

NY State Supreme Court Judge Rejects Constitutionality of Mask Mandates

Description

The judge ruled the governor lacks the authority to require those aged two and above to mask up in public.

New York Governor Kathy Hochul's order for everyone to wear masks in public was shut down by a New York State Supreme Court judge, who ruled that such decisions must be passed by lawmakers instead.

Judge Thomas Rademaker [ruled](#) on Monday that the New York State Legislature was the only body with sufficient power to pass the mandate, which would force every New Yorker over the age of two to wear a face mask in public places, including schools.

"There can be no question that every person in this State wishes, wants and prays that this era of COVID ends soon and they will surely do their part to see that is accomplished," the judge noted. "However, enacting any laws to this end is entrusted solely to the State Legislature."

Judge Rademaker said that "while the intentions" of Governor Hochul and New York Health Commissioner Mary T. Bassett "appear to be well aimed squarely at doing what they believe is right to protect the citizens of New York State," the two officials "must take their case to the State Legislature."

"To allow such agency law making would result in laws being changed at the whim of every new Commissioner who could then be said to be beholden to their appointer," Judge Rademaker noted. "But also it would surely result in a lack of representative government wherein only a select few appointees of the Governor make the laws."

This is the very antithesis of constitutionally established representative government

Governor Hochul said she would fight to overturn the court's decision instead of taking the mandate to the State Legislature as advised.

"My responsibility as Governor is to protect New Yorkers throughout this public health crisis, and these measures help prevent the spread of COVID-19 and save lives. We strongly disagree with this ruling, and we are pursuing every option to reverse this immediately," she said in a [statement](#).