

Lawsuit Filed Against Cuomo Over COVID-19 Lockdown

Rusty Brooks

March 29, 2020

This is how a lawsuit reads filed by Lee Nigen, an attorney in Brooklyn

“Clearly, there is a grave public health emergency in New York. We understand that,” Norm Pattis, Nigen’s attorney, told the *New York Post*. “But lawful process matters and emergency orders of this sort, if left unchallenged, will evolve into precedents with horrifying consequences.”

Nigen claims he can’t practice his Jewish faith because of the restrictions Cuomo has imposed.

Cuomo has not yet issued a travel ban, which is something Trump actually floated on Saturday.

“Some people would like to see New York quarantined because it’s a hot spot — New York, New Jersey, one or two other places, certain parts of Connecticut, quarantined,” Trump said.

“I’m thinking about that right now. We might not have to do it, but there is a possibility that sometime today we’ll do a quarantine, short term, two weeks, on New York, probably New Jersey, certain parts of Connecticut”. Trump suggested he would. “restrict travel”.

Ironically Cuomo himself said he would consider suing the federal government if this restriction was imposed.

“A lockdown is what they did in Wuhan, China,” Cuomo said. “We’re not in China, and we’re not in Wuhan. I don’t believe it would be legal. I believe it would be illegal”, Cuomo said on CNN

“I’ve sued the federal government a number of times over the years. I do not believe it’s going to come to that on this,” Cuomo said. “This would be a declaration of war on states, a federal declaration of war”.

The president walked this back Saturday night as he tweeted: “On the recommendation of the White House CoronaVirus Task Force, and upon consultation with the Governors of New York, New Jersey and Connecticut, I have asked the CDC to issue a strong Travel Advisory, to be administered by the Governors, in consultation with the Federal Government. A quarantine will not be necessary,” Trump tweeted Saturday. “Full details will be released by CDC tonight. Thank you!”

In a lawsuit filed on Friday in Brooklyn federal court against both Cuomo and the state government, attorney Lee Nigen also claims that Cuomo’s statements urging New Yorkers to limit their travel infringe on his rights to meet with clients, friends, family and “like-minded people, the NY Post reported.

The key point to note in this case is Cumo has only threatened to use law enforcement & has not actually acted on it. The case was filed apparently to prevent violations of the right to travel.

Libertarians such as the CATO institute share similar sentiments:

“Social distancing measures should rely on voluntary compliance to the greatest degree possible, and most people have been voluntarily complying. Even when enforcement is necessary, simply breaking up gatherings without citation or prosecution is possible and preferable in many cases. A heavy-handed reliance on coercive enforcement might not only be unnecessary in some regards, it can also backfire by sparking protest non-compliance, and it might also be redundant to all the other measures already in place.”, Andy Craig wrote for CATO recently.