To Erect Creche

Permission to erect a creche in Boniface Circle during the Christmas season was granted by the Village Board on Tuesday night. The request was made in letters from several village churches.
This Nativity Scene set up in Boniface Circle by the "Christmas Creche" committee including representatives from the Community Baptist, Congregational, Grace Lutheran, Immaculate Heart of Mary, St. James the Less, Our Lady of Fatima, St. Pius X, and Trinity Lutheran Churches, has been visited constantly during the past week and singing groups have made visits to the Christ Child to carol his coming so many years ago. It is expected that the committee will continue this welcome innovation in the Circle at Christmas.
Creche Figures Stolen

CHRISTMAS THEFT: Hand-carved, wooden figures of Mary and Joseph were stolen last week from Boniface Circle creche on the grounds of St. Pius X Church at Palmer Road and Mamaroneck Road. The thieves, believed by police to be teenagers or college students, face a grand larceny charge if they are caught. The St. Pius figures, made of plaster, are valued at $150. Police are seeking information leading to the arrest of the thieves. All information will be kept confidential.

Mrs. H. B. Kinsella, cochairman of the Scarsdale Christmas Creche Committee, asked that the figures be returned without damage. The Boniface Circle statues were bolted to a plywood floor.

--Photos by John Gass
400 at Hartsdale Protest School Ban Of Nativity Creche

HARTSDALE, N. Y., Dec. 21 — Four hundred residents here today protested the Board of Education's banning of a crèche depicting the Nativity scene on the grounds of the Hartsdale Junior High School.

They signed a petition demanding that the board reverse itself. Many of the objectors said they would protest in person when the school board met tomorrow night.

Dr. Nicholas A. Di Salvo, head of the Orthodontic Department at Columbia University's School of Dentistry, said he would lead the delegation of objectors.

For the last twenty years here school boards had permitted a crèche on the school grounds in the Christmas seasons. The school is beside busy Central Park Avenue.

The school board said its new policy of barring the crèche was based on legal and moral responsibility for the education of all children. Some parents had objected to the crèche.

"The principle of the separation of church and state is violated by the presence of religious symbols on school grounds," the board said. "A crèche is clearly a religious symbol. The United States Supreme Court affirmed this idea when, in granting released time for religious instruction, it made clear that such instruction could not take place on school grounds."

Dr. Di Salvo retorted that if the reasoning of the school board, which he considered faulty, were extended "it would exclude from our schools many of the things that are very important in education."

The New York Times
Published: December 22, 1960
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The Hartsdale Board of Education has announced its intention to abide by a November 29 decision to ban the traditional creche from the lawn of the Central Avenue School.

The action followed last week's stormy meeting of the school board, which was attended by 500 residents.

Dr. Nicholas A. DiSalvo, a spokesman for a group of 600 who signed a petition requesting the Nativity scene at the school, told the Inquirer that he was rather disappointed with the board's final statement.

"You can tell the difference," he said, "because the red breasted nuthatch sounds like a tin can.

Species Listed
The various species seen following Canada goose, mallard duck, black duck, red-tailed hawk, sparrow hawk, pheasant, evening grosbeak, great black backed gull, herring gull, ring-billed gull, mourning dove, hairy woodpecker, downy woodpecker, blue jay, black-capped chickadee, tufted titmouse, white breasted nuthatch, Carolina wren, brown thrasher, robin, starling, house sparrow, red wing blackbird, grackle, cowbird, cardinal, purple finch, house finch, gold finch, teacher, junco, tree sparrow, field sparrow, white crowned sparrow, white-throated sparrow, fox sparrow, swamp sparrow and song sparrow.

Each of the census areas is laid

Dr. DiSalvo felt that the overwhelming sentiment at the meeting was for the replacement of the creche. "At least everyone I spoke to was for it," he said.

Board Statement
Although many people are still concerned, Dr. DiSalvo said, there is no definite action now planned.

Some persons have said the matter should be brought before the courts, as was successfully done in Ossining, but no steps have yet been taken in that direction.

In its statement, the board said:

"The Hartsdale Board of Education has given serious and careful consideration to the request of a number of Hartsdale citizens on its recent decision not to erect a creche on the lawn of the Central Avenue School. Mindful of the deep feelings, concern and sincerity behind these representations, members of the Board of Education have searched their consciences and carefully weighed the issues. As a result of these deliberations, they believe that their decision was a proper one."

"The Board wishes to solve the problem in a manner satisfactory to proponents of all positions. Therefore it has suggested that a committee of the clergy accept the creche on behalf of the community for display on appropriate grounds. This suggestion has been submitted to and received favorably by local clergy. It is the board's profound hope that in this manner the creche will become a symbol of greater unity and understanding in Hartsdale."

Clergy to Meet
Speaking for the Hartsdale clergy, Rev. Douglas F. Verdin, pastor of St. Paul's Church, said that they would meet soon to decide whether or not to accept the creche and what would be an 'appropriate' place to erect it.

For the last 20 years, the Nativity tableau had been constructed on school grounds the day after school was dismissed for the Christmas holiday, and had been dismantled the day before school reopened.

Each year, however, Everett S. Webb, supervising principal, had brought up the subject of continuing the exhibit. Until this year the board had approved the creche.

Dr. Fred N. Karlinger, a board member, moved this year that the Nativity scene be abandoned in the light of increasing protest.

Alfred D. Buchmeiler seconded the motion and was joined in the opposition vote by Dr. Herbert Mark, board president

Mrs. Agnes Fusillo voted in favor of the creche. The fifth board member, Dr. Arthur Traxler, was absent.

'American Tradition'
In its official statement on the 3-1 vote, the board said it was 'guided by a 'fundamental American tradition'. It felt that a creche on school grounds violates the principles of the separation of church and state.

The statement went on to assert that the U.S. Supreme Court has affirmed the idea that the manifestation of religion should not take place on school grounds.

At the public meeting last Thursday, Joseph G. Dayton of 60 Wilson Street said the board's position could eliminate all religious symbols in the school. This would make difficult a child's adjustment to subjects presupposing a knowledge of such symbols.

Reason For Residency
Clayton C. Collins of 8 Jane Street said that the creche was a primary reason for his moving to Hartsdale 12 years ago. He charged that the board ignores the majority and represents the minority, which represents something beyond its theological origin. The board, he said, gives the impression that it places little merit in moral values.

Rev. Donald Kocher, pastor of the Calvin Presbyterian Church, commenced the board in a letter, saying that he agreed school grounds were not the place for such a Nativity scene.

Another resident favoring the decision, Robert Gould of Alexander Avenue, cited the Supreme Court decision forbidding the use of public schools for religious teaching. The creche, he said, should be judged by the same criteria.
Board Gives Permission For Creche
Decision For Future Years To Be Studied

The Village Board has granted the Scarsdale Creche Committee permission to place a Nativity scene in Rotary Circle this Christmas but will study the issue of allowing it in future years.

Although the board's resolution was passed at its September 26 meeting, it released the information only this week.

In addition to granting permission for this year, the resolution called for Mayor Abbe C. Smith to appoint a special committee of the board consisting of three trustees "to study and report to the Board of Trustees prior to June 30, 1967, on the issue of granting permission to erect a creche on Rotary Circle in subsequent years."

This special committee will "be advisory and uncoerced but not directed" to appoint an advisory citizens' committee and "to solicit the different views of those in the village who desire to make their views known."

Action Taken

Mrs. H. M. Kinella, cochairman of the creche committee, said that the board's action "was a very fair answer. We hope, though, we can keep the creche in Rotary Circle next Christmas," she Added.

The committee, which represents 10 area churches, has been placing the nativity scene in the circle for the past five years. Funds for the display and for its upkeep are supplied by the churches, and its committee places it in the village in the middle of December for a 20-week period.

According to Mrs. Kinella, "the former complaint has now been filed against the creche, but the committee has had many calls and letters expressing appreciation and has had the cooperation of local residents," she said.

The organization that filed the complaint before the Village Board has released its comment on the September 26 resolution.

"We feel very strongly on general principles that the creche should stand," Mrs. Kinella said. "It's a symbol of the Christmas season and doesn't do any harm to any one."

"Apparently," she said, "the complaint was made because the creche is put up on public land. There's no reason why the same land cannot be used for a display by other persons."

"The Jewish festival of Chanukah comes practically the same time," she said, "and we think it would be a wonderful thing for Jewish people to put up a display in the circle, too."

Mrs. Kinella said that the committee is not merely fighting for its own rights "but the rights of all faiths. Religion," she said, "is something you have to stand by and stand for publicly. You shouldn't have to hide in a closet to worship."

"If we can keep our creche," she said, "it might serve as an example for other communities where a minority has had the displays taken down."

Creche

(Continued from Page One)
Creche Approved; Law Suit Planned

BY DAVID KIRKWOOD

The Village Board Tuesday night voted to approve the Scarsdale Creche Committee's request to permit the erection of the traditional creche (Nativity scene) in Boniface Circle. However, Leon Rubin, a Scarsdale attorney, said after the November 23 board meeting that he planned to sue the Village on the grounds that it is not permitted by the First Amendment. He commented that the group recommended that the board allow the creche to be erected in Boniface Circle since "its presence there is accepted by a majority in the Scarsdale community, regardless of religious beliefs, as a long-held tradition of the Village." Allowing it, the committee's statement continued, "will have the most harmonious effect on relationships within the community."

Joining in support of the Creche Committee's request was the Rev. M.C. Meyer, minister of Trinity Lutheran Church, and president of the Scarsdale Rotary Club, who said that the creche "makes for joy and peace at this time of year"; James R. Meehan, chairman of the Parish Council of Immaculate Heart of Mary Church, who said he favored the request both as a representative of the parish and also as the individual who contributed the original creche placed in Boniface Circle in 1957; and Richard Gast, president of the Arthur Manor Association, whose board voted 11 to 0 that the Village should grant the request.

Four to one

When the discussion was over, the Trustees approved the request by a four to one vote, with Trustee Jeanne Richman the only dissenter. Trustee Richman explained that as a matter of principle she believes religious symbols should not be placed on public land.

Absent from this week's meeting were Trustees George Szabad, who in previous years has abstained on the creche request, and Marcy Kahn, who has voted for it.

Following the vote on the request, the board voted unanimously to have a small sign placed beside the creche in Boniface Circle stating that the creche had been put there by the Creche Committee.

Although Rubin said nothing at this week's meeting about suing the Village, when reached by The Inquirer he stated his intention to do so. Rubin, a member of Schoharie, said that he would have the support of that organization. The NYCLU, he said, would also sue Larchmont, which this year plans to move its creche back onto public property.

Rubin expressed confidence in winning an injunction prohibiting the placement of the creche in Boniface Circle and he said that it would not be in the best interests of the Village for the Trustees to spend the money required to fight an injunction.

Asked whether his suit might be divisive, Rubin said, "I don't think so. It's a legal issue. It's not something that should be an emotional issue. Whatever divisiveness there is will be caused by the group that insists on displaying its own religious symbol."
New Park Proposal
The Village Board will apparently discard a $200,000 proposal which was made earlier this summer which would, if approved, establish a curfew for village parks in Scarsdale and thus prevent further increases in the already strict regulations on public property.

Trustee Frank Gordon, chairman of the Village Board, announced at this week's meeting that he would ask the Board to consider dropping the original proposal that the Village establish a curfew for the village recreation areas at night except with prior written permission of the management. The Trustees, and perhaps local residents, are open to the idea of prohibiting alcohol in parks and recreation areas at night.

Case Closed
The Village dropped charges earlier this month against 28-year-old Patrick Maddaro of Scarsdale. Maddaro was charged with reckless driving and failure to keep right in connection with a four-car accident on Walworth Avenue on August 22. According to witnesses Maddaro was driving erratically and far above the speed limit when his car struck a car in front of him, sending that car into two other cars. There were no serious injuries, but three of the vehicles involved were heavily damaged.

Response to Rats
The item that appeared in this column last week about a rat problem on Crane Road struck a responsive chord. Although The Inquirer received only one response to it, Pearl Abramowitz, who had submitted the item, said that she had blacked out while driving behind the wheel as a result of a chemical imbalance in her blood. Following a similar blackout not long after the Walworth accident, Maddaro turned in his driver's license.

Creche Approved
The Village Board voted, as it had done for 20 years, to permit the Scarsdale Creche Committee to place a creche (Nativity scene) at Boniface Circle during the Christmas season. The board, in voting its approval five to two, was made to agree to a creche on the creche stating that the display has been erected by a private group. At the time of the vote, and at the time of the creche, the display was located in a private area, at the cost of $200,000.

Village Candidates
14 Vacancies To Be Filled On School Nominating Committee
The Administrative Committee, which is responsible for overseeing the January 31, 1979 elections of the School Board Nominating Committee, held its organization meeting this Wednesday evening.

Richard L. Gerloff, chairman of the committee, reminded residents that the School Board Nominating Committee is composed of 36 voting members (six from each of the six Non-Partisan districts) and that the committee will meet for a three-year period. At the conclusion of the term, the School Board Nominating Committee must be re-elected, and the members of the committee must be re-elected for an additional year on the Administrative Committee which supervises the nominating process.

Due to the resignations from the School Board Nominating Committee, the panel moderator will be Richard L. Gerloff, chairman of the committee. The panel moderator will be available for any member of the Citizen's Committee for the Village in attendance. The panel moderator will be available for the meeting of the committee on Monday, December 13, to discuss any questions from the audience.

PT Program On "Human Side"
The forms for submitting biographical data must be submitted soon for candidates to be considered as possible members of the Non-Partisan Citizens' Committee. Candidates must be registered voters in the Village and must be elected to the School Board Nominating Committee. The forms should be available at the first meeting of the Committee on December 16, at which time the forms will be sent to the Non-Partisan Citizens' Committee for the nomination of Village officials may not be submitted to the Village for the nomination of Village officials.
1. Pick a fresh looking, firm needled tree. Make sure the cut across the trunk is still sticky with sap.
2. Store tree outdoors until you are ready to put it up.
3. Locate tree in a relatively cool place away from sources of heat, such as radiators, stoves.

Letters To The Editor

No Hanukah Display

To the Editor:

As a private citizen, I headed a group called the Hanukah Display Committee. The committee was formed at the request of a number of Scarsdale residents, representing various areas of the Village. The task of the committee was simply to investigate the possibility of establishing a Hanukah display on public property within the Village.

The sentiment from both the religious and lay Jewish community was overwhelmingly against the placing of such a display on public property. It was felt that it would confuse the issue of separation of religion and state. By the village permitting Christian and Jewish displays, it leads the village to be open to the demands of any cult or "religious" group for equal treatment. Such a move might be patently unfair to our Christian brethren. Controversy could be created in an area where we have previously avoided it.

There were many other issues involved, but one thing was eminently clear, all members of the committee wish the holiday spirit to prevail — Peace on Earth to all Mankind!

BERNARD SILVERSTEIN
Chairman
Hanukah Display Committee

Inflation Fighting Idea

To the Editor:

Recently I purchased a Hershey's chocolate bar. As I gave the storekeeper my 25 cents (and she gave me a nickel change), I thought to myself that I would never buy another Hershey bar as long as I lived.

Why, you might ask. Well because I remember when the price of a chocolate bar was about 7 or 8 cents. Now they sell seven or eight bars for the price of one. The price was reduced but the quality wasn't.

Perhaps if everyone said the same thing to the storekeeper, we could have a Hershey bar again. I wonder if the Hershey people would listen.

If the whole U.S.A. were to buy a Hershey bar for six months, we could probably put an end to the rising prices of Hershey bars. This is only an example. We could do this with just about anything. The average American's income increased about eight percent last year; that's good. But the rise of inflation was about 8.2 percent.
Board Approves Creche Request

By DAVID KIRKWOOD

The Scarsdale Village Board voted five to one Tuesday evening to grant the request of the Scarsdale Creche Committee that it be allowed to put up a creche (Nativity scene) in Boniface Circle, as it has for the past 20 Christmases. The Trustees' approval included the proviso, initiated last year, that the holiday display include a sign reading "This creche is erected and maintained solely by the Scarsdale Creche Committee, a private organization."

The Creche Committee represents eight local churches — St. James the Less, Scarsdale Community Baptist, Our Lady of Fatima, St. Pius X, Immaculate Heart of Mary, Grace Lutheran, Redeemer Lutheran and Trinity Lutheran.

The board's action came less than a week after a November 18 ruling by Judge Robert J. Ward in U.S. District Court dismissing actions against Scarsdale, the Village of Larchmont and the Town of Mamaroneck aimed at preventing the display of creches on public property. Judge Ward ruled that federal courts lacked jurisdiction in the cases and that any suit accusing a municipality of infringing on citizens' Constitutional rights should be brought in state court. The judge emphasized that his ruling expressed no view on the merits of the case brought by the plaintiffs.

Although the circumstances in the three towns vary, in each case the plaintiff contended that the municipality's policy amounted to state establishment of religion in violation of the First Amendment to the Constitution. Leonard Rubin, a Scarsdale resident and an attorney with the New York Civil Liberties Union, filed the suit against Scarsdale and the Scarsdale Creche Committee.

In moving to grant the Creche Committee's request, Trustee Frank Gordon said that previous court rulings indicate that if the Village does not itself promote the display of the creche, permitting it to be placed on public property does not violate the Constitution.

Mayor George Szabad, who in previous years has abstained on the question, reluctantly voted to allow the creche, explaining that his concern that it violates the principle of separation of church and state was outweighed by his unwillingness "to disturb the peace and tranquility in the community based on a practice of many years."

Trustee Jeanne Richman cast the only vote against, saying that regardless of the legalities involved, it is "inappropriate" to allow public land to be used for the "displaying of a particular symbol of worship."
Enforcement

Dog owners have had their minds turned by a recent event in their neighborhood. For starting this tradition on church property, termed the granting of the privilege of the enjoyment of the same of the church, the board of the church has decided to impose a fine of up to $250 for the first offense and a fine of up to $1000 for the second offense, in addition to any other legal penalties.

At a meeting Wednesday of its ad hoc code enforcement officers, the Village determined its strategy of enforcement, which will be effective immediately. All code enforcement officers have been instructed to issue summons to anyone they see violating the law. (The employees designated as enforcement officers are mostly those who are frequently on the road and include Village Manager Lowell Toohey and his assistants.)

Joseph Cox, the full-time dog warden, is being directed to be particularly alert to violations. Also ready to issue summonses are the police department's community service aides and supervisory personnel in the highways, cleaning, waste and fire departments. Chief Terence Herter has also notified all regular police officers of the new law and, as they too are expected to enforce it, although most of the responsibility lies with civilian employees.

All the code enforcement officers have been provided with identification cards, which they are expected to produce when asked. They will be strictly enforcing the local litter laws. A full-fledged anti-litter campaign is in the works.

Determined though the enforcement of the "pooper scooper" law will be, Assistant Village Manager Richard Hertel, who is supervising the effort, stressed that the Village is counting on willing compliance by most people to assure that the new law will be effective.

Creche Okayed

The Village Board again approved Tuesday night the extension of the creche display on church property, in accordance with a resolution adopted by the Village Board last year, after deciding that "we cannot control the behavior of our students going away on weekends without being effective.

Cox argued that it would suggest that it is the duty of citizens to clean up after themselves. "The best way to do this is to get people to clean up after their pets," he said. "This will be effective, but it will take time."

The principal, clearly upset by the "tasteless and inappropriate behavior" at the breakfast, plans to meet with the whole class and then have the students break into smaller groups led by deans. Keeping the students involved in the drinking at the breakfast was not the desired behavior, and the students involved were not caught at the time. He said that those suspended seem not to have been the leaders, but were "on the periphery. They were just the tip of the iceberg," he said.

Keller emphasized that the extent of the drinking at the breakfast was by no means typical of behavior at school or even at other senior class breakfasts. However, the added, the breakfast did typify the increasing degree to which high school students think "the way you play is to get high on alcohol..."

The recreational behavior that was once the exception has become more like the norm. The principal added that he wants "students to recognize that the school can be a safe place for all students to enjoy.

