

# FREEDOM FROM RELIGION *foundation*

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September 24, 2021

**SENT VIA EMAIL & U.S. MAIL: [board@madison.k12.wi.us](mailto:board@madison.k12.wi.us)**

Dr. Carlton D. Jenkins  
Superintendent of Schools  
545 West Dayton Street  
Madison, WI 53703

Re: Concerns over religious exemption from vaccine mandate; Please mandate vaccinations for all eligible students next

Dear Superintendent Jenkins & Esteemed Board Members:

We are writing again on behalf of the Freedom From Religion Foundation (FFRF) and our local membership regarding concerns over the mandatory vaccination of all District employees. While we are so pleased that the District took appropriate action and will now be mandating vaccinations for District employees, we are concerned about the unnecessary religious exemption that creates a loophole that will risk the health and safety of other MMSD staff, students, parents and community members.

FFRF is a national nonprofit headquartered in Madison, with more than 35,000 national members, including more than 1,500 throughout Wisconsin and hundreds of Madison-area members. FFRF has a personal stake in MMSD policies regarding COVID-19 mitigation, as most of our staff, many of whom have school-aged children, call Madison their home.

It is our understanding that the mandatory vaccination plan allows employees to request an exemption from vaccination due to religious belief. We are concerned that this exemption will undermine the plan and also that this exemption privileges the religious sector in a way that violates the constitutional principle of separation between state and church. While we understand that exempt employees must submit to twice weekly PCR COVID-19 testing and submit expected weekly documentation, that will not be as effective as receiving a vaccination and creates unnecessary risk. It is an appropriate alternative for those with real medical need, but not for those claiming a religious or philosophical exemption.

This religious loophole in the District's plan is especially concerning given that COVID-19 case rates in Wisconsin are highest among school-age children.<sup>1</sup>

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<sup>1</sup>[https://madison.com/wsj/news/local/health-med-fit/covid-19-case-rates-in-wisconsin-highest-among-school-age-children/article\\_144084af-33ad-50b9-aefa-8ceec566ba7c.html](https://madison.com/wsj/news/local/health-med-fit/covid-19-case-rates-in-wisconsin-highest-among-school-age-children/article_144084af-33ad-50b9-aefa-8ceec566ba7c.html)

According to state health officials, “schools are reporting more than twice as many outbreaks as at the same time last year.”<sup>2</sup> We understand that 112 students, teachers or staff tested positive for COVID-19 within the past 14 days and 621 were required to quarantine because of exposure.<sup>3</sup> While many of these students cannot yet be vaccinated, all District staff members without a valid medical exemption should be vaccinated as soon as possible to combat this wave.

As vaccine mandates have finally started rolling out around the country, many people who oppose vaccinations for political or other reasons have begun abusing religious exemptions. Religious objections, which have traditionally been used sparingly around the country for various required inoculations, are becoming a much more widely used excuse to flout COVID-19 mandates. An estimated 2,600 Los Angeles Police Department employees are citing religious objections to try to get out of the otherwise laudable policy there requiring COVID-19 vaccinations.<sup>4</sup> In Washington state, thousands of state workers are seeking similar exemptions.<sup>5</sup>

The opposition to vaccination is most often politically motivated and not based on a sincerely held religious belief. No major religious denomination in the U.S. opposes vaccination outright. According to Vanderbilt University Medical Center, Buddhism, Hinduism, Islam and Judaism have no prohibition on vaccines, and only some small Christian denominations have an objection to vaccines.<sup>6</sup> Many religious leaders have actually encouraged their members to get the COVID-19 shot. Pope Francis has urged Catholics to receive the vaccine.<sup>7</sup> Leaders in the Church of Jesus Christ of Latter-day Saints issued a statement last month urging its members to get the vaccine.<sup>8</sup> Even some religious groups that are known for their opposition to vaccinations, such as Christian Scientists, have expressed openness to the vaccine for the current pandemic.<sup>9</sup>

Furthermore, religious exemptions are not necessary. For over a century, courts have upheld mandatory vaccination laws without religious exemptions under the Free Exercise Clause and Equal Protection Clause. There is a compelling government interest in requiring vaccination against a deadly infectious disease, and the District need not accommodate an employee's religious beliefs if the accommodation compromises workplace safety, which it most certainly would in this case. The unvaccinated are overwhelming our hospitals and depriving other folks of

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> <https://www.latimes.com/california/story/2021-09-13/vaccine-exemption-requests>

<sup>5</sup> <https://www.seattletimes.com/seattle-news/health/thousands-of-washington-state-workers-seek-exemptions-from-covid-19-vaccine-mandate/>

<sup>6</sup> <https://www.vumc.org/health-wellness/news-resource-articles/immunizations-and-religion>

<sup>7</sup> <https://www.vaticannews.va/en/pope/news/2021-08/pope-francis-appeal-covid-19-vaccines-act-of-love.html>

<sup>8</sup> <https://lynnwoodtimes.com/2021/09/17/lds-vaccine-mandates-exemption/>

<sup>9</sup> <https://www.christianscience.com/press-room/a-christian-science-perspective-on-vaccination-and-public-health>

needed medical care, and because no vaccine is 100 percent effective, they are spreading the disease to folks who are vaccinated, creating further risks to public health.

Reducing the number of unvaccinated personnel who can expose vulnerable students to a potentially deadly disease in the school setting is of utmost importance, and time is of the essence.

Everyone must do their part to prevent the spread of COVID-19. There is no need for a religious exemption to the District's mandatory vaccination plan, and any additional preventable deaths or the prolonging of the pandemic when the remedy is at hand is not acceptable.

Finally, on that note, we urge MMSD to follow the lead of Los Angeles, Culver City, Calif, and two San Francisco Bay Area school districts by requiring all eligible students to be vaccinated.<sup>10</sup> We cheer public school boards with the guts and the foresight to require mandatory student vaccinations, but after all, it should be a given to adopt a policy consistent with all other required student vaccinations. MMSD has the opportunity to become a leader by likewise requiring that eligible students be vaccinated, and to model for other Wisconsin and public school districts around the country a policy based on reason, evidence and science to protect children.

Thank you, once again, for your efforts to be part of the solution.

Very truly,



Annie Laurie Gaylor & Dan Barker  
Co-Presidents

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<sup>10</sup><https://www.sfgate.com/bayarea/article/vaccine-mandate-schools-Oakland-Piedmont-COVID-16481701.php>