Twitter Thread by Pradheep J. Shanker



Pradheep J. Shanker
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Scientifically, there should be a single consistent standard.

As long as that is true, it's fine.

Cuomo's standard was neither consistent nor scientific. That is a clear first amendment violation.

> Conservatives are crowing over this as an own the libs moment, denying that many who support public health restrictions are people of faith. This broke long standing precedent, so don't at me with your calls for originalism etc. This is just know-nothing politics by other means. https://t.co/KLeiKlp6p7
>
> — Gregg Gonsalves (@gregggonsalves) November 26, 2020

Gorsuch is SCIENTIFICALLY RIGHT HERE.

If people can't admit that, then they are allowing their biases to show.

https://t.co/WiYtikuOXi

> Neil Gorsuch goes off on @NYGovCuomo in the 5-4 Supreme Court ruling blocking his Covid restrictions for religious services. https://t.co/HOKmgsUAKg pic.twitter.com/dcl7o5irDd
>
> — Sahil Kapur (@sahilkapur) November 26, 2020

This on the other hand is 100% BS.

Not a single scientist I know supports this double standard. The best ones know that the type ofvenue is irrelevant... Only the size and # of people matter.

https://t.co/YmjlopdbD3

> Sonia Sotomayor dissents: \u201cJustices of this Court play a deadly game in second guessing the expert judgment of health officials about the environments in which a contagious virus, now infecting a million Americans each week, spreads most easily.\u201d https://t.co/HOKmgtcc8Q

> — Sahil Kapur (@sahilkapur) November 26, 2020

In short, it is the LEFT here using religious bias to promote an antiscientific standard and allowing the State to violate Rights.

The Liberals and CJJR should be ashamed.

Another good thread here.

A consistent standard would have passed constitutional muster.

https://t.co/j3pxMH8Mz4

> Last night, SCOTUS issued injunctive relief to houses of worship challenging NYC\u2019s COVID-19 restrictions, the first time it has granted such relief during the pandemic. I have mixed views about the decision and early reactions to it.
>
> — John Inazu (@JohnInazu) November 26, 2020

And, always read @JoshMBlackman...

https://t.co/dr2GZGvhx9

"Robert's South Bay concurrence is no longer a super-precedent...courts had cited it 114 times in the past six months. But Diocese will likely be the last citation. Courts can no longer look to the Chief's opinion as the definitive statement for pandemic cases."

"I don't think the majority formally repudiates South Bay. Indeed, the Court distinguishes NY's orders from CA order. But going forward, Diocese will be controlling standard. And, when a COVID case reaches the Court on certiorari, I suspect the Chief will join the conservatives."

And God Bless Gorsuch for this. This is something worth giving thanks for.

> Initially, some point to a solo concurrence in *South Bay Pentecostal Church* v. *Newsom*, 590 U. S. ___ (2020), in which THE CHIEF JUSTICE expressed willingness to defer to executive orders in the pandemic's early stages based on the newness of the emergency and how little was then known about the disease. *Post*, at 5 (opinion of BREYER, J.). At that time, COVID had been with us, in earnest, for just three months. Now, as we round out 2020 and face the prospect of entering a second calendar year living in the pandemic's shadow, **that rationale has expired according to its own terms**. Even if the Constitution has taken a holiday during this pandemic, it cannot become a sabbatical. Rather than apply a **nonbinding and expired concurrence** from *South Bay*, courts must resume applying the Free ExerciseClause. Today, a majority of the Court makes this plain.

And more from Gorsuch here:

https://t.co/9D19uILWSt

". . . the State has effectively sought to ban all traditional forms of worship in affected "zones" whenever the Governor decrees and for as long as he chooses. Nothing in Jacobson purported to address, let alone approve, such serious and long-lasting intrusions..."

The arguments between Gorsuch and Roberts are fascinating here. I think ultimately, Roberts will have to concede the point to Gorsuch (who has the majority on his side now), but a fascinating insight into the Court, nonetheless.