Funds Sought For Support

The Scarsdale Sunday Recreation Program, an annual open house featuring registration and a free taste of the programs, will take place this Sunday, March 15, at 10 a.m. at the Community Center. The event will feature various activities for all ages, including a craft fair, live music, and a performance by the local middle school choir. The proceeds will be used to support the Scarsdale Sunday Recreation Program, which provides a wide range of educational and recreational opportunities for residents of all ages.

UNANNOUNCED AWARD — Village Manager Lowell Toohey, who passed away in 1980, was posthumously awarded the prestigious National Recreation and Park Association's Service Award for outstanding contributions to the field of recreation and park management. The award was presented posthumously to Toohey for his dedication to the Scarsdale Recreation Department and his many years of service to the Village of Scarsdale.

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The Trustees, in their suggestion to change a 20-year-old tradition, are undoubtedly concerned about the establishment clause of the First Amendment. They have unfortunately de-emphasized the “free exercise” clause of that same amendment.

There are well established precedents in American life for the Scarsdale creche arrangement. Contemporary instances of cooperation between church and state to insure “free exercise” of religious freedom range from the payment of religious military, hospital, and prison chaplains with government money to the provision of Kosher food to the imprisoned Meir Kahane and the installation of Sabbath elevators in government financed public housing projects. These arrangements represent cooperation between church and state, compromises between the “establishment” and “free exercise” clauses of the First Amendment. On the other hand, doctrinaire absolutism regarding the “establishment” clause could be destructive of appropriate recognition of the “free exercise” clause.

Other longstanding and judicially accepted instances of church-state cooperation come to mind: “In God We Trust” on our coins; a Post Office Madonna stamp at Christmas; tax exemption for property in use for religious purposes; the use of federally controlled air waves for religious broadcasting; policemen stationed within churches and synagogues on days of special religious observance; the creche on the White House lawn.

If the Trustees’ recommendation to the Creche Committee were rigorously applied to all areas of American life we would have a terminus most, if not all, of the above mentioned forms of cooperation between church and state. We would then have a society unduly restrictive of religious freedom and unduly committed to a new principle excluding all forms of church-state cooperation in promoting freedom of religious expression. This would in effect make secular humanism the only “religion” with which the state could cooperate.

This would not be in the American tradition nor would it promote the inculcation of moral and spiritual values at a time when we need them so desperately. In this respect why not opt for more freedom and less homogenization?

REV. MSGR. EDWARD M. CONNORS
Pastor, Immaculate Heart of Mary Church

Letter To The Editor

For ‘Free Exercise’ Of Religion

To the Editor:

At the Village Board meeting of November 27 permission was granted for the Creche Committee to erect a creche at Boniface Circle during the Christmas season provided there be no public expense. The Trustees strongly recommended that the Creche Committee consider rotating the creche among various Village churches in future years.

As a Catholic priest who has been engaged for over 20 years in friendly and respectful Jewish-Christian dialogue I should like to comment on the Trustees’ recommendation.

The Trustees, in their suggestion to change a 20-year-old tradition, are undoubtedly concerned about the establishment clause of the First Amendment. They have unfortunately de-emphasized the “free exercise” clause of that same amendment.

There are well established precedents in American life for the Scarsdale creche arrangement. Contemporary instances of cooperation between church and state to insure “free exercise” of religious freedom range from the payment of religious military, hospital, and prison chaplains with government money to the provision of Kosher food to the imprisoned Meir Kahane and the installation of Sabbath elevators in government financed public housing projects. These arrangements represent cooperation between church and state, compromises between the “establishment” and “free exercise” clauses of the First Amendment. On the other hand, doctrinaire absolutism regarding the “establishment” clause could be destructive of appropriate recognition of the “free exercise” clause.

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REV. MSGR. EDWARD M. CONNORS
Pastor, Immaculate Heart of Mary Church
Act Of Magnanimity

The creche in Boniface Circle has been the subject in recent weeks of a series of unusually well reasoned letters to the editor, both for and against its display each Christmas season on public property. The debate over whether such public display is appropriate has been polite and dispassionate. This gives us confidence that the creche, which is in part a symbol of peace on earth and good will to men, will never be a source of division and intolerance in Scarsdale, as it has been in some places, including elsewhere in Westchester.

Yet we see the persistence of the debate as additional evidence of widespread unease in Scarsdale about the use of public land for display of a religious symbol. The Village Trustees recognized this feeling in giving their somewhat reluctant assent to the Scarsdale Creche Committee's request to be allowed to erect the creche in Boniface Circle. They, like some of the churches which used to be represented on the Creche Committee but no longer are, clearly would prefer that the committee not make the request next year.

No one knows for sure how the courts would rule on the constitutionality of the Scarsdale creche. (The suit filed a few years ago by the Civil Liberties Union was dismissed on a technicality.) Yet clearly there is some question whether its display on public land is consistent with the Constitutional principle of separation of church and state. The questionability of the Village even seeming to be promoting religion is particularly great here where so much of the population does not belong to the religion which the display of the creche can be considered to be promoting.

Yet, despite our misgivings about the creche at Boniface Circle, we support the Village Board's decision to permit its display. After more than 20 years, it would be clearly more offensive suddenly to bar it than to permit it again.

Instead, we agree with those Trustees and churches who hope that next year the Creche Committee will decide of its own accord to display the creche on some prominently located church property. (There are several that seem suitable.)

This would indeed be an act of rare magnanimity and sensitivity.

...And A Happy New Year

In keeping with the spirit of the new year and decade, the staff of The Inquirer dedicates the following "wish gifts" to some of the people who have been in the news during the past year:

- Village Board: poser scoopers
- Shelly Levine: a testatailing senior class.
- Peter Teller: a computer that schedules in thirds and halves and day sizes.
- Audrey Hochberg: solid waste transfer station in Yonkers.
- Jack Kaminer: more Revelations and Graveses.
- Incidents: girls' basketball uniforms.
- The Village staff: parking meters in the Village Hall parking lot, and Alice's twin sister to reunite.
Letters To The Editor

'One Right Too Many

To The Editor:

This nation is not a religious one, but it is primarily a country of religious people. The attitudes and traditions of Americans have prompted legislation which affects religious, religious institutions, and non-denominational schools.

Separation of Church and State is a matter of degree rather than an absolute.

Even that great civil libertarian, Mr. Justice Douglas, in a decision upholding the right of public schools to adjust their schedules to accommodate outside religious instruction, argued that separation of Church and State does not mean that public institutions can make no adjustments to accommodate the religious needs of the people. "We cannot read into the Bill of Rights such a philosophy of hostility to religion.%

But to oppose the use of public property for a religious display is not to take the position that separation is an absolute. I would argue that such accommodation by our local public institution, the Village Board of Trustees, is in accordance with the spirit of the Bill of Rights such a philosophy of hostility to religion.%

Irving J. Sloan
Mr. Sloan teaches social studies at Scarsdale Junior High School.
Confusion Created?

To the Editor:
Your editorial on magnanimity appears to be an insensitive attempt to create confusion where there should be none.

You have missed the whole point of having the creche on public property in Scarsdale. Through the ages many of our families have been subjected to the fiercest forms of bigotry and persecution. It is for this reason that we treasure the traditions of America. This is why the people of Scarsdale look with pride upon the displays of religious symbols on public property.

These displays are not cause for unease. They are not threats to freedom. They are evidence that we are still one nation under God with Liberty and Justice for all.

JOSEPH J. GUSMANO
3 Hanfling Road

Commuter's Dilemma

To the Editor:

From the diary of a commuter:

"Never expect time at the station: The bus will have left, the train will be late, the train will be late, the train will be late."
trip

A teacher has been
institute for
Greenwich,
a group of
members of
England, a
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Notice

New York
law.

Convenience of
contractors,
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Apt. 4F

10th Street

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Creche suit

Although there will apparently be no
suit filed this year against the village for
permitting the creche to be displayed in
Boniface Circle, it is still possible that
the legal situation will be different next
year, if the Creche Committee renews
its annual request. Former Federal
Judge Marvin Frankel told The In
quirer Wednesday that he and several
other Larchmont residents plan to sue
that village's board if it approves a re-
quest next Monday for display of a
creche on public land.

According to Frankel, a partner in the
Manhattan law firm of Proskauer, Rose,
Goetz & Mendelsohn, the display of the
creche on public property which was
approved by Larchmont last year, viol-
ates the establishment of religion clause
of the First Amendment and the due
process clause of the Fourteenth
Amendment. The case will be brought in
Federal District Court, despite its ruling
in the 1976 Rubin suit against Scarsdale.

Subsequent Federal decisions make it
clear that this is the proper jurisdiction,
Frankel said.

No requests
Trustees okay Creche, 4-3

By the closest margin ever, the Village Board Tuesday night approved the annual request of the Scarsdale Creche Committee to place a creche, or sculpted Nativity scene, in Village-owned Boniface Circle during the Christmas season.

The four to three vote in favor of approving the request "demonstrates the difficulty all the members of the board have with this issue," said Mayor Grady Jensen, after voting with the majority.

In approving the placement of the creche, the Trustees voted with the expectation that Leonard Rubin, a local resident, would file suit against the Village, as he did four years ago, charging that the display of a religious symbol on public property violates the First Amendment prohibition of government establishment of religion. However, Rubin told The Inquirer after the meeting, that because of his pressing work schedule, he does not intend to sue this year. His earlier suit was dismissed by Federal District Court on grounds that the case belonged in state, not Federal Court, a ruling Rubin disagrees with.

Advised by Village Attorney John Holden that existing legal precedents seem to uphold the legality of religious displays on public property, so long as the municipality takes no part in it and incurs no expense, the Trustees were less concerned about the legal question than about the human relations aspect.

"Aware of opposition"

In his presentation prior to moving that the Creche Committee's request be approved, Trustee Joseph Ullman stated that the board is "scarcely aware that there is opposition... on grounds of offense to citizens of other (non-Christian) faiths."

Ullman cited efforts by the Advisory Council on Human Relations to persuade the Creche Committee, which this year represents six local churches, to display the creche on church property.

Scarsdale Congregational and Hitchcock Presbyterian Church, which withdrew from the committee a few years ago, offered the use of their properties. However the Creche Committee turned the offers down on grounds that it wants the display to be placed downtown. The Human Relations Council's efforts to find a private site downtown for the display were unsuccessful.

Ullman reported also that the Human Relations Council, whose members are approximately evenly divided between Christians and Jews, concluded, in the absence of an agreement on another location, that the request to use Boniface Circle should be granted on grounds that "it is less divisive to good community relations to allow this long-standing tradition to be maintained than to deny permission."

The council's unanimous recommendation was an important factor in the Village Board's vote. "We have a superb Human Relations Council," said Trustee Betty Brown. "I see no reason to discount their judgment."

The three Trustees opposing the request referred to the council report as well, but they cited its statement that "all members of the council feel that the Creche would be placed more appropriately on non-public property."

Trustee Jean Stone, who voted to approve the Creche Committee's request in past years but against this year, cited the committee's rejection of the "reasonable suggestion" that the display be placed on church ground.

Trustee Seymour Sims said that for many years the thousands of non-Christian residents have been "good neighbors" in accepting this religious display on public land. But, said Sims, "The Golden Rule works both ways. Perhaps it's time for the thousands of Christians to take their turn being good neighbors."

Trustee Beatrice Underweiser, in val-

(Continued on Page 18)
Creche approved (Continued from Page 1)

The request for the display of a creche was not approved at last week's Village Board meeting. Mayor Jim Jensen, following the lead of the town's aldermen and the county board of supervisors of an upstate New York's county, disapproved of an appeal from the Scarsdale Creche Committee, a private organization, to display a creche on Boniface Circle.

Weather permitting, the creche will be set up on December 17 and taken down shortly after New Year's Day.

In other business, the Village Board reappointed the 27 members of the Scarsdale Auxiliary Police. Trustee Jackson Browning joined Mayor Jensen and Trustees Brown and Ullman in voting yes.

Patricia Curran, chairman of the Creche Committee and one of three village residents on the seven-member group, said that the committee is not trying to make a point in asking for use of Boniface Circle, instead of using church property. She said that the centrality of the location makes it preferable to any of the church properties proposed.

Under the terms of the Village Board's approval, the committee will display a sign next to the creche saying that the display has been "erected and maintained solely by the Scarsdale Creche Committee, a private organization."

School Board (Continued from Page 1)

School teachers: Nancy Krim, English, as of January 2, 1981, and George Landman, health, as of January 28. Also approved were the change from substitute to probationary status of Lynne Fisher at High School and Junior High School and an addition of time, from 2 to 7 days, for Greenacres School teachers. Nancy Krim, English, as of January 2, 1981, and George Landman, health, as of January 28. Also approved were the change from substitute to probationary status of Lynne Fisher at High School and Junior High School and an addition of time, from 2 to 7 days, for Greenacres School teachers.
Painful decision to make

The annual request of the Creche Committee for use of Boniface Circle is becoming more difficult each year for the Village Board to handle. Whichever way the Trustees vote on the request, they fear that their decision will offend many residents.

The problem with displaying the creche on public property is not that many Jewish residents are offended by the sight of a Christian symbol, any more than most Christians are offended by a menorah or a Star of David. What is disturbing to many people of both faiths is that in permitting the creche on village land, the government seems to be promoting a particular religion — one to which a significant percentage of Scarsdale residents do not belong.

However, if the Trustees turn down the Creche Committee's request, they risk creating the impression that they are voting against Christmas or Christianity. That, too, is a position that the board does not want to seem to be taking.

On balance, we think that the Village Board's decision to grant the Creche Committee's request was the wiser course from a human relations standpoint. After 25 years of permitting the display of the creche, reversing its position would be more jarring than continuing past practice. But, like the Trustees, we hope that they will not be asked to make a decision again next year.

We do not doubt that the intention of the Creche Committee is to share the spirit of Christmas, peace and good will to men, with as many people in Scarsdale as they can.

That is a fine intention. But we agree with the Advisory Council on Human Relations that persisting in requesting Boniface Circle for the creche, when it is abundantly clear that many residents are uncomfortable with this display on public property, is not the most effective way to communicate the joyous message of Christmas.
On perinatal services

To the Editor:

I have read your article on neonatal medical care which was published in the New York Times.

The article discussed the establishment of neonatal intensive care units in hospitals throughout the United States, with a focus on the Westchester County Medical Center, which has been mentioned as a leader in this field.

I would like to express my support for these efforts, as I believe that perinatal services are crucial for the health and well-being of newborns and their families.

I also appreciate the emphasis placed on the importance of education and training for healthcare providers in this field.

Thank you for bringing attention to this important issue.

Sincerely,
[Your Name]
Board denies request for creche display

By RONALD KIERNAN

This Christmas, for the first time in more than 20 years, there will be no creche display at the Guarini School, according to Village Clerk John G. Blasi.

"The Village Board made its decision to ban the creche display," Blasi said. "The Village Board has denied requests for creche displays in the past, but this is the first time in over 20 years that a request has been denied."
that "we should be able to live together and understand that we practice different religions."

In a letter to the board, Peter Strauss, who is a member of the Human Relations Council, went along with the council's recommendation that the board approve the creche this year. But he urged that the Creche Committee be told that next year it will have to find a private site. Strauss charged that the committee had made no effort to find an alternative site, even though the advisory council had urged it to do so.

Tooley invited to government forum

Village Manager Lowell J. Tooley will participate in a National Municipal League forum on "State and Local Response to a New Federalism" at the 87th National Conference on Government, sponsored by the Citizens Forum on Self
On the creche decision

In past years, this paper has taken a position regarding the creche question very similar to that adopted this year and last by the Advisory Council on Human Relations. That is, we agreed with the advisory council that municipal property is not an appropriate place for a religious display; that, whether legal or not, use of Boniface Circle for the creche display is inconsistent with the spirit of the Constitution's injunction against government establishment of religion.

We also expressed reservations about the government of Scarsdale seeming to promote a religion, especially one that is not that of a large percentage of the village's residents.

And, like the advisory council, we urged the Creche Committee to demonstrate sensitivity to the feelings of many in the community by selecting a non-public site to display the creche, lest this symbol of peace on earth and good will to men become an object of strife.

Yet with all our doubts about the display of the creche in Boniface Circle, we reluctantly concluded, as did the advisory council, that as long as the Creche Committee continued to request the use of Boniface Circle, that in the interests of community relations, the Village Board should grant its request.

However, this year, in reconsidering the creche issue, we think that our conclusion about the community relations aspect of the question was mistaken. For underlying that conclusion there seems to be an assumption that those who believe that the creche does belong in Boniface Circle will be less tolerant, more likely to react badly to that site being denied than those who feel the opposite. But for many years have been able to live with the village's past policy of permitting display of the creche in Boniface Circle.

But is that assumption fair? After the initial shock of the Village Board's reversal of its position has passed, why expect those who disagree with the board's new position not to be equally tolerant? Certainly, people may write letters to the editor taking issue with the Trustees and they may attempt to persuade the board to change its mind next year. There is no reason why they shouldn't.

But what we don't think will happen — certainly we hope won't happen — is that those who disagree with what the board has done this year will turn against their neighbors who feel differently and cause the creche question to divide Scarsdale.

Why not another site?
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But what we don't think will happen — certainly we hope won't happen — is that those who disagree with what the board has done this year will turn against their neighbors who feel differently and cause the creche question to divide Scarsdale.

Why not another site?

Now that the Village Board has ruled out Boniface Circle for display of the creche, we hope that the Creche Committee will reconsider its position against using an alternative, non-public site.

We understand that no available location provides quite the visibility of Boniface Circle. But surely displaying the Nativity scene on the lawn of, say, Scarsdale Community Baptist Church or Scarsdale Congregational Church, will do far more to spread the Christmas spirit through the community than keeping it in storage this year.

Dr. Gottesman

(Continued from Page 1)

the Albert Einstein College of Medicine from 1966 to 1976.

Dr. Gottesman was a member of the Westchester County Medical Society, the American Psychiatric Association, the New York Psychoanalytic Society and the Westchester Psychoanalytic Society.

He is survived by his wife, Mauritete; three children, Eric, 18, Melissa, 16, and Peter, 10; his parents, Dr. Irving and Dr. Josephine Gottesman of New York City; and a sister, Lillian Raef, of Tenafly, New Jersey.

A private funeral service will be held on Friday, November 13.

Dr. Gottesman's death is the first pedestrian fatality in Scarsdale in 17 years.
New program seeks to address tree death crisis

By LINDA LEAVITT


**Sanitation law**

A public meeting will be held Tuesday, Nov. 17, at 7 p.m., in the Village Hall, to discuss a proposed sanitation law.

**Cracks in the Village**

In a report released last week, the Village Board (V.B.) announced that cracks have been discovered in the Village Hall.

**(SUN., NOV. 15)**

**SPORTSWORLD: Live coverage**

12:30-7 NBC, (11:30 AM-7 PM), NFL: Regional telecasts starting at 1 PM.

