



Written by [Bob Adelman](#) on November 28, 2020

Newly Invigorated Supreme Court, With Barrett, Restores First Amendment in Ruling Against Cuomo

By 5-4 votes in two cases, the Supreme Court on Wednesday [ruled against](#) New York Governor Andrew Cuomo's discrimination against the free exercise of religion guaranteed by the First Amendment to the U.S. Constitution. It was the first time newly confirmed Justice Amy Coney Barrett had an opportunity to weigh in, and she made it count: She simultaneously voted with the four conservative justices while at the same time negated Chief Justice John Roberts's vote to join the three liberals who supported Cuomo.



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Justice Neil Gorsuch called out the governor's overreach, which considered liquor stores, bike shops and acupuncturists as "essential" but not synagogues or churches. Wrote Gorsuch: "According to the governor it may be unsafe to go to church, but it is always fine to pick up another bottle of wine, shop for a new bike, or spend the afternoon exploring your distal points and meridians. Who knew public health would so perfectly align with secular convenience?"

He also obliquely called out the chief justice, whose vote in an earlier case deadlocked the court and allowed religious discrimination to continue unabated:

Even if the Constitution has taken a holiday during this pandemic [thanks to Chief Justice Roberts' joining with the liberals in that case], it cannot become a sabbatical ... courts must resume applying the Free Exercise Clause [in the First Amendment]. Today, a majority of the Court makes this plain.

The New York governor laughed off the decision, calling it "irrelevant" and claiming that the decision "was really just an opportunity for the court to express its [newly rejuvenated] philosophy."

When history is recorded about these tumultuous times during which the Constitution was being ignored and offended, historians will note that the governor is the one who was irrelevant while the newly reconstituted Court is busy reinvigorating the Constitution to its proper place as the fundamental rule of law in America's Constitutional Republic — thanks to President Trump's nomination of, and the Senate's confirmation of, Amy Coney Barrett.



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