune.com/community/tomahjournal/news/civilian-employee-at-fort-mccoy-tests-positive-for-covid/article_dcc9616b-fb1e-534a-8a9b-7d05b1aeadad.html

NON-PROFITS [^top^](#)

- Local churches take God's love online during crisis
https://www.apg-wi.com/ashland_daily_press/covid-19/local-churches-take-god-s-love-online-during-crisis/article_b3ccb63a-6ecf-11ea-bd9e-5389301f48db.html

PUBLIC HEALTH AND SAFETY [^top^](#)

- Amid run on toilet paper and extra cleaning, sewer district reports equipment clogged with wipes ... Even wipes marketed as flushable aren't because they're made of fibrous, stringy materials [that won't biodegrade in the system] ... On Saturday, the materials caused a pump at one of the district's pump stations near the Dane County Regional Airport to fail ... [Madison Sewers' Wegner] cautioned that "these things can get backed up in people's homes" as well. ... [plumber] has seen a mild increase in the number of calls about home systems clogged with wipes over the last couple of weeks. ... newer low-flow toilets aren't always as able to push the heavier materials through a home's pipes ... only gets worse if fats, oils and grease ... get put down the drain ... caus[ing] 'fatbergs.'" <https://madison.com/ws/c7ae2263-38d8-5fc8-b262-2a8b067f3a97.html>

RETAIL [^top^](#)

- 'We're going to be here for you': Grocery store workers are on the front lines during coronavirus pandemic ... "I never thought we'd be front liners," [cashier Brewer] said. "It's kind of nice. Someone asked me: 'How does it feel to be a hero?' I'm just doing my job. We're here to serve everybody." ... "I try to make an effort to make sure to thank everyone for being here and thank them for their efforts," said [Piggly Wiggly chief] Fox ... "Because you know, what they really are, they are the heroes." ... Chris Staff, store director ... said "so many customers, as I'm stacking in the aisles, come up and say, 'Thank you for being here.'" ... The store is selling a small cake that resembles a roll of toilet paper. And there's a message written on the icing: "The last roll." More workers comment.
<https://www.jsonline.com/story/news/2020/03/25/2902713001/>

- DATCP alleges price gouging at Menards, other retailers
https://www.leadertelegram.com/covid-19/datcp-alleges-price-gouging-at-menards-other-retailers/article_253b5eed-7abd-58c4-ac6f-6c68c0459e79.html

SMALL BUSINESS [^top^](#)

- Furloughs, pay cuts hit businesses in age of coronavirus
https://www.beloitdailynews.com/news/local-news/furloughs-pay-cuts-hit-businesses-in-age-of-coronavirus/article_59643d35-511a-574e-91cc-daab6ff782c7.html

TOURISM ^{^top^}

- Milwaukee sees 25 events canceled and 41 postponed, resulting in millions in lost spending
<https://www.bizjournals.com/milwaukee/news/2020/03/25/milwaukee-sees-25-events-canceled-and-41-postponed.html>

TRANSPORTATION ^{^top^}

- Traffic plunges during first week of COVID-19 pandemic response; health officials warn too many still out and about
<https://madison.com/wsj/4275b85b-9316-5e54-a199-6dd11c4db35c.html>

- WI gas prices plummet to 99 cents a gallon ... Love's station in Elkhorn was selling regular unleaded for 99 cents a gallon, cash price, while gas stations in Delavan, Wautoma, Appleton and elsewhere in the state posted prices ranging from 99 cents to \$1.25. In the Milwaukee area, prices continued to hover around \$1.49 a gallon
<https://www.jsonline.com/story/news/2020/03/26/coronavirus-travel-restrictions-wisconsin-gas-prices-fall-new-lows/2914398001/>

EDITORIALS ^{^top^}

- WSJ EDITORIAL: Don't wait. Get your absentee ballot now to vote April 7
<https://madison.com/wsj/34ad3ee8-5667-5a93-9303-69d13359774d.html>

COLUMNS ^{^top^}

- Mark Schug, Ph.D.: The Economics of the Coronavirus: Is a Recession Around the Corner? ... We are looking at two scenarios. The first is that the virus is contained through public health efforts in Asia, Europe, Middle East, and the U.S. ... economic disruptions for a few months. While the economy may slump, it might also make a quick recovery. ... second scenario is that despite all public health efforts to contain it, coronavirus spreads and runs its full course in places like Europe and the United States. ... knock points off global and domestic [GDP] and cause a hike in the unemployment rate. Let's look at the big picture and then see about Wisconsin.
<http://ewwcee.org/about-us/market-of-ideas>

- John Nichols: 'Just Keep the Faith': Workers are Stepping Up to Beat Coronavirus, From hospital wards to bus routes to a ventilator plant in Wisconsin, workers are giving their all.
<https://www.thenation.com/workers-unions-ventilators-coronavirus/>