**1PM NYT: Baltimore at Philadelphia, Buffalo at St. Louis, Denver at Tampa Bay, N.Y. Jets at New England, Oakland at Miami, Pittsburgh at St. Louis.**

**2PM NYT: Houston at Kansas City, New England at Cleveland at San Francisco.**

**MON., NOV. 16**

**2PM NYT: Houston at Kansas City, New England at Cleveland at San Francisco.**

**9-11:45PM ABC: (8 Central/Mountain) Monday Night Football, Detroit at Los Angeles Rams.**

**SUN., NOV. 16**

**12:30-7 NBC, (11:30 AM-7 PM), NFL: Regional telecasts starting at 1 PM.**

**1PM NYT: Pittsburgh at Cleveland, Denver at Cincinnati, Miami at New York Jets, New England at Buffalo.**

**2PM NYT: Seattle at Kansas City, 4PM NYT: San Diego at Oakland.**

**12:30-1PM ABC, (11:30 AM-1 PM), College Football '81, World Series highlights, of key contests from weekend's College Football schedule.**

**MON., NOV. 17**

**9-11:45PM ABC: (8 Central/Mountain) Monday Night Football, Detroit at Los Angeles Rams.**

**12:30-7 NBC, (11:30 AM-7 PM), NFL: Regional telecasts starting at 1 PM.**

**9-11:45PM ABC: (8 Central/Mountain) Monday Night Football, Detroit at Los Angeles Rams.**

**SUN., NOV. 22**

**12:30-7 NBC, (11:30 AM-7 PM), NFL: Regional telecasts starting at 1 PM.**

**1PM NYT: Pittsburgh at Cleveland, Denver at Cincinnati, Miami at New York Jets, New England at Buffalo.**

**2PM NYT: Seattle at Kansas City, 4PM NYT: San Diego at Oakland.**

**12:30-1PM ABC, (11:30 AM-1 PM), College Football '81, World Series highlights, of key contests from weekend's College Football schedule.**

**MON., NOV. 23**

**9-11:45PM ABC: (8 Central/Mountain) Monday Night Football, Miami at New England.**

**Library, Man & Music**

The image shows a page from a newspaper article discussing a new program seeking to address the tree death crisis in the Village. It includes details about upcoming sports events and a mention of a public meeting regarding a sanitation law. The text is written in English and is a snapshot of a historical article from a local newsletter. No diagrams or tables are present in the document.
LETTERS

To the Editor,

There is a growing concern about the display of nativity scenes in public places. While they are often placed in churches or private homes, the question arises when they are displayed in public spaces like city halls or government buildings. Many religious leaders and community members believe that such displays are a form of religious expression and should be allowed. However, there are concerns about the potential for conflict and divisiveness.

Some argue that these displays are an expression of religious freedom and should be protected. Others, however, believe that they are a distraction from the more important issue of non-religious holiday displays like trees and lights. The debate continues to rage, with both sides holding strong opinions.

What do you think? Should public spaces be allowed to display nativity scenes, or should they be restricted to private spaces like churches and homes? Let us know your thoughts.

Sincerely,

[Your Name]

Editor's reply

The matter of Christmas season display is a complex issue that involves both religious expression and public space usage. It is important to consider the perspective of all parties involved, including those who support the display and those who oppose it. The Village Board of Trustees has a duty to make decisions that are in the best interest of the community as a whole.

In the village of Scarsdale, the Creche Committee has been responsible for the display of nativity scenes for many years. However, the Village Board of Trustees has chosen to ban the display of nativity scenes in public spaces. This decision was made after careful consideration of the matter and input from the community.

Some members of the community have expressed concern about the decision, while others have supported it. It is important to remember that this is a decision made by elected officials who are responsible for the well-being of the community.

What do you think about the ban on nativity scene displays in public spaces? Let us know your thoughts.

Sincerely,

[Your Name]
that春天 is different from the rest of the season. Just as truly religious person sees another religion or religious expression of another type, the idea of a purely religious person is another type that a religious person can see. In fact, the majority of religious people recognize the benefits of a free society that allows for the freedom of mind and public expression of religious beliefs.

In light of this, it mystifies me that the Village Trustees have made the decision to remove the right of our community to exercise our religious freedom by putting the creche in its traditional place at Boniface Circle. I have been a teacher at the Junior High School for over 15 years, and I have always been an active participant in any contact that I have with the young people of this community. I teach them tolerance for others. I just don’t understand the Village Trustees’ decision to remove the creche from Boniface Circle.

The Turner United Village of Scarsdale should spend more time giving the credit to the creche in its traditional place at Boniface Circle. I have been a teacher at the Junior High School for over 15 years, and I have always been an active participant in any contact that I have with the young people of this community. I teach them tolerance for others. I just don’t understand the Village Trustees’ decision to remove the creche from Boniface Circle.

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To the Editor:

We write to express our support for the difficult decision of the Village Board and Mayor Stone to deny the Creche Committee's request to place a creche on village property again this year.

It would have been easy for the Mayor and the board to have adopted the recommendation of the Advisory Council on Human Relations to grant the Creche Committee's request, but this would have perpetuated the issue of the creche for yet another year.

We believe this community has been better served by laying the matter to rest once and for all.

We hope that all citizens of good will will join together without bitterness in accepting the board's decision.

PLO and WARREN SINSHEIMER
22 Murray Hill Road

OPINION

The Personal Banking Way...

Irving Bank
Corporation
to the editor: I am writing in response to the Village Board's decision to remove the creche from Boniface Circle this year. As a long-time resident of Scarsdale, I believe that this decision is a mistake for several reasons.

First, the creche has been a tradition in Boniface Circle for many years, and it is an important part of our community's heritage. It is a way for families to come together and celebrate the holiday season.

Second, the creche is a symbol of religious freedom and tolerance. It represents the idea that people of different faiths can come together and share in the spirit of Christmas.

Finally, the creche is a source of joy for our community. It brings people together and creates a sense of community and belonging.

I urge the Village Board to reconsider their decision and find a way to keep the creche in Boniface Circle for future years.

Sincerely,
[Your Name]
Site agreed on for creche display

The creche will be seen in downtown Scarsdale again this Christmas after all. A resolution to the controversy over display of the wood-carving of the Nativity was reached during Monday night when the Scarsdale Creche Committee accepted an offer from Ronald Durning owner of the Frog Prince Proper restaurant, to set it up on his property, which is across Chase Road from Boniface Circle where the creche has been displayed every Christmas since 1957.

At its November 10 meeting, the Village Board had voted, four to three, to deny the Creche Committee's request to use Boniface Circle this year on grounds that public property is not the proper site for a religious display.

In a statement issued after its Monday night meeting, the Creche Committee, which represents eight local churches, thanked "the overwhelming number of residents who publicly expressed their dismay at not being able to view the creche at Boniface Circle this year, and then went on to welcome Ronald Durning's offer to use his property."

The Committee's statement also noted that the Frog Prince property might not be available in the future and it called on the Village Board "to make Boniface Circle, the traditional home for the creche, available in the future as it has been done for the past 24 years."

Durning's property is up for sale, following the closing of the French restaurant on November 15 after about two years in operation. A spokesman for Durning, who was out of town, said that the Frog Prince closed for lack of sufficient business.

The Creche Committee's acceptance of Durning's offer of a substitute site for the creche seemed to defuse the controversy that the board's decision on Boniface Circle had aroused.

This Tuesday night's meeting of the Village Board, the first since it had voted not to permit the creche display, was peaceful, to the obvious relief of many residents. Mayor Jean Stone and Trustees. Mayor Stone announced that the beginning of the oral communications portion of the meeting that the village had received many letters and calls, plus seven petitions bearing the names of about 700 people objecting to the board's decision. However, after Patricia Curran, chairwoman of the Creche Committee, read her statement, only two people spoke in criticism of the board.

One of these, Kevin Healey, asked whether, in view of the barring of the creche from public property, the village would allow the Town Club Carol Sing a Village Hall, or the decoration of a Christmas tree in Davis Park. When assured by the Mayor that these holiday celebrations would go on as usual, Healey charged the village with following "a double standard."

Also at the meeting were several Scarsdale clergymen who had met last Friday at Hitchcock Church to discuss the creche issue and the feelings it has aroused in their congregations.

After the meeting, Mayor Stone and members of the local clergy said they were pleased with how calmly the creche issue seemed to have been resolved.

Village to buy lot downtown

The Village Board Tuesday night authorized Village Manager Lowell Tooley to sign an agreement for the purchase of a 19,200-square foot vacant lot adjacent to the Freightway parking garage. A direct entrance to the lot property and adding a gravel or blacktop surface. Tooley estimated that it could be made ready for parking by this spring. A direct entrance to the lot
Safety zone not safe

To the Editor:

I have just been ordered by a school principal to cross the street. I noticed a change in the overhead swinging traffic light. Whereas it used to be that one side was red while the other side was green, it changed so that a pedestrian crossing in a north-south direction was not in agreement with the color of the pedestrian light, as there were two flashing lights, one red, the other yellow.

May I suggest that this is not necessarily a successful alternative, and that normal traffic signals should be considered as a healthy solution.

Before anyone gives consideration to my idea, may I also suggest that instead of crossing the street between 5 and 6 p.m., any weekday or driving or her car in an east-west direction before 11 a.m. if you really have time to spare, may I further suggest you try crossing a few times a day, standing in the safety zone. I have children. They are taught to cross the street. They think that the words "safety zone" indicate that one is safe. It just isn't.

MARCELA KESSELMAN,
Overhill Association Safety Committee

Monsignor's message

In the weekly parish bulletin on Sunday, November 22, our pastor, Monsignor Edward Connors, wrote the following editorial. We feel this statement is well worth reading:

"Over the past six years I have worked closely with the Creche Committee of some of our local churches. I am convinced that the real issue of freedom of religious expression is a pluralistic society. There are many substantial examples of cooperation between church and state including religious displays on public property that are legally sanctioned and upheld by our courts.

It is arbitrary and totalitarian for an agency of government to tell private citizens in detail how they must exercise freedom of religious expression. It is unreasonable for the Scarsdale Village Board to eliminate a 23-year-old tradition without offering better reasons for their decision than the unwillingness of the Creche Committee to accept an unsatisfactory alternate plan.

We need to express our convictions in a civil and dignified way. It would be unfortunate if we allowed the image of Prince of Peace to blind us to the requirements of the gospel that we live in peace and understanding with our neighbors.

It is certainly not too late for the Village Board at its coming December meeting to reverse its bad and unpopular decision.

E.F. KEATING
21 Tinsdale Road

Thanks to the volunteers

To the Editor:

Thanks to all the volunteers who did a wonderful job helping with the positive health profile for our fourth and fifth graders involved in the "Know Your Body" health education program. The school nurses in each of the elementary schools were instrumental in getting the team together. There was a shortage, the Scarsdale Volunteer Ambulance Corps, under the direction of Leslie Weiskopf, helped fill in the gaps.

Again, thanks to: Mrs. Richard Adelaar, Mrs. Mary Miller, Mrs. Gary Pokol, Mrs. Ernst Smith, Mrs. Richard Fordham, Mrs. Harold Rubin, Mrs. William Blumstein, Mrs. Joni Lynch, Mrs. Robert Vermees, Mrs. Arnold Gasson, Mrs. Gregory De Sousa, Mrs. Neri Merlina, Mrs. Howard Weisberg, Mrs. Walter Delphy, Mrs. Andrew Dave, Mrs. Michael Stern, Mrs. Barry Mendelson, Mrs. Veda Kikkawa, Mrs. Jane Boyle, Mrs. Michael Smith, Mrs. Michael Good, Mrs. Louis Rubino, Mrs. Arthur Unger, Mrs. Robert Turnberg, Mrs. Frank Cicero, Mrs. Robert Bailey and Mrs. John Whelan.

PEG KULICK
Nurse-Teacher

Religious freedom

To the Editor:

In our zeal for freedom of religious expression let us beware of the Hari Krishna, Moonies and the late Jones Town cults who would use public land to display their symbols and thereby infringe on the right to religious freedom.

Religion and its symbols are personal pursuits and the use of public land to display these symbols is inherently dangerous and may have a reverse effect in its desire to promote the idea of peace (a theory explained by many letter writers in favor of the creche on public land). Our ancestors did come to these shores to escape religious persecution and sought freedom to practice their own religion without persecution. Our country has lived up to its expectations. Houses of worship, group meetings and a man's home are appropriate and practical places to worship one's religion and for the setting up of symbols denoting one's faith. Public land for this purpose, if it offends but one, is not.

LINDA SPITZER
5 Coralyn Road
Scouts

Community Baptist Church for reserving Fellowship Hall for our use at a time when we were in need. We also thank the Scarsdale merchants and the personal friends who have contributed to the purchase of our property.
A new home

Sculpture exhibit at Hudson Museum

A new show is now on exhibit at the Hudson River Museum. It is called "The New Home," and it features a series of sculptures created by local artists. The exhibit is open daily from 10am to 5pm, and admission is free.

The creche was set up in its new location in front of the Frog Prince Proper last week. Above: Chris DeLuca, right, assisted by his son, David, assists.

The creche is a traditional Christmas decoration, and it is a popular attraction in the Hudson Valley. The creche was first displayed in the museum's courtyard in 1979, and it has been a part of the museum's holiday tradition ever since.

The creche was moved to its new location in front of the Frog Prince Proper last week, and it is now on display for visitors to enjoy. The exhibit is open daily from 10am to 5pm, and admission is free.

The creche features a series of sculptures created by local artists, and it is a popular attraction in the Hudson Valley. The creche was first displayed in the museum's courtyard in 1979, and it has been a part of the museum's holiday tradition ever since.

For more information, visit the Hudson River Museum website at www.hudsonrivermuseum.org or call 845-203-3600.
The creche was back in its traditional spot in Boniface Circle for a few hours, early Tuesday morning after persons unknown carried the heavy wood-carved Nativity scene from the site of the former Frog Prince Proper restaurant, where it had been placed this year after the Village Board, for the first time, barred the religious display from public property. Looking at the minor damage suffered in the unauthorized move is Patricia Curran, chairman of the Scarsdale Creche Committee. Rather than putting it back on the private property, made available for the creche by Ronald Durning, and running the risk that it would be moved again, the Creche Committee promptly dismantled the creche and put it away until next year.

Suzanne Sheehy photo.
Heritage Plaza seen as creche solution

Mayor Jean Stone and the Scarsdale Creche Committee have agreed on a plan that would permit the display of the creche every Christmas in a way that Mayor Stone hopes will be acceptable to people who oppose its placement on public property.

The proposed solution is the transfer of a small piece of village-owned land in Chase Road Park to private ownership, on condition that the site, known as Heritage Plaza, be used for displays observing major national and religious holidays.

When the Village Board voted, four to three, last Christmas to allow the use of village-owned Boniface Circle for the display of the wood-carved Nativity scene, the decision, which reversed village policy of the past 25 years, created a bitter and divisive controversy in Scarsdale that has still not completely subsided. Ever since casting the final and deciding vote against the use of public property for a religious display, Mayor Stone has been seeking a lasting solution that will permit the creche to be displayed in a highly visible place downtown and reflect the traditional principal of separation of church and state.

While the Mayor and the Creche Committee, whose request to use Boniface Circle was turned down in 1983, are in agreement on the plan, it faces numerous legal hurdles.

The first problem is getting enabling legislation passed in Albany. Because Chase Road Park is public park land, any change in use or ownership requires an act by the State Legislature.

The Mayor had hoped that the Village Board would pass a resolution May 23 calling for state legislative action. However, the vote had to be continued at least until May 23 because the separate battle lines were drawn in the Assembly and Senate are not identical and must be made as if the Trustees approve the resolution, it is uncertain whether there is enough time left in the state legislative session for action to be taken this year.

If the state passes the proposed plan (Continued on Page 13).

PT Council panel on curriculum

The last PT Council program of the year, to be held in the Heathcote School Meeting Room on Wednesday, May 26, will be entitled Curriculum Design, Planning and Improvisation.

Featured on the panel will be Richard Sorace, Assistant Superintendent for Business Services; Dr. Robert P. Curran, Assistant Principal of the Scarsdale High School; and Paul Feiner, Assistant Principal of the Scarsdale High School.
Heritage Plaza

(Continued from Page 1)

missive legislation, which would enable but not require the establishment of Heritage Plaza, the plan will then face the test of public sentiment. According to the Mayor, a hearing will be held to see if the plan has the public acceptance that "would make it viable."

Then, if the Trustees feel that there is public acceptance of the idea, it will be up to the Scarsdale Foundation, the non-profit public service organization that would own and administer the use of Heritage Plaza, to decide if it is willing to play that role.

Carol Stix, president of the Scarsdale Foundation, said that if the plan "appears to be a satisfactory solution to a community problem, I think the trustees (of the foundation) will go along with it."

In advocating the measure, Mrs. Stone acknowledged that it is not "perfect or without some problems." But, she added, it is "a constructive, positive and forward-thinking proposal," especially considering the alternative, which she believes is continuing controversy each year when the Village Board either approves or turn down the Creche Committee's application to use Bonsiface Circle.

With the Scarsdale Foundation or another such organization holding the title, not only would the creche no longer be on public land, but the decision on which patriotic or religious displays could be put on the property would be the responsibility of the organization, not the government.

Patricia Curran, chairman of the Creche Committee, called the plan "a very agreeable solution" and she said that she has not heard any adverse reaction from the churches which are represented on the committee. Mrs. Curran pointed out that Heritage Plaza "is not just for the display of the creche. It's for a lot of other displays as well. I think that's a plus."

Criticism of the plan was voiced at this week's Village Board meeting by Leonard Rubin of Scarsdale, an attorney and a director of the New York Civil Liberties Union. Rubin sued the village several years ago, contending that display of the creche on public land is unconstitutional. The case was dismissed when the court ruled that it had been filed in the wrong court.

Rubin told the board this week that "It is not the part of government to provide land for religions to practice their religion on. That's precisely what you're trying to do, trying to slide around (the First Amendment) by some kind of compromise."

Although in describing the Heritage Plaza plan Tuesday night, Mrs. Stone did not mention the creche, when asked by Rubin whether the idea had been raised if it had not been for the creche, she said, "The creche is certainly part of it. "We're trying to find an acceptable compromise to a community problem," she added.

Trustee William Glendon, also an attorney, disputed Rubin's contention that the First Amendment prohibition of the establishment of religion makes the use of public land for religious display unconstitutional. "Traditionally parks have been used for religious purposes for two or three centuries," Glendon stated.

Rubin told the board that the Civil Liberties Union is already opposing the state legislation to permit the creation of Heritage Plaza. To this, Mrs. Stone, said, "I'm a member of the Civil Liberties Union and that's news to me."

If Heritage Plaza is created, it will be in the part of Chase Road Park along Chase Road and close to the former Frog Prince Proper restaurant. Although the creche had traditionally been displayed in Bonsiface Circle, that property has a deed calling for it to be returned to its previous ownership, the Scarsdale Improvement Corporation, if its use is changed. Since this restriction could create an additional legal complication, Chase Road Park was selected as a more practical site.

LETTER

'Natural History'

To the Editor:

I'm writing to report a problem with the "Natural History" section of "Our Scarsdale." The articles have been so interesting that I've been looking forward to them each week. However, this week's article was not up to the usual standard. The author mentioned the history of the creche on public land, but didn't provide enough context. I felt like I was missing important information.

In my opinion, the "Natural History" section should focus on providing a broad overview of the topic, followed by more in-depth analysis. The current article didn't achieve this balance. It would be helpful to have more background information to provide a clearer understanding of the issue.

I hope that the "Natural History" section can improve in the future, and that the author can provide more context in the future. If you agree, please let the editor know.

Sincerely,

[Your Name]
Against Heritage Plaza

The following letter to the Mayor is published at the writer's request.

Dear Mayor Stone:

I wish to express my displeasure at the proposed Heritage Plaza to be carved out of Chase Road Park. I find it unacceptable that the Village government is directly involved in the proposed redistribution of public lands for private purposes – specifically, in this instance, religious purposes violating the Constitutional principle of church and state.

While I recognize your interest in trying to solve, once and for all, the creche crisis, this is not the proper solution.

Creating a tradition of moving the creche each year from church to church within Scarsdale would be a more appropriate solution; one that would add to the sense of community participation at the Christmas season.

Marilynne Herbert
88 Walworth Avenue

Anti-Bottle Bill position

To the Editor:

Residents were not well served on May 18 when the Village Board endorsed the New York State Anti-Bottle Bill. Residents, and at a result, will attract the majority of use of beverage containers. Absent beverage containers, the privately-owned, profit-making recycling centers are not likely to be successful.

Marc Schiller
2 Obry Drive
‘No solution at all’

To the Editor:

The suggestion of a Heritage Plaza for "national and religious displays" is an all-too-easy attempt to solve a perceived "community problem" which is, or should be, non-existent. If anything, it compounds the situation, for the Trustees and the Creche Committee now propose to achieve by indirectness what they cannot do directly, primarily for the benefit of one religious group in the village. In reality, it is no solution at all, for it is born of the same seeds which now presumably cause disension: the display of religious symbols on public property.

