



Focus on Religious Freedom

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"The liberty enjoyed by the people of these States of worshipping Almighty God, agreeable to their consciences, is not only among the choicest of their blessings, but also of their rights."
- George Washington

Supreme Court Rules for "free exercise" of Religious Freedom

The U.S. Supreme Court ruled on Nov. 25, 2020, that NY Gov. Andrew Cuomo's executive order to enforce strict attendance limits on places of worship designated as coronavirus hot spots, violated the First Amendment's "free exercise" clause and actively discriminated against religious institutions. The majority decision ruled in favor of the Roman Catholic Diocese of Brooklyn and the Jewish congregations of Agudath Israel of America, because the regulations treated the houses of worship more harshly than comparable secular facilities. "The restrictions at issue here, by effectively barring many from attending religious services, strike at the very heart of the First Amendment's guarantee of religious liberty," wrote the majority decision. ⁽¹⁾

New York's rules, which the justices found to be "severe" and "inflexible," don't apply to retail stores in the same neighborhoods and in some places there are no attendance caps at all. "Not only is there no evidence that the applicants have contributed to the spread of COVID-19 but there are many other less restrictive rules that could be adopted to minimize the risk to those attending religious services," the Court held. ⁽²⁾

"This is an historic victory," said Rabbi Chaim Zwiebel. "This landmark decision will ensure that religious practices and religious institutions will be protected from government edicts that do not treat religion with the respect demanded by the Constitution." ⁽³⁾

In August, the pastors of two Colorado churches filed a "Lawsuit (that) calls both the federal government and Colorado leaders into account for their violations of the right to free exercise of religion among other abuses of power, primarily resulting from Gov. Jared Polis' COVID-19 related Executive Orders," said Thomas More Society attorneys. ⁽⁴⁾

U.S. District Court Judge Daniel Domenico ruled, "The Constitution does not allow the State to tell a congregation how large it can be when comparable secular gatherings are not so limited, or to tell a congregation that its reason for wishing to remove facial coverings is less important than a restaurant's or spa's." ⁽⁵⁾

(boisestatepublicradio.org, 11/26/20(1); msn.com, 11/26/20(2)(3); denver.cbslocal.com, 10/20/20(4); pjmedia.com, 10/21/20(5); npr.org, 11/26/20; nypost.com, 11/26/20)

"I think it is appropriate that we pay tribute to this great constitutional principle which is enshrined in the First Amendment of the Constitution: the principle of religious independence, of religious liberty, of religious freedom."

- President John F. Kennedy