- Dave Zweifel: Sanfelippo is the Wisconsin Legislature's human wrecking ball
<https://madison.com/ct/5aafa80d-29a5-5985-95a7-73aa1d0dd88b.html>

- Dan O'Donnell: A crisis of leadership: Evers' shutdown order debacle demonstrates once again that he is simply not up to the task of leading Wisconsin.
<http://www.maciverinstitute.com/2020/03/a-crisis-of-leadership/>

- Scott Walker: President Trump is the leader Wisconsin needs amid COVID-19 outbreak
<https://madison.com/ct/096fafc5-0e1d-5f72-9030-7e62d9721715.html>

- Jessie Opien: Here's what we can do locally to help people who have lost their jobs to the pandemic
<https://madison.com/ct/6c84d476-7aa4-53f7-945a-66c847f59972.html>

- James Wigderson: Milwaukee police shut down protest outside abortion clinic
<https://rightwisconsin.com/2020/03/25/milwaukee-police-shut-down-protest-outside-abortion-clinic>

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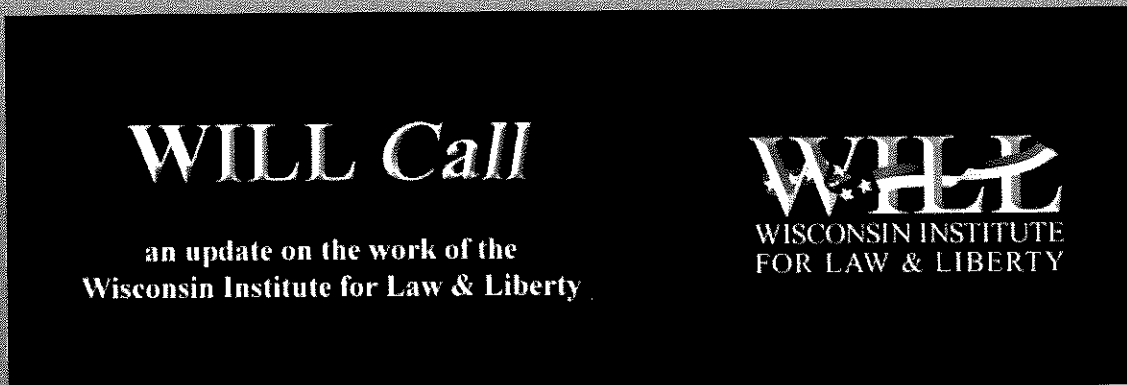
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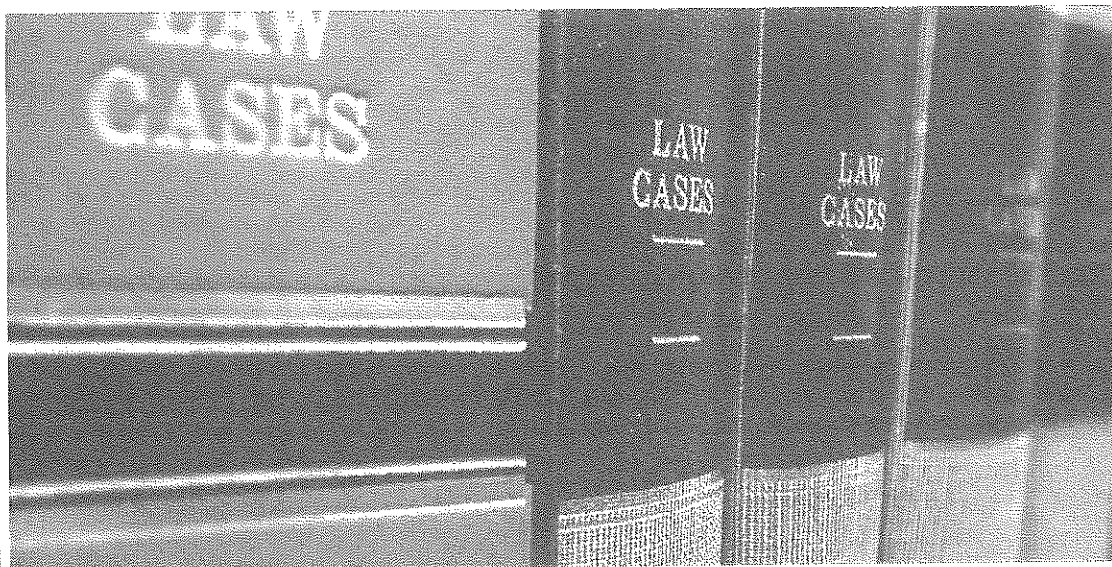
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Hope, Sam

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](#).