The Board of Trustees made the proper decision when it denied the application of the Committee to erect a creche on Boniface Circle last winter. Religious symbols should remain on religious property. Therefore there is no reason for the Committee to return again and again for permission to use public lands. I cannot in good conscience support a measure which may be repugnant to the religious principles of other segments in our community.

As for "national displays," there is nothing which prevents the use of Chase Road Park or Boniface Circle for such purposes.

I find a peculiar lack of understanding of what America is all about when it is inferred that our nation and any particular religion or church are irrevocably linked, hand in hand. That is precisely the situation which the founding fathers sought to avoid. We were, however, founded as a religious nation with a belief in the ethical principles which virtually all religions share in common.

We should all remember that each one of us carries the religion which our parents passed down to us. Had they been of other faiths, we would in all likelihood carry that faith to our graves. That there is more than one way in which to carry out our separate religious beliefs is evident from the rich diversity of the houses of worship in our community. It is the very essence of the principle of separation of church and state that our religion not be allowed to infringe on the rights and sensibilities of others.

As to Chase Road Park, I suggest that the Trustees carefully examine the tumultuous history of that property. A decade and a half ago, at the instigation of the then Village Trustees, a resolution was presented to and passed by the State Legislature to the effect that it be forever park land. The resolution was adopted for the very purpose of insulating the Trustees from the pressures which they now feel. The park should remain as it is and inviolate .... or may we also consider a parking lot.

CHARLES CUNNINGHAM
2 Obry Drive

Against Heritage Plaza

The following letter to the Mayor is published at the request of the executive staff.

Constitutional principle of church and state.
American or Russian) should have to live with the threat of nuclear weapons aimed at his country and his home. Now is the time we must all act. If the nations of this world are allowed to build the new generation of nuclear weapons (that are designed to fight and “win” a nuclear war), a nuclear holocaust would be all but inevitable. As was stated in Deuteronomy thousands of years ago:

Insensitivity charged

The following letter to the Mayor is published here at the writer’s request.

Dear Mayor Stone:

It is unfortunate that you appear to be insensitive to the constitutional issue inherent in the matter of displaying the creche, or any other religious artifact, on public property. The recent proposal to transfer public property to the Scarsdale Foundation, which would then permit the creche committee to utilize the land for their display, represents nothing more than an outrageous effort to circumvent the provisions of the Constitution. That Village Trustee, attorney William Glendon, cites the use of public parks for such displays is a pitiful response to the position taken by attorney Leonard Rubin and the ACLU. “Tradition” and law should not be confused.

The frenzied insistence upon displaying the creche on public property by some members of the community is a regrettable confrontation that is, at best, misguided. There is, in fact, no place for the display of religious artifacts, of whatever faith, on public property. Adequate locations have been offered the Creche Committee by several churches and that is where the display belongs.

Neither you, Mayor Stone, nor other members of the Village Board, should feel a need to mollify a group of individuals whose disregard for the rights and sensitivities of others is cloaked in seemingly admirable religious convictions. It is time to call a spade a spade. What is wrong doesn’t become right because it is carried out in the name of religion.

The wise men who framed the Constitution of The United States recognized that true religious freedom, including the right not to embrace any religion, could exist only by preserving the separation of church and state. This lesson should not be lightly regarded, even by the people of a small village in Westchester.

HOWARD GOLDIN, M.D.
LETTERS

'Ill-conceived plan'

To the Editor:

The road to hell is paved with good intentions. Given the best of intentions, the Village Board's proposal to carve out a niche for a creche from public parkland after first transferring title to a private foundation is to detract from the community's sensibility and sensitivity.

Of course the Village Trustees want to diffuse an explosive issue that tears the community asunder when before the Christmas season the local Creche Committee requests authorization to display on public property a private religious belief. A creche is, after all, no mere holiday adornment. Display of this symbol has and is intended to have the effect of awakening a sympathetic awareness of particular religious concepts and of intensifying a particular religious devotion.

First Amendment rights in the Constitution guarantees every religious group the right to pursue such objectives on its own tax-exempt property as well as on the property of individual members of the congregation. Government can and probably should and often does reach over the wall separating church and state to accommodate religious needs of the people. Thus it does provide police protection against intruders who violate religious services or displays.

Among almost countless other examples, government ceases public business on Christmas day, the holiest day of the year for adherents of one of the great faiths in America. Members of other faiths, as well as those of no faith, share the spirit of peace and personal respect which is the essence of law. But there is no reason in law why the written expression of the predominant religious belief of the people must be subjected to the religious representation of that spirit on public property. Providing for a public presence for a private religious belief need not call for governmental action.

To believe that an establishment of a "Heritage Plaza" under private jurisdiction would cloak credibility upon what is at best a political compromise and a constitutional breach, and what is at worst political pandering to an articulate and strong-willed community group, is to grossly underestimate the community's sensibility and sensitivity.

If, in fact, there are groups or individuals in Scarsdale who wish to realize and publicize their national or ethnic origins with a public display by putting on costumes and dancing, dramatizing their humble peasant or noble, royal ancestry, the public parks and school facilities are ready available for such spectacles. There are no constitutional issues to prevent people from making a spectacle of themselves.

However, a darker side to the implications of a private foundation holding a facility for public purposes. Once promoted as a public accommodation, and even such a private group can discriminate among those who will be permitted to exploit the facility. Comes along the KKK or the American Nazi Party making a display of their particular malevolent brand of heritage, they cannot be denied their right to make their pitch. Read Skokie. And if the Moonies, who have recently been held to be a legitimate religious group by New York State's highest court in a tax exemption case, want to dramatize their tenets, they too are entitled.

And so it goes, ad nauseum.

Clearly any or all of these dire predictions in the above scenario could surface without a Heritage Plaza plan. Public properties are always vulnerable to such applications. What the board's proposal does, however, is to plant seeds in the vision of evil and/or questionable organizations.

Again, and in conclusion, the Village Board's strategy is a scheme which oversteps government's proper function of responding to a constituency's call for action on an alleged need. The proposal itself is evidence enough that the board is uncertain and uncomfortable about the action demanded of it in this matter of a creche site. The board should abandon the plan, however well intentioned, because it was ill-conceived.

IRVING J. SLOAN

Local

To the Editor:

At this point, as the community knows that the Village Board has established its proposal, basically for some 50 homes, and some important facts concerning the proposal, one can make note of them.

What everyone is discussing, however, is whether to have these homes placed within the area of the group homes.

One of the Village Board's proposals is the group home. The group home is the same. CRCW (Community Residential Care without Walls) in Westchester is still planning to further establish group homes in the capacity of group homes to be.

Persons, Inc.

Milton H. Geller

(Denver, Colorado)

1,000 - 1,999

5,000 - 9,999

10,000 - above

Scarsdale's high density of population suggested many years ago that the group home might mean group homes in Scarsdale or group home sites around town. should be.

As we celebrate Christmas, we are aware of groups who seek to assist the mentally depressed.

Furthermore, we all know that there should be a balance of services. We know that for site selection there should be a consideration of the study, in its report, the "Community Needs," which states that Westchester is a little more crowded and needs more than 350 group homes in Scarsdale. The need for public service homes is the nature of groups who seek to assist the mentally depressed.

On joy of hosting AES study

On November 21, the AES program came to Scarsdale. I was very happy to have the AES program here. I was happy to have the AES program here. I was happy to have the AES program here. I was happy to have the AES program here.
He also expects that current economic conditions will turn around so that on average families moving in will be more like families who moved to Scarsdale in the 1970's - while the decline will be at 1200 to 1300. (It seems that eight years ago, enrollment was 1300 and has dropped to 1200. At Edgewood, the equivalent of Edgagate, about the same number, and four percent of the population. He does not plan to restrict redistricting. At Edgewood, Mrs. Gervitz warned against rumors that there was a local election. "The board has not made any discussion on closing the school," she said.

Assemblyman Gordon Burrows's office notified Mayor Jean Stone, the moving force behind the plan, that because of opposition from the Civil Liberties Union and other unspecified sources, the required home rule legislation was likely to be defeated in the Assembly and that, even if it did pass, there would be much debate and controversy and the bill would face the likelihood of a challenge in the courts.

Given that prognosis for the bill, which the Village Board voted on May 25 to ask the State Legislature to enact, Mayor Stone told Burrows' office not to push to have it introduced on the floor of the Assembly.

According to Cecile Singer, Burrows' chief of staff, Kenneth Shapiro, counsel to the Rules Committee, which had power over whether the Scarsdale bill went to the floor of the Assembly and that, even if it did pass, there would be much debate and controversy, and the bill would face the likelihood of a challenge in the courts.

Saying that she was disappointed, the Mayor added, "I thought this might be a solution the Village Board and the Creche Committee could agree on. But it became obvious that it just wasn't going to fly this year."

The thrust of the home rule bill would have been to permit Scarsdale to convey part of Chase Road Park to the Scarsdale Foundation. The piece of land, to be known as Heritage Plaza, would have been set aside for seasonal religious and patriotic displays, notably the creche.

(Continued on Page 13)
Heritage Plaza

restriction insuring that Heritage Plaza would remain park land accessible to the public.

All along the Mayor had emphasized that, even if the state passed legislation permitting the establishment of Heritage Plaza, it would not happen unless there was general public support. Also, the Scarsdale Foundation had not committed itself to accepting title to the land, if the Village Board should ask it to.

The failure of the State Legislature to pass the requested legislation puts the creche situation back where it was six months ago.

Mayor Stone said that she has no ideas for an alternative solution. Patricia Curran, chairman of the Creche Committee, said that the committee will probably meet in September to determine whether to ask for permission to use Boniface Circle.
Creche issue back again

What must be the Village Board’s least favorite Christmas tradition, the Scarsdale Creche controversy, arose again this week when the Scarsdale Creche Committee asked permission to display the Nativity scene on Village-owned Boniface Circle during the holiday season.

The trustees, whose decision last year to deny permission led to much bitterness and division in Scarsdale and beyond, postponed acting on the request until it has received a recommendation from the Advisory Council on Human Relations, which is scheduled to discuss the topic next Monday night.

If the Village decides to reverse its position of last year and allow the display of the creche, as it did for more than 20 years prior to 1981, it may face a lawsuit.

Leonard Rubin, a Scarsdale resident and secretary of the Westchester chapter of the Civil Liberties Union, said after this week’s board meeting, that the Civil Liberties Union is “contemplating another lawsuit if the Trustees approve it again.” In 1976, the organization did file a suit, but the case was dismissed on grounds that it had been brought in the wrong court. No decision was made on the merits of the case.

Recently, a federal appeals court ruled that it violated the Constitutional principle of separation of church and state for the city of Pawtucket, R.I. to erect a creche. However, Scarsdale officials pointed out that the Pawtucket case is not the same as here, where it is a private organization, the Scarsdale Creche Committee, that owns and erects the display.

Speaking at the Village Board meeting, Rubin told the Trustees, “It is no part of the business of government to provide a display place for a symbol of religion.” That is true, whatever the religion involved, Rubin said.

He also said that he assumed that the creche could again be displayed on the site of the former Frog Prince restaurant, a privately owned property across Chase Road from Boniface Circle, where the creche was displayed last year after the village denied use of the circle.

Last year, the Council on Human Relations recommended that in the interests of community harmony the Village Board permit the use of (Continued on page 8)

United Way director dies

Patricia A. Stanley, executive director of the United Way of Greater Scarsdale, since 1972, died Monday at the age of 62.

Mrs. Stanley had worked for the United Way and its forerunners—the United Fund and the Community Chest—since 1956, starting in Pelham and then moving to Bronxville before taking over direction of the staff in Scarsdale.

Sidney Edwards, chairman of the Scarsdale United Way, called Mrs. Stanley’s death “a great loss. She was terribly efficient. She really ran the whole show.” Edwards added, “She was a wonderful worker and a fine lady.”
Carl Ladensack, chairman of the high school English department, said that while the SATs measure reasoning ability through vocabulary, "no school or tutor could possibly teach the words" students will find on a test, since different words are used each time. And "mental alertness counts for more than memorizing lists in doing analogies," he added.

"Every activity in a good English class prepares a student for the SATs," Ladensack said. He added that if students are "reading a great deal, discus-

Creche

(Continued from page 1)

Boniface Circle. The council said that private property would be preferable, but that the Creche Committee had not been able to find a suitable private site when it requested use of Boniface Circle.

However, the Village Board voted, four to three, not to allow the creche on public property. In 1980, the vote had been four to three in favor of granting the Creche Committee's request.

Because of the angry controversy that erupted last year, the advisory council, Mayor Jean Stone and other village officials tried to work out an acceptable compromise agreement with the Creche Committee.

One approach that was considered was designating a small part of Chase Park as a Heritage Plaza, to be used for seasonal, patriotic and religious observances. The land would be given to a non-profit organization, possibly

the Scarsdale Foundation, to own and to administer.

Because Chase Park is designated as park land, an act of the State Legislature is required before any part of it can be given away by the village. Enabling legislation was drawn up last spring, but it failed to get out of committee and onto the floor for a vote after legislators determined action on the measure might prove controversial.

Apart from Rubin, the only resident to speak about the creche at this week's meeting was Woodrow Crouch. Crouch disagreed with the Civil Liberties Union lawyer, saying that it would be carrying the separation of church and state "to an absurdity" to rule that the creche can not be permitted.

The Village Board is likely to vote on the Creche Committee's request at its November 23 meeting.
Advice to advisory committee

To the Editor:
The Village Board at its latest meeting referred the creche issue once again to its Advisory Committee on Human Relations. That committee has recommended in years that the creche be sited on village owned property at Boniface Circle. In so doing, it has noted in each of its annual reports that the committee, individually and collectively, would prefer to see the creche on private property.

The committee's decision to recommend an opposite course has been based on its stated belief that interruptions in a longstanding community practice would adversely affect the harmony of interracial relationships in Scarsdale.

Community harmony has never hinged on public showing of the creche to which no one in my recollection has ever expressed objection. Objections are based on showing it on publicly owned property.

If the committee tests its thesis on community harmony by the events of last year, it will surely recognize that the confrontational nature of this controversy is grounded in political rather than religious issues here. Scarsdale should take as its model the political success achieved in neighboring communities where negotiations have resulted in public display of the creche on private or church property.

Since this has also been the preference of our advisory committee, let us hope that their recommendations this year reflect the courage of their own convictions.

JEANNE RICHMAN
110 Birchall Drive

‘Find a new location’

To the Editor:
As the turning of leaves is a symbol of fall, so the re-emergence of the creche issue has only begun. It is appropriate to focus on this issue as the most important one of the season.

To the Editor:
It is unfortunate that the Village Board has chosen to refer the creche issue to its Advisory Committee once again. The committee has recommended in years that the creche be sited on village owned property at Boniface Circle. In so doing, it has noted in each of its annual reports that the committee, individually and collectively, would prefer to see the creche on private property.

The committee's decision to recommend an opposite course has been based on its stated belief that interruptions in a longstanding community practice would adversely affect the harmony of interracial relationships in Scarsdale.

Community harmony has never hinged on public showing of the creche to which no one in my recollection has ever expressed objection. Objections are based on showing it on publicly owned property.

If the committee tests its thesis on community harmony by the events of last year, it will surely recognize that the confrontational nature of this controversy is grounded in political rather than religious issues here. Scarsdale should take as its model the political success achieved in neighboring communities where negotiations have resulted in public display of the creche on private or church property.

Since this has also been the preference of our advisory committee, let us hope that their recommendations this year reflect the courage of their own convictions.

JEANNE RICHMAN
110 Birchall Drive

Withdraw its petition to use the Boniface Circle, and find a new permanent and peaceful location.
To the Editor:
We the neighbors of the Heathcote Hardware are very sad to see this institution leave our block.
Stanley and his co-workers are fine people. They are friendly people to do business with. No matter what the problem, they had a solution. This knowledge will be missed. Their specialty was service.

‘Display of love’

To the Editor:
When we hear of Mr. Rubin’s attempt to block the display of the creche in Scarsdale, we are so appalled we cannot remain silent.
The Nativity scene is not only a religious symbol, but a tradition in Scarsdale for over 20 years of peace, love and understanding.

At this festive time of year it is sad that Leonard Rubin has nothing better on his mind than to attack this gesture of humanity. During the holiday season of Chanukah-Christmas the population of Scarsdale should be coming together to show love toward their fellow man, instead of allowing the belligerence of Mr. Rubin to divide this seemingly open-minded community.
We would like to call Mr. Rubin’s attention to a section of the United States Constitution which we think he has overlooked. The Bill of Rights states, “we shall make no law...prohibiting the free exercise” of religion. Our founding fathers believed this was so vital to our survival as a free country that this was the First Amendment to the United States Constitution.

Unlike others, we are open-minded enough to realize this is not the only section of the Constitution that applies to this predicament. We believe that the separation of Church and State clause would be absurd application in this case, for Christmas is no longer only a religious observance but a federal holiday.

It is unfortunate, but we realize that some people may think this letter is anti-semitic, but that is not true. We have written this letter because we feel that Mr. Rubin and his vocal minority should not be allowed to abolish this display of love towards all mankind.

JAMES O’HARA
20 Tunstall Road
DONATO L. VACCARO
88 Palmer Avenue

‘Manufacturing an issue’

To the Editor:
“Creche issue is back again.” Of course it is, because the village government of Scarsdale has not been able to decide on an alternative policy and the petition must be presented every year. And, of course, the A.C.L.U. is back again, protesting at the village meeting about “public land,” which it is. We’ve lost a helpful merchant, a friendly neighbor and a warm friend.
HEATHCOTE KIDS KORNER, HEATHCOTE TOY AND PARTY, HEATHCOTE LAUNDRY, HEATHCOTE LIQUOR & WINE, BUSTER BROWN, HEATHCOTE, HEATHCOTE DELI, HEATHCOTE PHARMACY, HEATHCOTE BARBER, VACCARO SHOE REPAIR
The Village Board at its latest meeting referred the creche issue once again to its Advisory Committee on Human Relations. That committee has recommended in years that the creche be sited on village owned property at Boniface Circle. In so doing, it has noted in each of its annual reports that the committee, individually and collectively, would prefer to see the creche on private property.

The committee's decision to recommend an opposite course has been based on its stated belief that interruptions in a longstanding community practice would adversely affect the harmony of interracial relationships in Scarsdale.

Community harmony has never hinged on public showing of the creche to which no one in my recollection has ever expressed objection. Objections are based on showing it on publicly owned property.

If the committee tests its thesis on community harmony by the events of last year, it will surely recognize that the confrontational nature of this controversy is grounded in political rather than religious issues here.

Scarsdale should take as its model the political success achieved in neighboring communities where negotiations have resulted in public display of the creche on private or church property.

Since this has also been the preference of our advisory committee, let us hope that their recommendations this year reflect the courage of their own convictions.

JEANNE RICHMAN
110 Birchall Drive

To the Editor:
As the turning of leaves is a symbol of fall, so the re-emergence of the creche controversy is becoming a harbinger of the holiday season in Scarsdale.

At this extended juncture, it does not matter if there is a legal justification for placing it in this location. What matters is, this intended symbol of good will has become a divisive issue in our community when it is discussed from a geographical context.

The way to stop the bickering is obvious. The Creche Committee should withdraw its petition to use the Boniface Circle, and find a new, non-controversial and permanent location. It would do much more for peace and harmony in Scarsdale than this annual debate does.

Then we could go back to reading about the other on-going Scarsdale serials that are an integral part of The Inquirer. This includes: Freightway, Conrail, Paul Feiner, Walworth Avenue and, the ever-popular, Non-Partisan Citizens Advisory Committee.

