

News Release

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Public Health Orders Modified to Avoid Costly Legal Battle with Washington D.C. Lawyers Retained by Madison Catholic Diocese

Public Health of Madison and Dane County is making a modification to its existing Public Health order following a 17-page letter this week from a Washington D.C. based law firm that was retained by the Catholic Diocese of Madison. The modification means churches that wish to have services can do so up to 25% of their capacity. The previous order – put in place to reduce the risk of an outbreak of COVID-19 from occurring where people gather – allowed churches to have as many services as they wanted, but asked they be capped at 50 parishioners per service.

“Basic life needs – food, shelter, and clothing – are in such high demand in our community given the current pandemic, so it’s hard to imagine the best use of parishioner or taxpayer dollars right now is in a court room,” County Executive Joe Parisi said. “While the request of the Catholic Bishop of Madison raises a legal gray area, the public health science here is anything but unclear: COVID-19 is here, infecting more people every day and minimizing contact in large group settings is an incredibly effective approach to staying healthy,” Parisi added.

As of Friday, June 5, Dane County is closing in on 800 positive COVID-19 cases, and the state of Wisconsin will soon pass the 20,000 case mark. Over 1,000 people in the United States died from COVID-19 yesterday alone.

Parisi noted not spending tens of thousands of dollars on costly legal proceedings will enable the County to continue its work in providing basic needs for families affected by COVID-19 and the impacts the virus has had on the economy. In just the past several weeks, the County has invested \$6 million in local emergency food pantries and at least \$4.5 million more to provide hotels and housing for over 420 homeless individuals since the start of the COVID-19 outbreak.

“Public Health Madison & Dane County stands by its efforts to protect the public, contain the virus and do so in a way that is neutral and even-handed, with the health and safety of all of Dane County’s residents being the top priority,” said Janel Heinrich, Director of Public Health Madison & Dane County. “These orders were put in place for a reason – we are in the midst of a public health emergency and we are going to do all we can to reduce the risk of public infection,” she added.

Public Health Madison & Dane County strongly recommends that faith and spiritual organizations continue to provide virtual services as the safest and recommended practice.

"The intent of this order was to reduce the risk of a flare-up of COVID-19 occurring in churches that could quickly overwhelm Public Health contact tracing and our healthcare systems," Madison Mayor Satya Rhodes-Conway said. "I am appreciative of the number of religious denominations that are being mindful of the risk of congregating large groups in enclosed spaces right now," the Mayor added.

Under [Emergency Order #4](#) which takes effect immediately, Dane County remains in Phase 1 of the Forward Dane plan. Order #4 makes a clarification with respect to religious services. Religious worship services will no longer be categorized as a "mass gathering." All restrictions applicable to businesses will continue to apply to religious services. These restrictions include limiting capacity to 25% of approved capacity levels and developing and implementing written hygiene, cleaning, and protective measure policies and procedures.

In the Order, mass gatherings continue to be capped at 50 people because they offer more opportunities for person-to-person contact and therefore pose greater risk of COVID-19 transmission. The purpose of a mass gathering is to draw a large number of individuals to a single location and results in many individuals arriving, attending, and departing at approximately the same time. This increases opportunities for spreading the virus.

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