



Agudath Israel of America v. Cuomo, 141 S. Ct. 889 (2020)

Topics Covered: COVID-19, Public Health

Outcome: Unfavorable

Issue

The issue in this case was whether New York’s “cluster action initiative,” targeted at geographic zones with high COVID-19 infection rates, violated the First Amendment right of religious freedom.

AMA Interest

The AMA believes that quarantine and isolation interventions should be scientifically based.

Case Summary

Members of the Orthodox Jewish community filed a lawsuit on October 8, 2020 in the United States District Court for the Eastern District of New York, challenging the “Cluster Action Initiative.” The complaint alleged that the initiative is discriminatory when compared with similar secular activities. It asserted that the initiative explicitly targets religious institutions and communities and is a “punitive attempt to infringe upon Plaintiffs’ religious services because of their religious nature.”

Plaintiffs sought a temporary restraining order, a preliminary and permanent injunction, and declaratory relief. The trial court denied the motions for temporary restraining order and preliminary injunction. These rulings were appealed to the United States Court of Appeals for the Second Circuit. The Second Circuit denied a request for an emergency administrative stay and further denied the request for a preliminary injunction.

The plaintiffs sought emergency relief from the Supreme Court. On November 25, 2020, in a *per curiam* decision with four dissents, the Supreme Court granted the plaintiff’s request for a preliminary injunction in a joint ruling in this case and the companion case brought by the Roman Catholic Diocese of Brooklyn. The Court found that the New York regulations did not

meet a “minimum requirement of neutrality” to religion and found that the state had singled out religious institutions for “particularly harsh treatment.”

Litigation Center Involvement

At the request of the New York Attorney General’s Office, the Litigation Center and the Medical Society of the State of New York filed an *amicus* brief to explain why religious gatherings carry a greater COVID-19 risk than other communal activities, such as grocery shopping.