MARTIN STOLZENBERG
274 Mamaroneck Road

To the Editor:
The Mackler family hit the nail on the head when they expressed their appreciation to Stanley Kopica, Lee and Stanley Jr. at Heathcote Hardware for its professional men working in the area. They made deliveries in all kinds of inclement weather, facing up to the what's it called work, "as well as the professional men working in the area. They made deliveries in all kinds of inclement weather, facing up to the professional men working in the area. They made deliveries in all kinds of inclement weather, facing up to the professional men working in the area. They made deliveries in all kinds of inclement weather, facing up to the professional men working in the area. They made deliveries in all kinds of inclement weather, facing up to the professional men working in the area. They made deliveries in all kinds of inclement weather, facing up to the professional men working in the area.
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We would like to call Mr. Rubin's attention to a section of the United States Constitution which we think he has overlooked. The Bill of Rights states, "we shall make no law...prohibiting...

it in Boniface Circle, a central point in the village. Over 900 families signed petitions last year, asking for its display there, as it has been for almost 25 years. Are they to be passed over in favor of an outside group, manufacturing an issue?

CONSTANCE DOHRENWEND
Mrs. Dohrenwend, a Scarsdale resident, represents the Church of St. James the Less on the Scarsdale Creche Committee.

Message from PBA

To the Editor:

It has been brought to my attention that the PBA of Westchester County, Inc. has been soliciting in the Village of Scarsdale. I have received telephone calls from residents inquiring as to whether or not we are affiliated with this organization.

any affiliation with the PBA of Westchester, Inc., nor do we have any future plans of being associated with them. We conduct one benefit a year, and we depend greatly on the residents of Scarsdale for their support. Our benefit letter distinctly has a letter head indicating "Scarsdale Club" and we have no connection whatsoever to the PBA of Westchester County, Inc.
Painful decision

We hope and expect to see the creche on display in Scarsdale this Christmas as it has been every year since the 1950's. It is a joyous symbol of a great religion, and, beyond that, it sends a message to all of peace on earth and good will to men.

Sadly, the meaning of the creche has been obscured here in recent years by the bitter controversy over where it should be displayed.

We believe that the creche should be displayed, as it was last year, on private property, where it will send forth its welcome message without conflicting in law or spirit with the fundamental American principle of separation of church and state.

The simplest way for that to occur is for the Scarsdale Creche Committee to find a private site, either that used last year, which was every bit as conspicuous as Boniface Circle, or some other-perhaps one of the highly visible church lawns in the village.

However, the Creche Committee does not seem inclined to follow this course. As of Monday, at least, the owner of the property where the creche was placed last Christmas had not even been asked whether his property was available this year. It appears that the committee specifically wants the creche to be displayed on public property.

If so, the committee is seeking to have the village of Scarsdale make a kind of endorsement or statement of support for the creche. We believe that for the local government to do so would be to promote religion, which is what the anti-establishment clause of the First Amendment expressly forbids. While lawyers disagree on whether the court would rule that such a display is actually illegal, we believe that the spirit of the Constitution would be violated. The same would hold, of course, for the display of any symbol of any religion on public land.

If the Creche Committee does not withdraw its request for use of Boniface Circle, the trustees will again be faced with a very painful decision. Either way they vote, many people will be unhappy. Based on what happened last year, it seems likely that there will be more protest if the creche is not allowed in the circle than if it is. On the other hand, if it is, there is the likelihood of a law suit.

In voting, the Trustees should not base their decision on either the popularity of their position or on the risk of litigation. Rather, let each vote as he or she believes is right in principle.

That does not mean that the use of Boniface Circle would necessarily be denied. There are many people who are convinced that the display of the creche there is perfectly appropriate.

But, finally, however the Village Board decides, we implore all citizens, whether they agree or disagree with the decision, not to turn this symbol of love and hope into a source of enmity and strife.

County budget

(Continued from page 1)

marked for the Department of Correction which will be adding 208 jail cells

- An expenditure of $650,000 for
daycare compared to the $1 million fun-
ded providing this year. DelBello noted
The Village Board has postponed its decision on whether to permit the creche to be displayed on Boniface Circle this Christmas until a special meeting Wednesday, Dec. 1 at 8:15 p.m.

In announcing the postponement at the trustees' regular meeting Tuesday night, Mayor Jean Stone gave as the major reason the need for more time for the board to study a report on the legalities of the creche display that was prepared by Trustee William Glendon, an attorney.

In his report, Glendon rejects as "without merit" the argument that display of the Nativity scene on public land violates the Constitutional principle of separation of church and state. Further, he says, "the denial of the Creche Committee's request would violate the First Amendment" because it would deny the committee's "fundamental right, under the First Amendment, to freely exercise their religion."

The principal reason given by the majority of trustees for turning down Scarsdale Creche Committee's request a year ago was that the display violates the Establishment Clause of the Constitution. It was this same grounds that Scarsdale lawyer Leonard Rubin said would be the basis for a suit the Westchester chapter of the Civil Liberties Union is considering filing against the village if the board permits the creche.

However, after studying legal precedents, Glendon reached the opinion that he and his fellow trustees "do not...have the power, under the Constitution, to deny (the Creche Committee's) request."

Glendon cites in his 18-page report several arguments for his conclusion that the right of free exercise of religion would be violated by a denial of the request to display the creche. They include:

- That public parks "are traditionally used for the communication of points of view on all subjects, including religion;"
- That the 'board has never articulated clear standards of general applicability under which such a denial might be justified;"
- That no "compelling public interest" would be served by barring the creche.

Glendon's report also deals with the argument that permitting display of the creche constitutes government establishment of religion, which is barred by the First Amendment. The test of compliance with the Establishment Clause, he said, is given in the case of Lemon v. Kurtzman, in which the court held:

"The (governmental policy) must have a secular legislative purpose; its principal or primary effect must be one that neither advances nor inhibits religion...; finally, the (policy) must not foster an excessive government entanglement with religion."

According to Glendon, the purpose of the village's policy regarding Boniface Circle is to make it available for the use of all citizens, which is a secular purpose. Since the village has provided "open access" to the circle to all parties, doing the same for the Creche Committee "neither advances nor inhibits religion." Finally, there is "no governmental entanglement with religion," Glendon concludes, because the village plays an "entirely passive" role in permitting the creche. The village does not, he notes, provide public funds or labor for the display.

Glendon adds that it would be "excessive entanglement" with religion if the village set a policy prohibiting religious displays, since it would then have to determine what is and is not religious.

Human Relations recommendation

Joining Trustee Glendon in recommending that the Village Board permit the creche display to resume after a year's interruption was the Advisory Council on Human Relations. But the council followed very different reasoning in voting, five to three, to permit the creche. The report, presented Tuesday night by council chairman Lynne Clark, states that allowing the creche display will likely result in a law suit that will

(Continued on page 14)
Creche

(Continued from Page 1)

require the courts to determine the legality of the display once and for all and thus “free the people and their elected officials of what has been a chronic, holiday season, emotional crisis.”

Mrs. Clark reported that the advisory council asked the Creche Committee not to request use of Boniface Circle, because the council believes that finding “a permanent non-public site for the display” would be “in the best interests of the village.”

“Unfortunately,” Mrs. Clark added, “our unanimous and earnest plea did not dissuade the Creche Committee.”

Public discussion of the creche question was relatively brief at this week’s meeting, perhaps because of Mayor Stone’s early statement that the decision would not be made until next week.

A recommendation by Kevin Healy to hold a public referendum on the subject drew loud applause from many of the 90 or so citizens in the room, most of whom seemed to be advocates of displaying the creche in the circle.

Leonard Rubin, whose 1976 suit against the creche display was dismissed by a federal court on procedural grounds, charged that the Creche Committee, in not agreeing to display the Nativity scene on the private site 75 feet from Boniface Circle where it was erected last year, but instead insisting on using public land, is “trying to impose something on the community willy-nilly.”

However, Creche Committee chairman Patricia Curran said that the problem with last year’s site, in front of the former Frog Prince Proper Restaurant, is that there can be no guarantee that it will be available year after year.

Another Scarsdale resident, Edna Golden, said that religion is a private matter and that religious symbols like the creche belong in private places.

Edward Cousin, a resident of the New Rochelle section of the Scarsdale postal area, said, in support of the creche display, “I thought that since the Holocaust that we had come a long way toward tolerance of other people’s religions.”

Martin Roth countered that “Only by separation of church and state can we assure freedom of all people regardless of their religious persuasion.”

In summing up the issue before the board, Mayor Stone stated, “None of us is anti-creche.” The question, she said, is whether the creche should be displayed on public or private property.

Victims organization

Sharing, a self-help group for victims of rape, attempted rape and/or assault, has changed its meeting time to Wednesdays at 3 p.m. in the White Plains area. An evening group is also being formed. For information, one may call Monique Katz, C.S.W. at 761-6712.
The creche--'why not?'

To the Editor:

Another creche. Why?

For 26 Christmases, the Nativity scene was displayed on village-owned Boniface Circle and no one was the worse for it. If anything, it showed a gentle touch of the Christian faith.

We try to impress upon our children how important it is to live in harmony with our neighbors. We teach them to respect, not only their own religion, but the religion of others as well.

I would hesitate to ask what thoughts run through their minds when they see their parents, supposedly intelligent, sophisticated people engage in such utter nonsense as refusing a symbol of religious reverence.

We are living in a troubled world and I'm most certain that the Civil Liberties Union would have no difficulty finding more important, more vital issues to become involved than the "creche issue of Scarsdale."

Another Creche--why not?

HANNA F. KLEID
41 Sheldrake Road

Reason for tutoring

To the Editor:

Neither Mr. Irving Sloan's letter regarding tutoring (November 11, 1982) nor the article on the PT Council's forum on tutoring (October 28, 1982) addressed the issue of tutoring for the purpose of achieving minimum academic standards in major subject areas at the elementary level in
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Dear Mayor Stone:

At the regular November meeting of
the Scarsdale Chamber of Commerce,
discussion was held on the request of the
Creche Committee to the Village Board
to put the creche up on the

Boniface Circle property. It is not
within the province of the chamber to
take a position on this matter, either
pro or con, but because of
repercussions in the past two years within
the business community we are deeply
concerned that the same attempts to
boycott local establishments do not
occur again this year.

For the reason mentioned above,
the chamber would request of the
Village Board that upon hearing the
report of the Human Relations
Committee at its November 23rd
meeting a decision is made that

evening without further delay.

It would be our hope that the village
can then enter into the holiday season
with a proper spirit, knowing that the
board gave the matter its careful
consideration and acted in accordance
within the framework of the duties
they were charged to perform.

DONALD F. METZ, President
Scarsdale Chamber of Commerce

He's opposed to black-top

To the Editor:

So now they want to black-top wooded
black top road when the east side is


LETTERS

Use zeal constructively

To the Editor:

As a Christian, I don't care very
much where the creche is place, or
even if it is displayed. I have my own
one to enjoy.

I do care that so many hours that
could be used constructively, and so
much postage, et al are wasted on this
non-issue.

Did I see Madonna and Child stamps

Chamber’s position

To the Editor:

At the Post Office? And do we have a
carol sing on the Village Hall steps,
sometimes led by a Jewish mayor?

Good! Let's all rejoice in each other's
traditions and enjoy.

And use that zeal and money to feed
the hungry this holiday season. Have a
Happy!

MARIAN J. MOLANDER
40 Cushman Road

To the Editor:

A rock of granite?

A rock of granite?

Did I see Madonna and Child stamps
More tolerance called for

To the Editor:

I am a former resident of Scarsdale and have returned many times over the years to visit friends, always retaining and reinforcing a sense of satisfaction for having once belonged in such a vital community. It is with a deep feeling of regret, therefore, that I must address a problem which has arisen in your village (and mine by extension) recently, and which is now threatening to disrupt the harmony and the quiet coexistence of citizens of various religious persuasions.

At a recent dinner party in Scarsdale, an issue turned up which has been permitted to achieve the status of a major issue—the placement of a creche at Boniface Circle during the Christmas season.

The creche was a tradition during my growing up years in Scarsdale. It was not a cause of disharmony then, because perhaps, there was a greater sense of tolerance among all religious denominations. I numbered my friends among many faiths and joined in their celebrations as easily as they did in mine. As a matter of fact, we all learned from each other, without a formal ecumenism. The same sense of tolerance and freedom of expression cannot be allowed to vanish in Scarsdale.

I bring up two points which I feel must be addressed by the Village Board when they convene to vote on a decision regarding the placement of the creche.

1) If the issue is the separation of church and state, as purported by Mr. Leonard Rubin, the creche was placed in the first place, it was for the purpose of allowing the trustees of the village to watch carefully the section of our Federal Constitution prohibiting the establishment of a state religion. The village, in the past year, negotiated the contract with the employers of the Scarsdale Public Library which allowed for the display of the library on the front lawn, a non-federal holiday. The library is a public facility and user of that facility is denied to taxpayers for that day. There is no other religious holiday for which permission is granted. Christmas Day is a Federal holiday and that is the only day on which the library is closed for which can be construed as religious observance. The employees of the library were allowed to exchange library closing on Election Day, a federal and state observance. The creche cannot be permitted to continue if there is to be a strict interpretation of Article I of our Constitution.

I sincerely regret that these points must be made public. It is the reason which is threatening to erupt in your village which has caused me to do so. I picked up a copy of this week's Inquirer with the purpose of trying to determine the position in the villages, removed from the sentiments of the people who had initiated the discussion with me at dinner last week. It would appear that there is a wish on the part of concerned citizens to remove the status of “issue” from the creche. In its editorial, however, The Inquirer implied that the creche committee was in error of failing to make the procedure disappear. This cannot be done by the exercise or the spirit of the First Amendment, without examining the other conflicts in which the village, as stated above.

Hagel administration addressed the issue firmly in the past and restored the rights to the residents of the village. Hagel's comments, free and tolerant practice of religious sentiment, are not an issue today. In the spirit of tolerance and fairness, the principle which is at stake must be achieved without preference to the religious group over another. The effects of any suggestion or action will be carefully considered and the decision will be made in accordance with all the facts presented.

There is room for coexistence and an issue would not have arisen had more tolerance prevailed several years ago among people who were willing to bring civil rights to life.

DOROTHY S. PATTERSON
Garden City

Never this future

By GAIL RAPHAEL

Just before the election, I read of how Millicent Fenwick, a critical state senator who was defeated by her opponent in the state senatorial race, “It was very nice to go up to the Senate," she suggested, “I was very glad to be there." I knew the truth. A movie censors might not allow a character of a movie to be a non-religious person. Fenwick was the only senator of California's 43rd district who was a total lacking in redeeming qualities.

Our district, the 43rd Congress, combining Orange County and northwestern San Diego, may be the most critical one in the country. The current incumbent, Brad Shilling, the Democratic candidate, is an against his opponent, lost his position by 10,000 votes. He lost Orange County by 2,000 votes.

Johnny Crean, a spoiled sophomore senator, the son of Packard, the dentist-manufacturer of that nice Carlsbad. But Crean's attacks on those opponents had been so inflammatory, and his mailings so misleading, that even much of the solid Republican area became aroused.

It had two post-primary races. Crean faced Butler-Forde, his ex-paign management hired gun, and he tried to blame them for his losses. In turn, Packard became so convinced that he decided to run as a Republican candidate. In the weeks that followed, Packard waged a serious campaign that it appeared that Archer, the forgotten Democratic candidate, might just win this election.

Gail Raphael lived in Scarsdale for more than 20 years before retiring to Southern California. There, he keeps his eye on the Scarsdale Land natives and reports the life in the Scarsdale Opinion Reader to the people in time to time.

In the end Crean spent a lot of dollars and finished third, Archer and Packard become the story of the campaign candidate in the district and Scarsdale to win a write-in election.

Carol Hallett ran for lieutenant governor against Leo McCarthy, the member of the state Assembly, and radio. Hallett never managed
Opposed to public sanction

To the Editor:
The erection of a creche or any other religious symbol, be it a menorah or perhaps even a portrait of the Reverend Moon on public property, contributes an added dimension and meaning which could never be obtained through any other device. The importance of such a display is not that more persons can perceive the symbol, but rather that those who perceive it in its public setting will recognize a public sanction and endorsement accorded the particular religious doctrine instinctive in the symbol.

Physically comparable or even more desirable vantage points for religious displays in Scarsdale are available—one obvious example is the site of the Congregational Church, which is exposed to waiting traffic in five directions: east and west on Route 22, north and south on Drake, Heathcote and Crane Roads. But the potent impact of the message conveyed by the fact of a state presence on public premises upon which the religious-symbol rests could not be purchased for money.

Nor is it of any consequence that a particular state action in religious affairs entails no expenditure of public funds. And the display of religious symbols may be limited to a once-a-year occasion. The amount of public land appropriated for a creche may be minimal. All this notwithstanding, if the use of public property for a religious purpose in support of a particular religion is wrong, it does not become right when done modestly or sporadically.

When government makes any appropriation for religious purposes, no matter how slight, religion has, as James Madison once wrote, come “within the cognizance of Civil Government.” It is in this connection that he warned: “That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any establishment in all cases whatsoever.” Authorization of public land for religious purposes is a religious assessment upon all citizens.

The constitutional ban on the erection or maintenance of religious symbols on publicly-owned property cannot be circumvented by designating the symbols as “non-sectarian.” Such a designation is ultimately a fiction. It is as false to call a creche non-sectarian as it is to call it secular. As the United States Supreme Court has expressly held in two leading cases on the separation of church and state issue, Everson and McCollum, the government may no more aid all religions on an equal and non-discriminatory basis (assuming this were possible) than it may prefer one faith over others in according its favors and aid.

Recognizing this constitutional prohibition, and in order to make these symbols suitable for state sponsorship and support, proponents of plans for the erection of religious displays on public grounds often urge that these universally accepted and recognized symbols are not employed in their religious aspect, but are instead to be treated as imbued with a predominantly secular meaning. This is the only alternative left to those who would utilize the resources of a secular state to promote sectarian ends.

To deprive these religious symbols of their traditional religious meaning is to deprive them of all meaning. It cannot properly be suggested that the creche be accepted as non-denominational and even non-religious by implication.

Historically, attempts to involve the government in support of religion have invariably brought religious conflict and sectarian strife. One need not question the motivations behind the Scarsdale Creche Committee’s unremitting battle to place its creche on public property to challenge the viability to say nothing of the legality of their commitment. Yet their means and ends turn a well-meaning evocation into a poor-spirited provocation. The message of Christianity and Christmas deserves something better than that.

IRVING J. SLOAN
Mr. Sloan, a Scarsdale resident, teaches social studies at the junior High School.

More to come

To the Editor:
I am a former resident and I have returned to the area over the years to visit.

Bus service

To the Editor:
This letter deals with the bus service and the week’s Scarsdale High School (US 25) cover story about possible route change in the near future.

I am one of the members of the Association which represents the commuter bus riders of Scarsdale, Hartsdale and the neighboring communities.

The continuance of the bus service is now under serious threat. Ridership losses are primarily attributed to annual route changes made by the bus company in New York City. These changes have resulted in increased driving time and, for the greater part of the year, increased walking time to and from the bus stop and the bus.

Based on the above, it is disheartening to write this letter.

Owner

To the Editor:
As owner of Hardware, I wish to thank Bob Hamlet and his associates for the loyal customers of the store.

It was just 3 years ago that Bob Hamlet bought Hardware. His desire was to service the area with his knowledge of the hardware business. Since 1961, Stanley Kapica, Tony, Lee and the other young men have worked at the store so well for all these years.

We think it important to let all our customers know that we are going to go on serving them for many years. However, we wish to make that choice. We write to the Editor to let you and your readers know of our intentions.

More to come
Trustees vote 4-3 to deny creche request

By DAVID KIRKWOOD

It took the Village Board only 15 minutes to vote Wednesday night to deny permission to the Scarsdale Creche Committee to display the creche on Boniface Circle.

For the second year in a row the Trustees voted four to three against the creche, which had been placed at the village owned site every Christmas from 1957 through 1980.

Voting with the majority were Mayor Jean Stone, and Trustees Betty Brown, Edward Finkenberg and Beatrice Underweiser. Voting to approve the creche Committee's request were Trustees Martin Bowen, William Glen- don and Joseph Ullman.

The special meeting of the board was brief because no public discussion was permitted and the individual trustees did not explain the reason for their vote.

Mayor Stone said afterwards that a majority of the board felt that the public had been given sufficient opportunity to address the issue at the Nov. 23 regular meeting of the board, during which there was considerable debate during oral communications. She added, "We didn't see that any useful purpose would be served by hearing the same arguments over and over."

