Governor Gretchen Whitmer  
P.O. Box 30013  
Lancing, MI 48909  

March 25, 2020  

Dear Governor Whitmer:

We are writing to you on behalf of the Center for Inquiry (“CFI”), an educational nonprofit organization dedicated to the promotion of science, reason, freedom of inquiry, and humanist values. Our vision is a world where evidence, science, and compassion—rather than superstition, pseudoscience, or prejudice—guide public policy. We maintain an active branch in Michigan, holding regular meetings for both educational and social purposes, as well as seeking to ensure that Michigan policy is both science-based and defends the constitutionally mandated separation of church and state.

We are therefore extremely concerned by the special exemption in Executive Order 2020-21 (COVID-19). The science is clear on COVID-19. In order to prevent the spread of this disease, and the potential overwhelming of our health care system, resulting in catastrophic loss of life, public gatherings must be restricted. CFI supports the overall purpose of EO 2020-21 and the other proactive orders issued by your office to reduce the spread of COVID-19. However, it is our understanding that EO 2020-21, consistent with prior executive orders issued on this subject by your office, specifically exempts religious organizations from the penalties for violating the prohibition on gatherings over a certain size.

From a scientific viewpoint, this is clearly irrational. There is nothing about the walls of a church, temple, or mosque which makes those inside it immune from catching the novel coronavirus, and returning to spread it to their friends, colleagues, and family. The brief world history of this virus is already replete with cases of religious gatherings acting as mechanisms for transmission. When bars and restaurants, gyms and movie theaters, libraries and museums, and all other community organizations and schools, are all shuttered for good reason, to allow religious gatherings clearly defeats the purpose of the Executive Order—the flattening of the curve of infections.

It is clear that there is no constitutional requirement, either under the Federal Constitution or under Michigan’s Constitution to provide such an exemption. The Supreme Court has been clear—the First

1 https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html
Amendment provides no right to a religious exemption from a law of general applicability. *Employment Div. v. Smith*, 494 U.S. 872 (1990). Religious groups, like all others, are subject to the law of the land. Any exemption to this Executive Order, then, is permissive and not mandated. The decision to grant such an exemption is not only scientifically flawed, in that it undermines the essential purpose of the Executive Order, but it may also in itself violate both the Michigan and Federal Constitutions. The Establishment Clause of the First Amendment to the U.S. Constitution, as well the Michigan Constitution, Art. 1 §4, mandate the separation of church and state, and the equal treatment of religions by the state. As the Supreme Court has repeatedly held, the Establishment Clause “mandates government neutrality between religion and religion, and between religion and nonreligion.” *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

Freedom to worship is indeed a fundamental right both to Michiganders and to Americans everywhere in this nation. But it is not, and has never been, the only fundamental right. Just as the First Amendment provides religious freedom, it also provides freedom of speech, and freedom of assembly. A public meeting to, for example, protest actions by the police, or to challenge the constitutionality of this Executive Order, would be subject to its restrictions. A meeting of secular humanists such as one organized by CFI Michigan would be subject to its restrictions. The Order therefore is far from neutral between religion and nonreligion—it explicitly favors religious gatherings.

This is clearly a dangerous and troubling time for all of us. This virus knows no distinction between faiths and philosophies. To permit ongoing in-person religious worship services undermines the very purpose of the Executive Order, and places everyone in danger. Religious organizations, like nonreligious ones such as CFI, have an important role to play in maintaining our societal links in these trying times, but they must perform that role in a way that does not harm their members, or society at large. Churches and other places of religious worship are no less likely than other gathering places to serve as centers of transmission, and so must be subject to the same restrictions as all other organizations. Religious services, like other meetings, may continue, but they must do so remotely.

The role of the Governor is to serve and protect all Michiganders equally. Exempting religious services from this Executive Order violates both of those duties. CFI is not seeking its own exemption here. **CFI accepts this order as a necessary and sensible way to protect all of society, and is requesting that the special exemption for religious organizations be rescinded.**

Yours,

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