

NY Governor Cuomo shields nursing homes from prosecutions related to 5,600 COVID-19 deaths

By Erik Schreiber
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At a press briefing on Sunday, Governor Andrew Cuomo of New York asserted that the COVID-19 deaths of elderly residents of nursing homes in the state were inevitable and the privately owned, for-profit facilities should not be held legally liable.

He falsely claimed that not a single death from COVID-19 in New York State was preventable, and that the state was providing the best possible care and instituting the necessary protective measures in response to the pandemic.

During the briefing, a reporter described two people at the same facility who died a few weeks after being denied coronavirus testing. When the reporter asked what Cuomo would say to their relatives, who are demanding accountability, he said: “My response is this, and I’m having these conversations all day long with people who’ve lost someone. We had 139 people yesterday who died in hospitals. How do we get justice for those families of those 139 deaths? Who can we prosecute for those 139 deaths? Nobody. Nobody. Mother Nature, God, where did this virus come from? People are going to die by this virus, that is the truth.”

Cuomo claimed that New York had “the best hospital system on the globe, best doctors, best nurses, who responded like heroes ... The hospital system wants for nothing ... and still people died. Older people, vulnerable people are going to die from this virus. That is going to happen. Despite whatever you do, because with all our progress as a society, we can’t keep everyone alive.”

These statements reflect a broad consensus in the ruling class that elderly people, since they no longer are productive workers, represent an undesirable expense and are not worth saving.

Cuomo’s assertion that “nobody” should be prosecuted for these needless deaths is really an admission that he will prevent such prosecutions. In late March, when the devastating implications of the novel coronavirus outbreak could no longer be ignored, Cuomo’s aides inserted

language into New York State’s final budget bill that grants nursing homes immunity to lawsuits resulting from their failure to protect residents from the pandemic. Nursing home workers have also been infected and died as a result of unsafe conditions.

The industry had lobbied for this provision, which will allow it to escape accountability for maintaining inadequate staffing and insufficient contamination control at its facilities. This measure is consistent with the pro-corporate orientation of the Cuomo administration and the state legislature.

Senate Republican leaders, backed by the Trump White House, have declared that a “bottom line” precondition for any federal aid to state and local governments bankrupted by the collapse of tax revenues is the enactment of legal immunity for corporations from suits filed on behalf of workers sickened or killed as a result of inadequate on-the-job protection from the virus. Cuomo’s actions and words make clear that this call for a legal green light for companies to kill workers is supported by the Democrats.

The “best hospital system on the globe” and “best doctors, best nurses” have been denied personal protective equipment (PPE). As a result, at least 71 health care workers have died in New York State alone, including many emergency medical technicians, doctors and nurses, especially at public hospitals in the hardest-hit working-class areas of Brooklyn and Queens. One doctor and one EMT who worked in some of the worst-affected areas tragically committed suicide last month.

Throughout the pandemic, health care workers at hot spots like Elmhurst Hospital in Queens have described desperate conditions more akin to those of a third world country than an advanced industrial economy. One nurse in the Bronx told the *World Socialist Web Site* that her hospital had run out of IV pumps and that another hospital in Manhattan had run out of oxygen.

The deaths in nursing homes are particularly criminal.

While elderly people are certainly more vulnerable to diseases like the coronavirus, it was the ruling class's policy of malign neglect that allowed the virus to ravage nursing homes. Between March 1 and May 1, more than 4,800 people died of confirmed or presumed COVID-19 infection at 351 of New York's 613 nursing homes, according to the state's data.

Considering the inadequate level of testing, these figures clearly underestimate the true mortality from infection. State officials recently announced more than 1,700 previously undisclosed deaths at nursing homes and adult care facilities. The official toll of 5,601 is believed to be a vast underestimate of the real death toll.

The largest cluster of nursing home deaths in the state has occurred in New York City, an epicenter of the pandemic in the United States. Ninety-eight of the 705 residents of the Isabella Geriatric Center in Manhattan have died. Forty-six of the deceased had tested positive for COVID-19, and 52 are suspected to have had the virus. Because local funeral homes could not pick up bodies quickly enough, the center stored them in a refrigerated truck that it hid under a tarp.

An official at the center admitted that insufficient staffing, inadequate testing and insufficient PPE for employees had contributed to the death toll. The same problems affect nursing homes throughout the state and the entire country.

The state deliberately tried to cover up the disaster unfolding in nursing homes for months. Even though state health officials had been tracking how much hand sanitizer nursing homes had, they did not begin to track deaths related to COVID-19 at these facilities until April 16—a full month into the pandemic in the US. This glaring omission was not an oversight, but a conscious calculation that the elderly, since they no longer are productive workers, are not worth protecting. In the meantime, because many nursing homes do not have morgues, residents' bodies were left in their rooms.

Cuomo bears direct responsibility for this devastation. In March, the governor ordered that elderly patients be sent back to nursing homes even after they had tested positive for COVID-19. He reversed his decision only after a public outcry.

While the elderly are especially vulnerable, the virus has killed many otherwise healthy people in the prime of their lives. It has caused sudden strokes in people in their 30s and 40s. These strokes result from clotting in the large arteries and can cause serious neurological damage, disability or death. Children, too, have developed a multisystem inflammatory disorder after infection with COVID-19. This emerging condition can lead to heart attack and death. There have been more than 100 cases of this disorder in New York.

New York state's high death toll has resulted directly from the federal and state governments' belated response to the pandemic, despite repeated warnings by the Chinese government and the World Health Organization.

Cuomo continues to cultivate his tough-guy, take-charge persona to cover up the fact that he took no serious measures to prepare the state for the pandemic, just as President Trump ignored early warnings and downplayed the risk to public health.

It was not until this month that Cuomo ordered nightly shutdowns of the New York City subway and cleaning of the cars. In the meantime, the subway had become a major vector for spreading the virus throughout the city and state, resulting in the deaths of at least 127 transit workers. The schools were not closed in March, when teachers threatened to shut them down. Since then, more than 100 educators and several schoolchildren have died from the virus.

Cuomo's statements are lies and testify to his utter indifference toward the tens of thousands of lives that have been lost, to say nothing of those that will be lost in the coming months.

Since the beginning of the pandemic, at least 28,636 people have died in New York State—only 4,000 people fewer than in all of Italy, and more than in France and most other countries. His remarks reflect the de facto adoption of the policy of "herd immunity" that now forms the basis for the "reopening of the economy" in the US and many other countries. Cuomo is prepared to allow the virus to rampage through the population of New York in the months to come.

Cuomo, no less than Trump, advocates on behalf of Wall Street, which, having received a multitrillion-dollar bailout, demands that workers return to their jobs to continue generating profits. This premature return to work threatens to result in mass death and is fueling opposition in the working class, including at auto factories, Amazon warehouses, garment factories and commercial fruit orchards.

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