Another reason cited by the mayor was the feeling that continued debate would create more bad publicity for Scarsdale. She noted that last year the creche controversy was picked up by newspapers throughout the country.

For the second Christmas in a row, the Scarsdale creche will not be displayed on Boniface Circle. At press time the Scarsdale Creche Committee had not decided whether to display it on the privately owned site across Chase Road, as it did last year, or at some other non-public site.

Commission wants 6-lane Hutch; opponents prepared to fight

By ELAINE PFEIFER

The state's choice among the five proposed Hutch improvement plans is expected within two weeks.

This week's announcement by Burns officially confirmed what had been reported earlier about the Parkway Commission's support for a six-lane plan. Its position became publically known after a meeting in October, attended by County Executive Alfred Underweiser. The association opposes widening the parkway to six lanes through Scarsdale, New Rochelle and Eastchester.

Asked about the commissioner's recommendation, Stein told The Inquirer Wednesday that "he never expected them to do anything else." Stressing that the commission is an advisory board, Stein said that the position, "while not helpful, is not a crusade.

Another resident said that, while he was not very religious himself, he felt that the creche reflected the "disintegra- tion of American life," which he attributed to "letting lawyers take over."

He added, "We have a right to exercise our religion and tradition."

A man commented, "The Nazis, the Ku Klux Klan and the Knights of Columbus were all allowed to demonstrate. I don't see why they (the Creche Committee) shouldn't be permitted." He added that he believed the trustees were "afraid of the cost of a lawsuit."

Patricia Curran, chairman of the Creche Committee, had no comment on the board's decision. Saying that the committee had "no plans beyond 8:15 tonight," she told The Inquirer that she did not know if the committee would display the creche at another site.

Last year when use of the creche was denied, the committee erected the creche across Chase Road on the site of the Frog Prince Proper, a French restaurant that had recently closed.

By DAVID KIRKWOOD

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Buses to continue using Fox Meadow

The special meeting of the board was brief because no public discussion was permitted and the individual trustees did not explain the reason for their vote.

Mayor Stone said afterwards that a majority of the board felt that the public had been given sufficient opportunity to address the issue at the Nov. 23 regular meeting of the board, during which there was considerable debate during oral communications. She added, "We didn't see that any useful purpose would be served by hearing the same arguments over and over."

Another reason cited by the mayor was the feeling that continued debate would create more bad publicity for Scarsdale. She noted that last year the creche controversy was picked up by newspapers throughout the country.

For the second Christmas in a row, the Scarsdale creche will not be displayed on Boniface Circle. At press time the Scarsdale Creche Committee had not decided whether to display it on the privately owned site across Chase Road, as it did last year, or at some other non-public site.

Commission wants 6-lane Hutch; opponents prepared to fight

The state's choice among the five proposed Hutch improvement plans is expected within two weeks.

This week's announcement by Burns officially confirmed what had been reported earlier about the Parkway Commission's support for a six-lane plan. Its position became publically known after a meeting in October, attended by County Executive Alfred Underweiser. The association opposes widening the parkway to six lanes through Scarsdale, New Rochelle and Eastchester.

Asked about the commissioner's recommendation, Stein told The Inquirer Wednesday that "he never expected them to do anything else." Stressing that the commission is an advisory board, Stein said that the position, "while not helpful, is not a crusade.

Another resident said that, while he was not very religious himself, he felt that the creche reflected the "disintegra- tion of American life," which he attributed to "letting lawyers take over."

He added, "We have a right to exercise our religion and tradition."

A man commented, "The Nazis, the Ku Klux Klan and the Knights of Columbus were all allowed to demonstrate. I don't see why they (the Creche Committee) shouldn't be permitted." He added that he believed the trustees were "afraid of the cost of a lawsuit."

Patricia Curran, chairman of the Creche Committee, had no comment on the board's decision. Saying that the committee had "no plans beyond 8:15 tonight," she told The Inquirer that she did not know if the committee would display the creche at another site.

Last year when use of the creche was denied, the committee erected the creche across Chase Road on the site of the Frog Prince Proper, a French restaurant that had recently closed.

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Buses to continue using Fox Meadow
Creche turned down

(Continued from Page 1)
disagreement among its three members about the constitutional issues involved in the committee could not give "a clear direction" to the board on the legalities of the issue. Explaining that the board would vote "as a legislative body and not as a body of law," Ullman said that each trustee's vote would be cast "on the basis of whatever considerations, legal, moral, political, or pragmatic, seems to him or her compelling."

Although Ullman voted to permit the creche on Boniface Circle, he urged the Creche Committee in future years to "elect voluntarily to relieve the community of dissension" by displaying the creche on private property.

William Glendon, another lawyer and member of the Law Committee, reiterated his belief, stated in a memorandum given to the Village Board last week, that the freedom of religion clause of the First Amendment not only permitted the display of the creche or other religious symbols on public land, but that under the circumstances in this case actually required the board to permit such display.

Of the six trustees who were on the board last year, only Betty Brown changed her position this year. She explained afterwards, "I believe it is more divisive to have the creche at Boniface Circle." Mrs. Brown added, "The Baptist Church lawn would be a much better place for it." The church lawn is on Popham Road, close to the downtown.

Mayor Jean Stone, who attempted unsuccessfully earlier this year to have a part of Chase Park given to a private foundation and set aside for displays including the creche, said that she hoped that the Creche Committee will use the Frog Prince Property site. She said that most of the trustees felt that "the legal questions were muddy and that "we voted what we thought was right."

Although he believes that a private site for the creche would be preferable, Trustee Ullman said that he had voted to allow the use of Boniface Circle "because it causes less dissension to permit it than to deny it."

The same view was expressed last week in the report of the Advisory Council on Human Relations, which had voted two to three to recommend that the Village Board say yes to the Creche Committee.

In reaching its decision, the board reviewed several legal memos concerning the creche. Except for Glendon's, which was summarized in last week's Advocate, others found that the village would be permitted, if not required under the First Amendment to deny the Creche Committee's application.

Trustee Beatrice Underwood, third member of the Law Committee, wrote that relevant federal courts did not support the village's position that it would be an infringement of the Creche Committee's Amendment rights to deny use of Boniface Circle. She stated, "Courts do not regard the suppression of religion as a First Amendment right."

Although she stopped short of saying that it would be unconstitutional to permit the creche, she contended that the following argument of a 1973 Circuit Court decision (Donnelly v. Law), for the village to grant the creche Committee's request would not serve "a secular purpose," "it would advance religion" and would lead to "excessive governmental entanglement" with religion, thus fitting the relevant Constitutional religion and establishment test.

In concluding that the board should deny the request, Mrs. Underwood stated, "When it is on public land,..." when this board has to approve such placement, it understands that a large segment of the community has requested that the government is approving the choice of one religion to the exclusion of others..." It is now time for the (Creche) committee to accept one of the alternative sites offered to it and allow the village government to remove itself from the highly inappropriate function of making interpretations regarding religious rights.

The Village Board also received written arguments from Leonard Rubin and Irving Sloan, a Scarsdale Junior High School social studies teacher and an expert on the U.S. Constitution. Both agreed that to permit the creche on public property would violate the principle of separation of church and state.

Winter concert

The Manhattanville College Men's Choir, in its 1982-83 concert season, presented its annual Christmas concert, Dec. 8, at 8 p.m., in the School of Music, Plains Building. Admission is free. Works to be performed include:

- Christmas Cantata - "O Come, All Ye Faithful"
- "White Christmas"
- "Starry, Starry Night"
- "Much More Than This"
- "White Christmas"
- "Christmas Day"
Unnecessary conflict

The tradition of the creche display in Scarsdale every Christmas is one that we welcome and one that will continue, if the Creche Committee takes advantage of one of the private sites available for it. We hope and trust that the committee will do so.

The newer and unwelcome tradition of the creche controversy may or may not continue. This, too, depends on the Creche Committee.

While we understand that the committee is convinced that it should be permitted to use Boniface Circle if it wants to, we do not see why it wants to, given the hard feelings stirred by its request and in view of the alternative sites available.

True, a private site cannot be assured from year to year. But then, neither can a public site, as the past two years have so painfully demonstrated.

Moving toward a solution

It was gratifying to see the village and the Vanguard bus company get together for amicable, good faith discussion of their differences regarding the route taken by the three daily buses that the VIP Commuter Association charters. Instead of the confrontation that seemed imminent last week after the village threatened to ticket them.
Member System draft registration. We will continue in our efforts to oppose the draft registration law and to assist those who ask for draft counseling:

"In light of our historic peace testimony and religious faith, we reach out to be of service to all young people who face registration. We encourage young people to explore the issue of military registration and to follow the dictates of their individual consciences.

Meeting of the Religious Society of Friends, will do our utmost to support young people, whatever course they feel led to follow."

GAY BERGER, Clerk

The letter was also signed by Gaston and Martha Sudaka, Sybil Ann Brennan, Helen Angell, Mary Ellen Singsen, Leanna Goerlich and David K. Trump."
Commuter suits

By Mary Burress

The cross-section of opinion expressed at Monday afternoon’s Village Board meeting on housing pointed out the problem that.

Viewpoint

By SARA BLOOM
Misguided and unfair

Of all the fallout from the controversy over the creche, there has been none more misguided or unfair than the talk of boycotting Scarsdale stores that was heard last year and has surfaced again this year in the form of flyers left last week on the windshields of cars parked on the street.

There is no way of measuring how much, if any, effect the anonymous boycott advocates have had. But it is understandable that merchants, who are already suffering as a result of the ailing economy, are worried.

Whoever is behind the boycott effort should know that the local business community had absolutely no role whatsoever in the dispute over the use of Boniface Circle. That is a matter between the Scarsdale Creche Committee and the Village Board. Indeed, the Chamber of Commerce even sent a letter to the mayor, which was also published in this paper as a letter to the editor, in which it spelled out that it had no position on the creche question, except to urge that the matter be resolved as promptly and peacefully as possible.

Those who are upset by the Village Board’s decision and also those who agree with it have ample opportunity to express their views, including at Village Board meetings, in the letters section of this paper and at other public forums. But to make storeowners into scapegoats for something they had no responsibility for makes no sense and is potentially destructive.

We are convinced that anyone who looks at the facts will reject the boycott call as the absurdity that it is.
Plan to avoid acrimony

Editor:
Trustee Glendon’s brief regarding the use of public land for the creche is both authoritative and scholarly. I find that I can accept his conclusions. However, the extension of his conclusions might prove to be unacceptable to many.

As far as my interest in public land is concerned, I’d have no objection in allowing the Creche Committee to exhibit on my share of the total square footage. However, to allow the presence of the creche would, in my opinion, also enable every religion, sect or group to have equal accessibility.

I am sure that the many Protestant faiths, the two basic Catholic groups and the three divisions of Judaism would certainly be welcome. But will we not have to draw a line? I am not so sure that we would want to permit the use of public lands for the Hare Krishnas with their saffron robes, shaved heads, cymbals and drums. I doubt if we would accept the use of the parks for the Reverend Mo’ol’s disciples. And did not the village successfully remove people who occupied a residence for some alleged religious purpose?

So, while Trustee Glendon’s brief is academically correct, pragmatically it is fraught with problems.

This is the second successive year of our Village Board has had to make a decision on the use of public lands for religious purposes. The hearings were to a degree acrimonious, divisive and brought bad feelings into our small community.

Would it not be possible for the board to enact a local ordinance prohibiting the use of any public land for religious fund-raising, and non-public purposes? By doing this, it would end the yearly troublesome debates once and for all and would allow the board to do its thing without antagonizing one segment or another.

ADRIAN G. HIRSCH
29 Lincoln Road

Town divided cannot stand’

To the Editor:

Jim Brown

I have a little something to say about our local economy.

Reagan has been talking about how we can improve our economy. He’s trying to strengthen the economy through his programs, and we’re all hoping he succeeds.

In my opinion, the best way to improve our economy is to support local businesses and shop from within our community.

Many of our friends have been involved in the economy of our town, and we’re glad they are.

I am sure that the many Protestant faiths, the two basic Catholic groups and the three divisions of Judaism would certainly be welcome. But will we not have to draw a line? I am not so sure that we would want to permit the use of public lands for the Hare Krishnas with their saffron robes, shaved heads, cymbals and drums. I doubt if we would accept the use of the parks for the Reverend Mo’ol’s disciples. And did not the village successfully remove people who occupied a residence for some alleged religious purpose?

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ADRIAN G. HIRSCH
29 Lincoln Road
He'd rather be in Philadelphia

To the Editor:

For the past few weeks I have been interested in reading of the commotion caused by the decision to deny placing the creche in Boniface Circle. The apparent need to editorialize the decision, and the letters to the editor in response, certainly revealed a divided community. The bigotry and intolerance that have come to the surface are most unfortunate. Apparently it has been latent for some time, and only showed itself when sufficient voices were in hand to terminate what had become a custom.

The whole episode made me realize how fortunate I am to live in the Philadelphia area where tolerance and ecumenism are not just preached, they are practiced. The two following instances are examples of this spirit. Insofar as I know no one in the city administration even considered reciprocity in new hiring and promotion so any department within the city can have equal accessibility.

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Would it not be possible for the board to enact a local ordinance prohibiting the use of any public land for religious fund-raising, and non-public purposes? By doing this, it would end the yearly troublesome debates once and for all and allow the board to do its thing without antagonizing one segment or another.

ADRIAN G. HIRSCH
29 Lincoln Road

Wayne, Pennsylvania
Denied the use of Boniface Circle, the Scarsdale Creche Committee has decided not to put its carved wood depiction of the Nativity on display anywhere in Scarsdale this year.

At a meeting last Friday, the Creche Committee voted unanimously not to erect the creche at any of the privately owned sites available to it. Patricia Curran, chairman of the committee, told The Inquirer that “the basic reason” for not using the property across the street from Boniface Circle, where the creche was displayed last Christmas, is that “it offers no permanent solution.” Another reason, she said is that the committee is “very much afraid of the same incident” as last year, when the creche was moved surreptitiously from in front of the recently closed Frog Prince Proper restaurant onto Boniface Circle, where it had been displayed every year from 1957 to 1980. The creche suffered considerable damage in the unauthorized move, which was carried out during the night by persons unknown.

Ronald Durning, owner of the property on Chase Road, had offered its use again this year. So too had the Community Baptist Church, located on Popham Road at the corner of Autenrieth, and Scarsdale Congregational Church, whose lawn overlooks the intersection of Post, Heathcote, Crane and Drake Roads. In offering its property, the Congregational Church had said that the site would be available for the creche “every Advent season from now on.”

Mrs. Curran said that the Creche Committee will meet again in January “to look into the different options available to us in the future.” The committee also issued a statement saying:

“The creche will not be displayed in Scarsdale this year. The Scarsdale Creche Committee believes that it has a constitutional right to erect the creche on public property and believes that the village trustees have violated this right.”

The Creche Committee consists of representatives of Scarsdale’s three Catholic churches, three Lutheran churches, the Baptist church and the Episcopal church.

Committee says it won’t display creche

Bernice Jones photo

Town Club urges 4% limit on tax hike

The Town Club has called on the planning board to adjust all discrepancies.
Dear Madam:

It is with a heavy heart that we write to you deploring your decision to deny the use of Boniface Circle to the Scarsdale Creche Committee. Just another case of "There's no room at the inn."

We are attaching a copy of our For God & Country Committee's report of Dec. 8, 1982 which gives you a picture of how the American Legion feels about this issue. We are also shocked by your arbitrary rejection of the recommendations made by your Advisory Council for Human Relations and of the superb brief prepared by a member of your Legal Committee.

Our position is supported 100 percent by the chairman of our National Americanism Commission. He represents millions of Legionnaires. It is also supported by the department commander of New York State whose membership runs into the hundreds of thousands. I speak for about 6,000 Westchester Legionnaires.

Please realize that we are living in a world suffering from universal moral decay. Patriotism has become a dirty word. America is faced and threatened, as never before, by a world-wide atheistic conspiracy whose principal aims are (1) To enslave the world; (2) To obliterate all religion. It is a tragic fact that most Americans do not understand what communism is all about and therefore are easily misled by the conspiracy's semantic warfare featuring disinformation and misinformation in our media.

Countless Americans, including the four who voted against the creche, appear not to be aware of what America has stood for since its very beginning. We quote from a Sept. 1982 editorial in our publication, The Westchester Legionnaire and for your benefit reproduce the following excerpts:

"The Declaration of Independence is the most important document in American history and the most inspired writing in world history that ever flowed from the hand of man alone."

"The Declaration is the official and unequivocal recognition by the American people of their belief and faith in god. It is a religious document from its first sentence to its last. It affirms god's existence as a 'self-evident' truth which requires no further discussion or debate."

"The nation created by the great declaration is god's country. The rights it defines are god-given. The actions of its signers are god-inspired. There are five references to god—god as creator of all men, god as the supreme lawmaker, god as the source of all laws, god as the world's supreme judge, and god as our patron and protector."

"The Declaration of Independence proclaims that the purpose of government is to secure our god-given unalienable individual rights, and that government derives its power from the consent of the governed. For the first time in history, government was reduced from master to servant."

"Whereas the U.S. Constitution has had to suffer the slings and arrows of outrageous Supreme Court interpretations and judicial distortion, neither the meddling judges nor the bungling bureaucrats have been able to confuse or distort the Declaration of Independence."

We urge that the four offending trustees should read every word of the Declaration of Independence. We have frequently expressed our concern that secular humanism was becoming a national religion. Effects have been particularly damaging in our schools and in our churches.

Perhaps you will decide to add to the joy, the hope and the inspiration of a blessed Christmas in Scarsdale, rather than to an ugly gloating celebration in Moscow.

JAMES MATTS, County Commander
Westchester County American Legion
The proposals submitted illustrate the various types of protection available and costs. The
presentation, which included containing various kinds of

LETTERS

Menorah at White House

To the Editor:
In Washington last weekend I was delighted to see a huge, lighted menorah on public park land facing the front of the White House. And Washington is full of lawyers versed in constitutional law. Do you suppose they know something Scarsdale’s vocal majorit does not?
Shalom and happy Chanukah.
MARIAN J. MOLANDER
40 Cushman Road

No separation seen

To the Editor:
Once again the village of Scarsdale is in the news. By a vote of four to three, the trustees and mayor have turned down the Creche Committee. The reason, separation of church and state?
Do we still swear the President of the United States into office with a Bible? Does our currency still bear the Legend, “In God We Trust?” Do we still close public schools for religious holidays? Is this still the Year of Our Lord 1982? Tell me do we really separate church from state?

THOMAS SOMMANTICO
74 Sprague Road

‘Gloating in Moscow’ seen

The following letter to Mayor Jean Stone was also submitted to The Inquirer for publication.

Dear Madam:
It is with a heavy heart that we write to you deploring your decision to deny the use of Boniface Circle to the

the most important document in American history and the most inspired writing in world history that ever flowed from the hand of man alone.

“The Declaration is the official and unequivocal recognition by the American people of their belief and faith in God. It is a religious document
Plan A plus protection would cost an additional $1,155. Smoke detector installation would cost an extra $300. Wiener recommended optional installation of a fire alarm, for an additional $48 a month, or a radio telephone relay from an alarmed home to a private monitoring company for an additional $29 a month.

Wisdom impressed with Wiener’s display of security devices that were subject to costly false alarms due to weather conditions and pointed out the superiority of radio monitoring supplied by his company. The delay caused by telephone relay from an alarmed home to headquarters was dismissed by Wiener as insignificant.

(Continued on page 18)

Not village’s right

To the Editor:

I am shocked and dismayed by Trustee Glendon’s report (as published in your paper on November 25th) that supports the display of the creche in Boniface Circle. Glendon argues that if the request to display the creche is denied “the right of free exercise of religion would be denied.”

However, according to the 10th Amendment to the Constitution, the “right” which he mentions does not in fact belong to the Village of Scarsdale, but to the people who live within that village.

