



Written by [Luis Miguel](#) on November 17, 2020

Orthodox Jews Ask SCOTUS to Take Down Cuomo's Restrictions on Worship

A number of Orthodox Jewish groups submitted a Monday filing requesting the Supreme Court to strike down New York Mayor Andrew Cuomo's restrictions on houses of worship amid the coronavirus outbreak.

Some of the groups involved in the filing included Agudath Israel of America and Agudath Israel of Kew Garden Hill in New York. They asked the court to grant an injunction blocking Cuomo's restrictions on attendance at houses of worship. They argue that the governor's office is guilty of "the discriminatory targeting of the Orthodox Jewish community in crafting and implementing" the restrictions.



Alex Proimos/Wikimedia Commons

"Applicants themselves are not alleged to have violated any public health or safety rules. To the contrary, they have carefully and successfully complied with mask requirements, social distancing, and capacity constraints," the filing reads. "Yet the Governor's guilt-by-religious-association restrictions have made it impossible for Applicants and their members to exercise their religious faith."

It goes on to say that Cuomo's restrictions on religious gatherings have eliminated the ability of many Jews to worship on important religious holy days and are not "necessary to protect public health."

The filing went to Justice Stephen Breyer, a Clinton appointee who is Jewish. He can opt to rule on the case alone or refer it to the full court for a review. Breyer asked Cuomo's office to reply to the filing by Friday at 2 p.m. ET, Fox News' Shannon Bream reported.

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Under New York's current state guidelines, houses of worship in "red zones," where COVID-19 clusters have been identified, are restricted to 25 percent of their maximum capacity or 10 attendees, whichever number is less. Houses of worship in "orange" zones are limited to 33 percent of maximum capacity or 25 people, whichever number is less, while those located in "yellow" precautionary zones are limited to 50 percent capacity.

The guidelines were first announced in October over concerns about a spike in cases. The restrictions immediately prompted a lawsuit from Orthodox Jewish groups in Brooklyn federal court. At the time, Cuomo senior advisor Rich Azzopardi noted the governor's office had "been sued virtually every day for every action taken" during the pandemic.

"We're concentrating on reducing the virus in these hot spots and saving lives, period," Azzopardi said.

Now, with Election Day past, the media is again raising alarm over coronavirus numbers. New York and states across the country have reported a surge in COVID-19 cases over the last two weeks. More than



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a million new cases of COVID-19 were reported in the last week alone, per [Johns Hopkins University data](#), with total cases topping 11.1 million and deaths over 247,000.

Cuomo notably said in October that “religious institutions have been a problem” for the spread of the virus. He was critical of members of New York City’s Orthodox Jewish community for holding mass gatherings in violation of guidelines.

“This cannot happen again. If you do not agree to enforce the rules, then we’ll close the institutions down. I am prepared to do that,” Cuomo said at the time.

Democrats continue to call for the cancelation of religious services and holidays while having no qualms about attending large [gatherings for causes they believe in](#), such as a Biden victory party or a Black Lives Matter riot.

New York City famously enacted contact tracing to keep tabs on people possibly exposed to the virus, yet conveniently was [not allowed to ask](#) people about their attendance at BLM events.

“That’s the one variable in this equation that we’re not sure of: We don’t know what the effect of those protests are,” Cuomo previously said of the relationship between COVI-19 and left-wing protests.

Considering the fact that health authorities and politicians have warned the public repeatedly that simply letting people go back to work and school could lead to a dramatic spike in COVID-19 cases, how is it even a question of whether having hundreds, or even thousands, of people packed together on the streets would lead to more infections?

In an age of lockdowns and restrictions, Americans would do well to remember that the Founders, who lived in an age in which deadly diseases (ones much more dangerous than COVID-19) were a common part of life did not include a “pandemic” qualification in telling government to keep from restricting the people’s rights to worship and peaceable assembly.



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