

CUOMO'S COVID OVERREACH IN COURT AGAIN

Catholic League president Bill Donohue comments on a court hearing affecting the Diocese of Brooklyn:

The U.S. Court of Appeals for the Second Circuit will hear a case today on whether New York Gov. Andrew Cuomo breached his authority in effectively shutting down some Catholic churches in the Diocese of Brooklyn.

Bishop Nicholas DiMarzio is protesting Cuomo's executive order. He maintains that the governor overreached when he used a spike in Covid-19 to cap church attendance at 10 people in some areas. In the so-called red zones, only essential businesses are allowed to remain open. For reasons which Cuomo has not detailed, religious gatherings are deemed nonessential. Such a decision was labeled as arbitrary by the bishop.

DiMarzio is not being stubborn—he is being reasonable. He has said that if he thought that Catholic churches were “superspreaders,” he would keep them closed. But there is no evidence to support this thesis.

Religious liberty occasionally collides with other rights, and it is up to the courts to weigh each issue based on the constitutionality of the opposing claims. If this First Amendment right is to take a back seat to public health concerns, the burden is on those calling for restrictions to demonstrate the veracity of their claims. Otherwise, we have an abuse of power exercised by the chief executive of the state.

Cuomo has an obligation to tell the faithful why going to Costco is more essential than going to church. We'd love to see his reasoning. Though he may think so, he is not vested

with imperial powers. It is time the courts set some boundaries for him. He certainly has no interest in doing so.