The “free exercise of religion” is a private right. Churches and citizens who want to display the creche can indeed do so on their own property. Since Boniface Circle is public property, this property along with public funds, should not be used for a private “right.”

Furthermore, Boniface Circle is the center of Scarsdale Village, represents the people of Scarsdale. Since many Scarsdale citizens do not identify with a creche, it seems inappropriate to display it on this piece of land.

MARK WEINBERG
112 Brite Avenue

Planning for September

To the Editor:

On behalf of the Edgemont Children’s Center and its 77 family members and users, the board of directors of the Edgemont Children’s Center would like to thank the approximately 100 local business sponsors is included in our Parent handbook, which is available at the center, room in the Seely Place School, and is given to every parent using the center.

In anticipation for next September, we would like to express our appreciation for the support of the Edgemont Children’s Center and the Village of Scarsdale.

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Report from central casting

To the Editor:

Although it is not widely known, there is, in addition to the Creche exclusive of the major roles, another group in Scarsdale called the “Live and Mobile Creche Committee” (L.M.C.C.). It is the purpose of this organization to provide a fleeting moment of spiritual respite, via a quick viewing of the Nativity scene, as performed by actors, to those religious fanatics crusading to overthrow the government of the United States of America through worship and good deeds before being apprehended by the authorities. It is not very unlike the U.S.O. of the war years and travels to the far reaches of Scarsdale to boost the morale of these isolated guerrilla groups.

I recently had the opportunity to observe the workings of the L.M.C.C.’s casting sub-committee. It was brought to my attention that all parts, exclusive of the major roles, were but type-cast.

The bit part candidates considered were quite interesting. Nominations, though losing, were three main trustees for the parts of the wise men. The four remaining trustees developed substantial yet insufficient support among the residents of Bethlehem who rejected the temporary lodging for the Holy Family. Unanimously elected by the L.M.C.C. board, they were abused by the local papers for playing the ass that bore Mary when the lawsuit was filed to play the ass that bore Mary and the soon to be born Christ into the undeserving town.

ARTHUR G. MESSENGER
224 Nelson Road

Bus raccoons out

To the Editor:

The raccoons have returned. They are everywhere! I can’t believe that such a creature would live in my neighborhood! I have seen them in my front yard, my backyard, and even on my porch! They are not only a danger to my property but also to my pets. I have heard that raccoons can carry diseases such as rabies and leptospirosis. What can I do to protect my family from this problem? Is there a way to get rid of these pesky animals? Any advice would be greatly appreciated.

TINA L. SMITH
123 Maple Street

To the Editor:

I am concerned about the increase in the number of raccoons in our neighborhood. They are getting bolder and more aggressive. I have seen them stealing food from my garbage cans and even breaking into my car at night. This is unacceptable behavior and I believe something needs to be done to control their population. What can we do to address this issue? I would like to see some kind of solution that can be implemented without harming the animals unnecessarily.

JACKSON H. WILSON
456 Oak Avenue

To the Editor:

I recently found a raccoon in my garden. It was the most adorable creature I have ever seen! It had a shiny black fur coat and big brown eyes. I was so captivated by its beauty that I decided to take it home with me. I placed it in my backyard and waited for it to emerge from its den. To my surprise, it never returned. Is there a chance that it could have found its way back to the wild? I would love to know more about these animals and their natural habitat.

ELIZABETH M. SMITH
789 Pine Drive
We suspect that almost everybody in Scarsdale has had his fill of the seemingly endless debate over the creche. Even those who feel most passionately, one way or the other, about whether the creche belongs on Boniface Circle, want the controversy to be resolved soon. Unfortunately, it does not appear that this will be the case.

However, we do see a silver lining in the dark cloud of controversy that has hung over Scarsdale in recent Christmas seasons. Instead of simply being angry with the Village Board for denying the two creche requests, those who disagree with its decision seem this year, more than in the past, to be having a real dialogue with those who don’t believe religious displays belong on public property. At this week’s meeting of the Village Board, both views were expressed clearly and both sides seem to be listening to the other and understanding the feelings and principles involved.

At the very least, the dialogue has meant there is more understanding in the community. We hope that better understanding will enhance the prospects for a mutually acceptable and permanent solution.

(Continued from Page 1)

"resolve the doubt in favor of those who wish to exercise their right of freedom of religion and establish clauses of the First Amendment, he said that, when no "compelling state purpose" is
Suit looms after second creche is rejected

By DAVID KIRKWOOD

Kathleen S. McCreary, coordinator of a group of 17 Scarsdale residents, whose request to display a creche on Boniface Circle was rejected Tuesday night by the Village Board, said Wednesday that there is "a very strong possibility" that the group will file suit against village officials charging that they have denied its constitutional right of freedom of religious expression.

"I'm not sure we have a great deal of choice," Mrs. McCreary, an attorney, told The Inquirer. "I feel Mayor Stone wants a test case. She has forced us into that position."

Mrs. McCreary expressed disappointment that "in spite of the illuminating discourse on the part of William Glendon" (one of the three trustees on the seven-member board who voted to reject the creche), the majority voted this week, as it had on December 1 in response to the original Scarsdale Creche Committee's request, not to permit the display on public property. Mrs. McCreary observed that four trustees voted to reject the creche even though, she asserted, none of them has argued that the village is prohibited under the Constitution's separation of church and state doctrine from permitting erection of a religious symbol on public land. Rather, she contended, the four turned down the creche as "socially undesirable."

The term was one used by Joseph Ullman, one of the trustees who voted for the creche, at the Dec. 14 meeting in explaining what he saw as his colleagues' reason for voting no. Ullman said later that it was an "unfortunate phrase." What he meant, he explained, was that the trustees who voted no believe that display of the creche on Boniface Circle is "something that stirred up trouble in town," which is "undesirable."

The 17 individuals, who submitted their request to the Village Board last week, are not affiliated with the Scarsdale Creche Committee, which has displayed a creche in Scarsdale every Christmas since 1957. Its request for use of Boniface Circle was turned down two weeks ago for the second consecutive year.

The creche that the new group seeks to display belonged to the McCreary family. Mrs. McCreary, who described it as "small, discreet and tasteful," said that in past years her family has displayed it in their home on Southwoods Lane.

During Tuesday night's discussion preceding the board's vote, Mrs. McCreary argued that "the constitutional guarantee of religious freedom is preeminent in this case and should be given precedence" over the section of the First Amendment prohibiting establishment of religion. She concluded by urging the board to

(Continued on page 6)
Creche

(Continued from Page 1)

"resolve the doubt in favor of those who wish to exercise their right of freedom of religion." Her statement drew loud applause from listeners, who nearly filled Rutherford Hall.

All the other speakers from the floor also called on the board to permit use of Boniface Circle, Kevin Healy stated, "If we don't get it tonight we'll be back and we'll be back and we'll be back."

Another citizen, Corky Thompson, said of the display of the creche, "This is a right that I am guaranteed and I want this right. I want it for my children and I want it for everyone in my community."

Although he voted for permitting the display of the Nativity scene on the circle, Trustee Joseph Ullman disagreed with the contention that the board must permit it. He predicted if a suit if filed, the court "is very likely to say we don't have to permit it and we don't have to prohibit it. We'll be left right where we are."

Mayor Jean Stone, who voted against the request, said that most of the board believes there is "no clear-cut legal direction that says you can't or you must" permit the creche. "I would not welcome a suit," the mayor added, but she also noted that citizens have a right to take the matter to court.

Trustee Glendon, who earlier had prepared a legal memorandum arguing that the Constitution requires the Village Board to accede to the first Creche Committee's request, reiterated his position. Although acknowledging the existence of "a tension" between the free exercise of religion and establishment clauses of the First Amendment, he said that, when no "compelling state purpose" is served by denying the exercise of religion, then the government must permit it.

"If this were a menorah or a symbol of any other religion I would vote the same way," Glendon said, adding, "this is the single most important decision that this board will make in its tenure. I think we did it wrong."

Despite the lengthy discussion this week, all the trustees voted as they had 13 days earlier. Mayor Stone and Trustees Betty Brown, Edward Falkenberg and Beatrice Underweiser voted to deny the second creche request. Trustees Martin Bowen, Glendon and Ullman voted to permit it.

Although none of the majority argued its side at the board meeting, Trustee Underweiser said afterwards that she "totally disagrees" with the claims that "there is a constitutional mandate under the First Amendment" to permit the creche to be displayed on public property.

"We are not infringing on anyone's right to practice their religion," she insisted. "You may put a creche, a menorah or a Buddhist temple on private property and I have no right as a public official to stop you or even to comment on it."

Mrs. Underweiser, who, like Glendon and Ullman is a lawyer, said that in cases of this nature the courts have consistently treated the issue as one concerning establishment of religion, not freedom of religious expression.
Many of us have joined together to write this letter because of our concern with the Village Board's rejection of an application to place a crematorium at Bonaventure Church. Some of us felt that the Board did not give the issue the careful consideration required since it neither understood the depth of concern nor the intensity of opposition. Our concerns include:

1. Crematoriums do not fit the character of the Village. Bonaventure Church is a serene and peaceful haven of spiritual retreat. The proposed crematorium would be out of place.

2. The crematorium would have an adverse effect on the health of the community. Exposed to the elements, it could emit harmful gases into the atmosphere.

3. The crematorium would contribute to traffic congestion. Cars would be required to enter the Village specifically to use the crematorium, creating additional traffic.

4. The crematorium could become a source of disturbance to Bonaventure Church's spiritual environment.

5. The crematorium would endanger the safety of the community. The proximity to the church could lead to accidents.

6. The crematorium would raise questions about the sanctity of the place. The use of a crematorium on the property of a place of worship could be seen as disrespectful.

We urge you to express your opposition to the Village Board's decision. The crematorium would be an inappropriate addition to Bonaventure Church and would not benefit the community.

Sincerely yours,
[Names]

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*The advertisement paid for by the owners of the property.*
LETTERS

‘Where is your spirit?’

To the Editor:

Christmas week is upon us and the Battle of the Creche is ended. This letter is not to lament the loss of the creche itself, but to express my personal sorrow at the loss of symbols of the season.

Fellow citizens of Scarsdale, where is your spirit? Chanukah is also a celebration of peace on earth and goodwill toward all men. It is a holiday devoted to love—the love of all people. Perhaps you have forgotten that all men include those of other races, other beliefs? Would you think that those devoted to Judaism would rejoice in the celebration of brotherhood? A group persecuted for their beliefs for so long should be the most understanding to the beliefs of others.

The creche is not only a religious symbol, rather it is the Christian representation of peace on earth, and goodwill to all. The birth of Christ, the Christian messiah, marked the beginning of salvation—a time of peace and love.

This spirit of brotherhood is not esoteric to one religious group, but a noble worthy feeling that should continue throughout the year. Why then is a symbol of peace and brotherhood continually the main controversy at this time of the year? For a full month, this newspaper has done little more than publish articles and letters about the creche. And it all began with the protest of one man. I seem to remember another man; yet he took the spirit of brotherhood and transformed it into an evil monster that cost many their lives.

I am not condemning this man’s opinion; indeed the First Amendment guarantees us all the right to express it. However, it is contemptable that this opinion has caused so much disunion among the residents of Scarsdale in this, the season of peace and goodwill.

Such a bigoted outlook is disappoint­​ing, and one can only wonder if this narrow-gauge viewpoint is isolated to the spirit of Christmas, or if it extends to hypocrisy in one’s own home.

YOLANDA A. LA MOTT
165 Mamaroneck Road

‘Ground for compromise’

To the Editor:

I am happy to take this opportunity to thank the kind and caring person who found my lost letter (lost on the way to Scarsdale Post Office) and addressed it to the Scarsdale Historical Society containing an order and check.

EDNA SULLIVAN
7 Winding Lane

‘Board praised on creche’

To the Editor:

As longtime residents of Scarsdale, we commend the Village Board for its concern over the creche and the Nativity scene.

ESTHER AND ROBERT G.
20 Bryant Rd.

‘Kind and caring person’

To the Editor:

I was moved to tears by the story about Mrs. Galizia on the front page of the Dec. 9 issue of the Scarsdale Inquirer. To all citizens of Scarsdale:

Tim Collins
163 Bradley Road

Galizia.

Add this one to all the worthy causes that Mr. Feiner and all the wonderful citizens of Scarsdale have fought. Let your voices be heard and your letter read on this issue. The sadness of this particular story cuts even deeper when it occurs during the holiday season.

TIM COLLINS
163 Bradley Road

‘Where is the creche?’

To the Editor:

We are to stand by Idly and let one of our own citizens be separated from her home? A woman of 85 years with no family? I am talking about Irene

To the Editor:

Please print the following letter, which is related to your recent story about Mrs. Galizia on the front page of the Dec. 9 issue of The Scarsdale Inquirer.

To All Citizens of Scarsdale:

We must commend Mayor Stone and the Village Board for its

THE CIRCLE
14 Main Street

‘Let your voices be heard’

To the Editor:

When Santa pops down the chimney with presents for good boys and girls, he will find empty stockings and a note waiting for him. The note will read

To the Editor:

This Christmas comes with questions. That I ask you — as though one may reflect on the values of our society.

CHARLES CUNNINGHAM
21 Murray Hill Rd.

For grapefruit and mailed it just before

EDNA SULLIVAN
7 Winding Lane

‘Different kinds of symbols’

To the Editor:

I am a Jew who goes through a great deal of soul-searching every Christmas season, which I suppose is what Christmas is all about. It is not a religious belief which prompts my

GAZIA
98 Warburton

‘Kind and caring person’

To the Editor:

I was moved to tears by the story about Mrs. Galizia on the front page of the Dec. 9 issue of the Scarsdale Inquirer.

TIM COLLINS
163 Bradley Road

...and letters about the creche.

They symbolize a celebration of life—a hero's conquest of the human mind against the spiritual darkness and the hollow crack of winter's ice.

But distinction between cultural and religious grounds have a

some billboards by a group. And the attempt at compromise by stating a Menorah at Boniface Circle. Chanukah is hogwash. This is not a religious issue, and the controversy is strictly a political one.

Perhaps there is a real ground for compromise. Authorize the creche, Boniface Circle beginning Christmas Eve and ending one day before Christmas.

NEIL SULLIVAN
64 Tamarack Rd.

‘Ground for compromise’

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I am happy to take this opportunity to thank the kind and caring person who found my lost letter (lost on the way to Scarsdale Post Office) and addressed it to the Scarsdale Historical Society containing an order and check.

EDNA SULLIVAN
7 Winding Lane

...be used for religious displays of any kind.

Scarsdale Inquirer.

To the Editor:

May the peace and joy of a Christmas season prevail.

CHARLES CUNNINGHAM
21 Murray Hill Rd.

ESTHER AND ROBERT G.
20 Bryant Rd.

...and letters about the creche.

They symbolize a celebration of life—a hero's conquest of the human mind against the spiritual darkness and the hollow crack of winter's ice.

But distinction between cultural and religious grounds have a

some billboards by a group. And the attempt at compromise by stating a Menorah at Boniface Circle. Chanukah is hogwash. This is not a religious issue, and the controversy is strictly a political one.

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Scarsdale Inquirer.

To the Editor:

May the peace and joy of a Christmas season prevail.

CHARLES CUNNINGHAM
21 Murray Hill Rd.
Scarsdale’s business community is also taking an active role. Susan Gorham of Century 21 Wolff & Son realtors is coordinating a campaign to collect donations from local realtors and other businesses.

Checks made out to the Scarsdale Foundation, may be sent to the Cox Memorial Fund, care of Carol Stix, 112 Carthage Road, Scarsdale.

Creche update

Kathleen McCreary, coordinator of the group of residents whose request— the second of the year—to place a creche in Boniface Circle was rejected by the Village Board on Dec. 14, said this week that she has been “negotiating with various individuals” regarding a possible suit against the village contending that it has deprived her and the others in the group of their right of free religious expression.

“We’d like very much to bring suit,” Mrs. McCreary said. “But it’s not an easy thing to do.” Although Mrs. McCreary is herself a lawyer, her specialty is taxes, so she is trying to find someone with the appropriate expertise willing to handle the case on a pro bono basis.

Catch

Anyone who has a custodial employee use an “obsolete and rickety” water meter had received a bill. But big job are, for
Trustees sued for barring creche display

By DAVID KIRKWOOD

A dozen Scarsdale residents, headed by Kathleen McCreary, have gone to court to force the Village Board to permit the display of the creche on Boniface Circle.

The group filed suit Monday in U.S. District Court in Manhattan, then had summonses served on Mayor Jean Stone and the six village trustees, as they entered Rutherford Hall for Tuesday night's regular Village Board meeting.

According to the 12-page complaint, prepared by attorney Vincent Gilmore, the plaintiffs were deprived of their freedom of speech and free exercise of religion, which are protected by the First and Fourteenth Amendments of the U.S. Constitution.

The complaint seeks a permanent injunction requiring the village to make Boniface Circle available for display of the creche. It also asks for the award of an unspecified amount of damages "to certain plaintiffs for past deprivation of civil and constitutional rights," and calls on the court to require the village to pay the plaintiffs' legal costs in this action.

Shortly after the summonses were served, Mayor Stone announced that the village intends to retain former U.S. District Court Judge Marvin Frankel as special counsel in the case. Judge Frankel, who from 1963 to 1978 presided in the same court where the suit was filed, is known as an expert on First Amendment rights and has taught Bill of Rights issues at Columbia. He said that the defense in the case will be that the Village Board's action regarding the creche "was necessary, or at least justified, under the Constitution."

The mayor expressed regret that the suit had been filed, but added that she hoped that it will result in a clear ruling on the legality of the creche display.

At least some of the four trustees who voted against the four creche requests that were made last December expressed doubt about whether permitting a religious display to be placed on public property is consistent with the First Amendment principle of separation of church and state. Of the three who voted to grant the request, two said they believed that the village has the discretion to permit or deny such a request, while Trustee William Glendon argued, much as the plaintiffs are doing, that the village has no right to bar religious display from its property.

(Continued on page 16)

Galloway named acting attorney

The Village Board Tuesday night appointed John H. Galloway III to serve as acting village attorney, in place of.

Galloway, 43, attended grade school in Scarsdale at Immaculate Heart of Mary before entering college at the University of Notre Dame.
Creche suit

(Continued from page 1.)

Although only Mrs. Stone and the three trustees who voted against the creche request—Betty Brown, Edward Falkenberg, and Beatrice Underweiser—were personally named in the suit, all the trustees were served with summons, since the whole Village Board is also named as a defendant.

The plaintiffs allege that in turning down the creche requests, the defendants were denying “access to and temporary use of……a public forum in the village solely on account of the content, nature and purpose of the expected speech or expression……and its deemed communicative impact.”

The plaintiffs seek also to establish that the rejection of the creche display was inconsistent with normal village practice. The complaint states that citizens are given free access to local parks and streets to “assemble, speak and express ideas and to place displays of an artistic or symbolic nature…….” Specifically, the complaint notes that for many years, including in 1982, the village has permitted the Chamber of Commerce to put up colored Christmas lights and decorations on public property. The complaint also mentions that a Christmas carol sing has been permitted to take place each year.

The complaint goes on to state that the village has no set rules regarding access to and use of Boniface Circle. Thus, it argues, the denial in December 1982 of the creche request was arbitrary and constituted “an invalid prior restraint on the freedom of speech and religion.”

Three of the plaintiffs—Mrs. McCreary, Angelina Messinger and Edward Napolitano—were among the group of 17 who last December filed a request for permission to display the creche in Boniface Circle, after an earlier application by the long-established Scarsdale Creche Committee was turned down for the second year in a row. Prior to 1981, the Creche Committee had displayed a carved Nativity scene on the circle every Christmas season since 1958.

Mrs. McCreary said that the 12 plaintiffs represent a wider cross-section of the village than the original group of 17. They come from all parts of Scarsdale and are not all Christians, she said. The nine new members of the group are David Drabkin, Ann Cawley, Charles Butler, John Hawkins, Nancy Steger, Richard Cacciato, Carol Ann Pascal, Corky Thompson and Gregory de Sousa.

