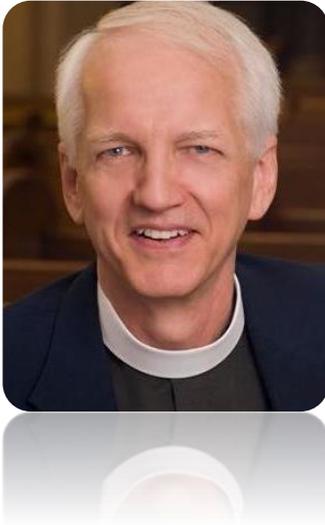




May 22, 2020



Dear Partners in Ministry,

This afternoon the President declared that governors should open churches immediately and said that churches should be essential businesses. The President also said he would override state decisions if churches were not allowed to worship. I offer these reminders so the picture of the current

state of things remains clear.

Three points to remember:

First. We continue to be in the midst of a still-active health crisis. Some indicators go down, and others are on the rise. While Dane County and others have already classified religious organizations as "essential," that does not lessen the safety concerns. And while a number of businesses and organizations are beginning to open, these openings are mostly being done slowly and cautiously, and always acknowledging that each opening carries risk. In Wisconsin, we are not yet in Phase two, in which 50 people may gather; some advisories are moving some capacity limited upwards, but generally current advice is still for any groups to be less than 10. Nearly all of our congregations continue to observe that.

Second. The recent State Supreme Court decision made clear that gatherings of more than 10 will not be subject to fines or punishment. But health department advisories continue to be in place. The governor does not prevent any of us from worshipping. Because of the separation of church and state, the government cannot prevent us from worshipping, or compel us to worship, at any time. However, it is strongly recommended by the Centers for Disease Control and our own state health department that we

limit public gatherings as much as possible. It continues to be my counsel that congregations wait until we enter Phase two before they return to in-person worship. When we are able to gather, we should do so with all the health precautions in place – cleaning, distancing, masks, etc.

Third, a civics lesson that a colleague bishop observed:

There is a legal issue at play. The 10th Amendment of the Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people" (www.constitutioncenter.org). The power to make decisions about when businesses or organizations must be closed or can be open resides with the State or Commonwealth. The Governor has the authority to set those limits and rescind those limits. The President of the United States cannot interfere with a Constitutionally given right. The President can strongly suggest, and can try to convince the Governors to follow his suggestion, but he cannot override the powers given to the States unless there is an impending national emergency. Covid-19 is a national emergency, but having to worship online for the sake of protecting our people – is not a national emergency.

I hope these reminders are helpful. I have been grateful for the careful thought of so many of you during these times. You and I and all our people are uniformly eager to gather together again. But we are aware of the news reports of choirs and churches and meetings having become events for the spread of the virus among those gathered, and beyond. We need to continue to care for one another. So while the President's announcement may fuel a sense that "normal" has returned, it has not. I pray for good and careful thought and planning to prevail.

I thank God for you daily!

Grace and Peace,

Peter Rogness
Bishop