

New York State Supreme Court Judge Strikes Down Governor's Mask Mandate

By [News 12](#)

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A 2 p.m. appeals court hearing is scheduled after yesterday’s decision by a state Supreme Court judge to strike down NY’s mask mandate.

A New York State Supreme Court judge has struck down Gov. Kathy Hochul’s mask mandate for schools and public locations.

According to a court document, Judge Thomas Rademaker said that neither the governor nor the state health commissioner had the authority to enact the mandate without the state Legislature, since the governor no longer has emergency powers.

The document says in part,

“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. However, enacting any laws to this end is entrusted solely to the State Legislature. While the intentions of Commissioner Bassett and Governor Hochul appear to be well aimed squarely at doing what they believe is right to protect the citizens of New York State, they must take their case to the State Legislature.”

[Read the full Court document here.](#)

Schools in Plainedge and Massapequa have recently made their own plans to eliminate the mask mandate next month.

The Board of Education for the Island Trees School District also voted unanimously Monday to leave the decision to wear a mask up to the person who enters the school buildings once the mandate expires.

The superintendent says Monday’s ruling shows that things could change. Even though they voted to give people the choice, he says he recognizes there could be legal challenges that

impact their vote.

Nassau County Executive Bruce Blakeman says he is hopeful the ruling will stand.

“I’m very energized by the court’s ruling and I believe that is an appellate court reviews the decision of Justice Rademaker they will see that it is a well principled,” Blakeman says. “...That it’s based on the law and the constitution of the state of New York.”

Some parents were excited to hear about the court’s decision.

“Commend the judge for listening to what the community and the students have been asking for,” says Brian Peranzo. “Parent’s choice is what we’ve been asking for all along.”

Professor James Sample, of Hofstra University, says that he doesn’t believe the mandate will disappear that quickly.

“In terms of what the average rank and file New Yorkers can anticipate, I would expect that tomorrow, for example, schools, stores and businesses will still be subject to the mask mandate...” Sample says.

Sources tell News 12 that the governor’s office plans to appeal the judge’s ruling.

With the appeal expected, the State Education Department says schools must continue to follow the mask rule.

However, a parent in the Copiague school district tells News 12 they were told by the school that “as they await further direction from the court, masks will be optional in our schools.”

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