



Roman Catholic Diocese of Brooklyn, New York v. Cuomo, 141 S. Ct. 63 (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 Catholic 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 was discriminatory when compared with similar secular activities. They asserted that the initiative explicitly discriminated against religious institutions and communities and was 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 plaintiffs’ motions. These rulings were appealed to the United States Court of Appeals for the Second Circuit, which also denied them.

The plaintiffs sought an emergency preliminary injunction from the United States Supreme Court. On November 25, 2020, in a 5-4 decision, the Supreme Court granted this request, finding that the New York regulations were not generally applicable and that the plaintiffs had suffered irreparable harm. The majority took issue with what it perceived to be unduly restrictive limitations of 10 to 25 occupants in a house of worship. It compared attendance at religious services to such activities as grocery shopping or visiting a shopping center, implying that the Executive Order had no basis for singling out attendance at religious services for more rigorous restrictions than these other activities.

The Chief Justice dissented, arguing that such a ruling was no longer necessary since the plaintiffs were no longer in a designated zone subject to restrictions. Justices Breyer, Kagan, and Sotomayor also dissented and cited to the AMA as an authority. Justice Sotomayor, joined by Justice Kagan, cited to the risk factors the AMA and MSSNY had identified in their *amicus*

brief, and added: “[e]pidemiologists and physicians generally agree that religious services are among the riskiest activities.”.

Litigation Center Involvement

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.

United States Supreme Court Brief