

RELIGIOUS LIBERTY AFFIRMED AGAIN BY HIGH COURT

Catholic League president Bill Donohue comments on the December 3rd Supreme Court decision on religious liberty:

This has been a lousy two weeks for the imperial governors of New York and California.

Last week, the U.S. Supreme Court told Gov. Andrew Cuomo that his occupancy limits on houses of worship were unconstitutional. There is something called the First Amendment, the court ruled, that puts the brakes on his executive authority. Now the high court has smacked down similar limits imposed by Gov. Gavin Newsom.

With no dissents, the Supreme Court ordered U.S. District Court Judge Jesus Bernal to reconsider his support for the occupancy limits imposed by Newsom. He was told to review its 5-4 decision last week striking down Cuomo's draconian edict.

It was Catholics (Diocese of Brooklyn) and Jews (Agudath Israel of America) in Brooklyn who won in New York. It was Protestants (Harvest Rock Church) in Pasadena who won in California. The latter objected to a complete ban on indoor gatherings in houses of worship, and to a limited ban on outdoor gatherings.

Every reasonable person concedes that local and state executives are within their rights to exercise extraordinary powers during an emergency condition such as a pandemic. But such rights are not boundless. The U.S. Constitution does not take a holiday.

The arrogance of Cuomo and Newsom is appalling. Their disrespect for the free exercise of religion—the preeminent constitutional right—is equally appalling. The faithful are

entitled to *more rights* than are afforded Costco shoppers, so when they wind up with *less rights* than those who frequent tattoo parlors, it is clear that a religious animus is in play. It needs to be excised.

Had Justice Amy Coney Barrett been denied a seat on the Supreme Court, the ruling last week would have been 4-4, and our side would have lost (Cuomo's win in the federal courts would have stood). And if that had happened, the high court would not have been able to tell Judge Bernal to take a second look at his decision, citing their ruling last week.

Covid-19 is a serious threat, but when politicians such as Cuomo and Newsom go easy on mobs gathering in the streets, ignoring social distancing—many of whom are violent thugs—and then lay down the gauntlet on peaceful and health-observant church goers, they decimate their moral authority.

What makes these two men so contemptible is that they each profess, to this day, to be Catholic. Yet there is nothing that they have decided on religious cases that would be any different if proffered by a militant atheist.

No one is asking them to be in lockstep with Catholicism on every policy decision, but when the best they can do is to proclaim their interest in climate change as a reflection of their Catholic values—while rejecting Church teachings on life, marriage, the family, and religious liberty—then they have squandered their religious heritage. There is nothing admirable about that.