Mrs. McCreary also noted that the Village Board can still avoid the lawsuit if it grants the request submitted by her group next week for use of Boniface Circle next Christmas.
Creche suit is answered

By DAVID KIRKWOOD

Attorneys representing the village contend that it would be unconstitutional for the Village Board to permit the display of the creche on Boniface Circle. That position is taken in the answer filed March 31 in U.S. District Court asking for dismissal of a Feb. 7 suit by a group of Scarsdale residents who contend that their constitutional rights were denied them when the Village Board voted four to three last December not to permit the creche to be displayed in Boniface Circle.

In the past, the prevailing sentiment among the trustees has always been that they had the legal authority either to permit or deny the display of the creche. From 1958 through 1980, the board had decided to grant the request of the Scarsdale Creche Committee. Then in 1981 and 1982, the board denied that request but not on the grounds that the display would be unconstitutional.

However, last week’s answer states that granting permission to display the creche would be in violation of the First and Fourteenth Amendments. It says that for the village to have approved the creche display “would have constituted the use of public property in support of religion and for religious purposes;” it would have had “the impermissible effect of advancing religion;” and it would have constituted excessive government entanglement with religion.”

(Continued on Page 8)
That position is directly opposite that taken by Kathleen McCrea and the 11 other plaintiffs. They contend that the Village Board is constitutionally bound to permit them to display the creche on Boniface Circle as a matter of their right of free religious expression. William Glendon, a lawyer and one of three trustees who voted to permit the creche display, also stated a similar position before the suit was filed.

Should the court agree with the defendants' position, it would mean, of course, that the suit was unsuccessful and the village would not have to pay any of the unspecified damages asked in the suit. Moreover, it would also apparently end the annual creche controversy, since it would mean that no matter how the trustees felt about the issue, they were constitutionally prohibited from allowing the creche display.

If the plaintiffs' position is upheld, that too would resolve the controversy, since such a ruling would also mean that the Village Board had no legal authority to decide on the creche display.

The court's ruling will not necessarily resolve the issue forever, though. As an alternative defense, the village's answer states that "determining whether or not to permit any particular use of public property within the Village of Scarsdale is a discretionary function of the Board of Trustees." This position is basically that expressed by trustees in the past. If the court agrees with it, then the presence or absence of the creche from Boniface Circle will continue to be decided annually by the board.

The answer to the suit was filed jointly by Stuart Parker of Siff and Newman, the law firm retained by the village's insurance company, and by former U.S. District Court Judge Marvin Frankel, who was retained by the Village Board specifically for this case.

The Mothers' Club of Sacred Heart School will present its annual bridge, dessert and fashion show in the school hall on Friday, April 29 at 8 p.m. All proceeds from this fundraising event will benefit the children of Sacred Heart School. Admission is $6 per person.
A sample of the Orient

Close to 2000 Scarsdale residents, many of them from countries throughout the world, turned out at the High School Sunday for the PT Council’s International Fair, featuring crafts, entertainment and food from many lands. Photo shows Jennifer Jacobs being given a taste of Korea by Chi Dyo to the delight of, from left, Sue Kim, Linda Pyo, Sandy Kim and Minjee Cho. For more on the International Fair, see back page.

High court ruling could be felt here

The U.S. Supreme Court agreed Monday to hear an appeal by the city of Pawtucket, R.I. that could have implications in the Scarsdale creche case. The Pawtucket case, which will be the first creche controversy ever to reach the high court, involves a city-owned Nativity scene that for 40 years had been part of a Christmas display in a private downtown park.

In 1980, the Rhode Island Chapter of the American Civil Liberties Union sued, claiming that the public sponsorship of a religious display and the expenditure of tax money for it violated the Constitutionally mandated separation of church and state. Shortly before Christmas, 1981, a U.S. District Court judge found for the plaintiffs and ordered the city to stop including the creche in the seasonal display, which also included such decorations as a lighted tree, snowmen, reindeer, carolers and Walt Disney characters.

The city appealed the decision, but last November, the First Circuit Court of Appeals voted two to one to uphold the decision on grounds that the creche “had a primary effect of advancing religion” and was therefore unconstitutional.

What effect will the Pawtucket ruling have on the outcome of the suit filed by a group of Scarsdale residents who say that their First Amendment rights have been violated because of the Village Board’s refusal to let them display a creche in Boniface Circle?

Initially, it may have no effect at all, because it is likely that the District Court will rule in the Scarsdale case before the Supreme Court decides the Pawtucket appeal. Both parties in the local case have said they hope to have a ruling before Christmas. According to Stewart Parker, one of the village’s attorneys in the matter, the case is still on schedule for a pre-Christmas decision. However, if the District Court decision is appealed and the Scarsdale case (Continued on Page 12)

county level, in part because of the village’s “disproportionate contribution to Democratic election victories.”

Mrs. Finger, a lawyer, said she will remain active in the Democratic Town Committee, but has no other political plans. Asked her advice to her successor in the job, she said “Enjoy it.”

At the April 21 meeting, the 66-member Town Committee will elect at least one and possibly two vice chairman.

Creche case

(Continued from Page 1)

is thereby protracted into 1984, it is probable that the Supreme Court will have reached a decision before the Scarsdale case gets to the Circuit Court of Appeals. In Parker’s view, the Supreme Court decision would be likely to have “a great deal of significance,” on the local case, even thought in Scarsdale it is a privately owned creche in a public park that is in dispute, while in Pawtucket, it is the park that is private and the creche that is owned by the municipality.

Brancusi Society to present play

The International Brancusi Society will hold its annual meeting Saturday, April 23 from 1 to 4 p.m. at Fordham’s Lincoln Center campus. Scarsdale residents Dr. Florence Hetzler and Margaret Bartelme are president and treasurer, respectively, of the society.

The topic of the meeting will be a play
Village sued again on creche denial

The Scarsdale Creche Committee has filed its own suit against the Village Board for refusing to grant it permission to display the creche on Boniface Circle at Christmas. The suit, filed April 28 in Federal District Court in Manhattan, follows a similar suit brought in February by a dozen Scarsdale residents whose request to place a Nativity scene in Boniface Circle was also rejected by the Village trustees.

The second suit was filed two days after the Village Board declined to act on a creche committee request for use of Boniface Circle during the 1983 Christmas season. Mayor Seymour Sims explained at the April 26 meeting that the board would not act on the request because the matter was in litigation.

The Scarsdale Creche Committee, which is chaired by Patricia Curran, consists of representatives of seven local churches: Immaculate Heart of Mary, St. Pius X, Our Lady of Fatima, Trinity Lutheran, Grace Lutheran, Lutheran Church of the Good Shepherd and Scarsdale Community Baptist Church. Attorneys for the plaintiffs are Marvin Schwartz and Sara Goodman of the Manhattan firm of Sullivan & Cromwell.

The Creche Committee contends that its constitutional rights have been violated by the village's denial of access to the publicly owned park for free religious expression. The suit points out that the public has always had free access to Boniface Circle and it also cites other religious uses on village property that are permitted. These include Christmas lights on downtown streets and a Christmas tree in Davis Park, where in both cases the village pays the cost of the electricity for the lights. The suit also mentions the permitted use of Boniface Circle and Village Hall Plaza for the Town Club's annual Christmas carol sing.

In its reply to the earlier suit, the village took the position that the Constitutional prohibition of government establishment of religion legally bars the creche display from public land.

The Creche Committee was permitted to place the creche at Boniface Circle every year from 1958 through 1980, but in 1981 and 1982 the trustees voted four to three to reject its application.

 Asked why the Creche Committee decided to bring suit when another group had already done so, using similar arguments, Mrs. Curran said, "We are a separate group which represents seven churches and that has been in existence for 25 years. Our constitutional rights have been violated."

Apple Tree Barn found legal

A New York State appeals court has dismissed convictions for zoning code violations against Dorothy Silverstone of Scarsdale, N.Y.

Silverstone, who owned the Apple Tree Barn at 189 Tappan Road, was convicted of violating zoning regulations by converting the barn's barnyard into a parking lot. The barn was on the property and adjacent property, which Mrs. Silverstone sold in 1962.

The three-judge appeals court held that the zoning regulations were clearly established and that Mrs. Silverstone's conduct was a violation of them.
Judge hears creche case

By DAVID KIRKWOOD

The Village Board's hotly disputed decision to bar the display of the creche in Boniface Circle at Christmas was described alternately as a violation of citizens' right of free speech and as a constitutionally mandated upholding of the prohibition of government establishment of religion during two and half hours of oral arguments presented Wednesday afternoon in the Federal Courthouse in downtown Manhattan.

Some 40 Scarsdale officials, plaintiffs and interested residents listened intently as Marvin Schwartz, attorney for the Boniface Circle Creche Committee, which is suing the Village Board, and Marvin Frankel, defense attorney for the village, argued before U.S. District Court Judge Charles Stewart.

It is expected to be two or three months before Judge Stewart completes his review of the voluminous pretrial memoranda and exhibits and issues a ruling in what he called "a fascinating and very difficult case." If he rules in favor of the plaintiffs, the Village will be required to permit the creche display. If he dismisses the suits, either the Village will be barred from permitting the display or, possibly, the decision to permit or reject the Creche Committee's application will be left to the discretion of the Village Board.

The July 20 trial was confined to oral arguments by the lawyers, because the parties had agreed to a stipulation of the facts, thus precluding testimony by witnesses. However, there was almost no agreement, at all between the lawyers on what are the guiding constitutional principles in the case or on which federal court decisions provide the key precedents.

Schwartz went on, "Under the Constitution, when a municipality makes parks available to some groups, it is obligated to make them available to all groups. It doesn't have the right to determine if it likes the content of the message the applicant wishes to convey."

Commenting the precedent in the case, Schwartz stated, is the Supreme Court decision in Widmar v. Vincent, which found unconstitutional a rule at the University of Missouri banning religious meetings in college facilities other than chapels.

According to that decision, the open access given to all other groups on campus could not be denied by a group simply because it was religious. The court held that the plaintiffs' intended use of a university facility was religious in nature and did not make it subject to the First Amendment clause barring governmental establishment of religion.

In his presentation, Schwartz sought to answer the arguments that the village's attorneys had used in their written memoranda.

Regarding the separation of church and state argument, which was central to the defense position, Schwartz insisted that Widmar and other decisions hold that providing all organizations, including religious groups, equal access to public property does not violate the establishment clause.

 Asked by Judge Stewart whether the display of a creche on public land for "two or three weeks, 24 a day" was different from other forms of speech, Schwartz acknowledged that it was, but replied that the best case for its acceptability is the Village had permitted it for 24 years. He also cited a court ruling permitting an altar, much larger than the creche, to be placed on public land in Washington, D.C., so Pope John II could say mass.

Schwartz categorized as "nonsense" and "a litigation concoction" the defense contention that Boniface Circle is a war memorial and that the village has generally limited activities in it to those appropriate to such a memorial. In the 36 years the village has owned the park, Schwartz said that only once before the creche denial had it turned down a use permit on the grounds of inappropriateness.

He argued that all kinds of activities, including bake sales, art shows and the display of a symbolic rocket ship launching a community fund drive had been permitted in the circle. And he pointed out, from 1957 to 1980, the Creche Committee had been permitted to display the Nativity scene in Boniface Circle every Christmas.

Schwartz said that when applications to use the circle were turned down it was for reasons such as parking or traffic problems, and another public site was offered. However, no such alternative was offered to the Creche Committee, he observed.

The Creche Committee's lawyer also contended that the village has no consistent policy against use of public land for religious purposes. Boniface Circle

(Continued on Page 6)

Correction

Marvin Schwartz, attorney for the Scarsdale Creche Committee, was identified with the incorrect legal firm in last week's front page story on the creche trial. Schwartz is a senior partner in the law firm of Sullivan & Cromwell.

The firm of Proskauer, Rose Goetz and Mendelsohn was originally retained by the village in the case. The case was assigned to Marvin Frankel, who subsequently left Proskauer, Rose, and is now handling the case as a senior partner in the firm of Kramer, Levin, Nessen, Kamin & Frankel.

Planning Board

This week's meeting began with police incidents.

The meeting of the Planning Board opened with four police incidents.

At a meeting of the Planning Board, the police officer of the Village Board noted that the Village had had a number of accidents, including some in which the police were involved. The officer noted that the police were involved in an accident on the morning of the meeting.

The display of the creche was denied, Schwartz maintained, "solely because of the religious content of the message (the committee) intended to convey."

Schwartz acknowledged that it was, but replied that the best case for its acceptability is the Village had permitted it for 24 years. He also cited a court ruling permitting an altar, much larger than the creche, to be placed on public land in Washington, D.C., so Pope John II could say mass.

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Creche trial conducted

(Continued from Page 1)

itself was used last Christmas for a carol sing, display of a tree decorated with Christmas lights and the arrival of Santa Claus in a village fire engine.

Although Schwartz, as attorney for the Scarsdale Creche Committee, made most of the arguments for the plaintiffs, Michael Murphy also spoke briefly on behalf of his client—a committee headed by Kathleen McCready. This group also sought permission to display a creche last Christmas and it filed the original suit against the village.

Murphy claimed that the denial constituted governmental prohibition of his clients' right to practice their religion. However, freedom of speech and not of religion was the main argument used by the plaintiffs.

For the defense

While Schwartz emphasized the free speech passage of the First Amendment, Marvin Frankel, a former Federal District Court judge, said that it is the establishment clause of the amendment that prevails in the Scarsdale creche case.

Frankel leaned heavily on the case of the American Civil Liberties Union v. Rabun County (Georgia) Chamber of Commerce, as well as arguing that the specifics of the Scarsdale situation are such that the display of the creche would fail all three tests established by the Supreme Court in Lemon v. Kurtzman for determining whether government actions are in conformity with the establishment clause.

In Rabun County, a U.S. Circuit Court ruled that a cross erected on public land constituted government establishment of religion, even though it was a private organization, the Rabun Chamber of Commerce, that put the creche up.

Rabun is more relevant to the Scarsdale case than Widmar, Frankel argued, because it too involved a religious symbol on public land.

The Widmar case permitted a group to hold prayer meetings, which, the defense attorney said is "wholly unlike the placement of a symbol on public property." He explained, "A physical symbol comes to be identified with the institution on the land of which it rests." Thus, displaying the creche on Boniface Circle for two and a half weeks conveys an appearance of endorsement" by the village of the creche, a point Frankel said that the Creche Committee was aware of in its insistence that the creche go on Boniface Circle rather than on private property.

Elaborating on the differences between display of a physical symbol and other forms of speech, Frankel said. "You can pass out leaflets at the Washington Monument promoting Nazism, but an application to display a swastika would, should and could be denied." Or, similarly, Frankel said that someone could preach the message, "Religion is the opiate of the people" at Boniface Circle, but could be turned down if he wanted to display a sign with that message in the circle.

As for the court ruling that an altar could be set up on public land for the Pope to say mass, Frankel said that was "a single, transient ceremony identifiable with the people who were conducting it."

Applying the criteria of Lemon v. Salzman, Frankel said that the creche display violated the establishment clause on all three counts: Its purpose was not primarily secular, its principal effect was to advance or promote religion and it constituted excessive government entanglement with religion.

As for the village's 24-year policy of permitting the creche Frankel said that it had been wrong. But he stressed that a mistaken past policy and the village's defense of it in court in 1977 are not relevant to the present case.

Frankel also disagreed with Schwartz' description of how the village has permitted Boniface Circle to be used in the past. With the exception of the creche from 1956 to 1980, he said that "no symbol of any kind had been allowed to sit near or beside the war memorial for as much as a day." He added, "The trustees are entitled to keep that little circle as a place of serenity, tranquility and patriotic contemplations and not as a center of rancor...."

It is expected that Judge Stewart will make his decision in time to be effect by Christmas 1983. However, both Schwartz and Frankel have said that his ruling is likely to be appealed, so that the District Court decision will probably not be the final word in the dispute.
Damage claims dismissed

It is expected to be weeks or months before U.S. District Court Judge Charles Stewart rules whether the creche can be displayed in Boniface Circle this Christmas. However, he has determined one issue in the case which went to trial July 20.

As requested by attorneys for the village, Judge Stewart dismissed damage claims filed by Kathleen McCreary and 11 other Scarsdale residents against the four individual trustees who voted against permitting the creche to be displayed. This group's suit, the first of two to be filed, calls for the four trustees to be required to pay unspecified amounts of damages "to certain plaintiffs for past deprivation of civil and constitutional rights." The judge has not dismissed the damage claims brought by Mrs. McCreary et al. against the Village Board as a whole.

In his dismissal decision, Judge Stewart found that government officials have "qualified immunity" from personal liability suits when they are acting in good faith doing their job as officials. Stewart also severed two of the original defendants — former Mayor Jean Stone and former Trustee Betty Brown — from the case, because they are no longer in office.

The second suit, brought by the Scarsdale Creche Committee, was brought against the Village Board as a whole and not against individual members.

Tennis court bids

The village has asked for new bids to build the Junior High School tennis facility, in accordance with the financing plan for the project worked out this month by Village Hall and a committee for the Preservation of the Junior High Tennis Courts.

An advertisement for bids appeared in this week's Inquirer and an RFP deadline has been set for the project.

The new project specifications are lower than the original ones that Village Board had anticipated. This would-be contract awardees are asked to build only tennis courts, wall and track, which is included in the first set of specifications. Also expected to bring the bids is that a less expensive base will be required.

On the other hand, contractors will be asked to construct six tennis courts, more than the four tennis and two small courts now on the site.

The financing side of the tennis project, Robert Harrison, leader of the committee to save the courts, said yesterday that he has collected about $25,000 pledged to the New York Junior Tennis League chapter, which Harrison established. About 50 people have made deductible contributions to Harrison's Tennis League, whose address in Scarsdale is Harrison's home at Murray Hill Road.

Three labor contracts

The Village Board and Board of Education both came to terms with unionized employee groups last week.

The total additional cost to the village of the settlement will be about $29,000 this year and $300 next.
VILLAGE UPHELD IN CRECHE SUIT

U.S. District Court Judge Charles E. Stewart Jr. found that it was "proper and necessary" for the village to bar the display of the creche on Boniface Circle.

In a decision released this afternoon (Thursday) Judge Stewart dismissed as being "without merit" the contention of the Scarsdale Creche Committee and a second local group that filed suit against the village, that they had been deprived of their First Amendment right of free speech when the Village Board last Christmas refused to permit the Nativity display to be erected on public property.

Stewart, judge in Federal District Court in Manhattan, drew a distinction between citizens' rights personally to speak on public property and for a religious display to be erected and maintained on public property for 10 days.

The 43-page decision agreed with the village's defense that permitting the display of the creche "would contravene the establishment clause" and thus would be unconstitutional. In reaching his decision that the public display of the creche is a violation of the principle of separation of church and state, Stewart cited the U.S. Supreme Court decision in Lemon V. Kurtzman, which stated that "religion must be a private matter for the individual, the family and the institutions of private choice and that while some involvement and entanglement (of church and state) are inevitable, blinds must be drawn."

Although the two groups that brought the creche suit may appeal Stewart's ruling, his decision apparently means that this Christmas, for the third year in a row, the creche will not be on display in Boniface Circle.

A full story on the decision and on reaction to it will appear in next week's Inquirer.
Ready to play up a storm

Setting the scene for Sunday's annual Christmas Carol Sing at Boniface Circle are some of the principals in the traditional event. The sing, sponsored by the Town Club for more than 60 years, will start at 4 p.m. and is open to all. Song sheets will be provided and Santa will supply candy canes. From left are, clarinetist Wayne Warneken and trumpeter Bruce Goldstein, who will join the Scarsdale High School instrumentalists performing; Jerry, Varley in the Santa suit; John Hawkins, who is organizing the sing for the Town Club; Mark Bench, the Town Club president, and Earl Groner, who will conduct singers and instrumentalists.

Abe Simon dies; led Antiques

Abe Simon, a longtime local resident and founder of the Scarsdale Antiques running club, died Sunday, Dec. 1, of cancer at Mount Sinai Hospital in Manhattan. He was 59 years old.

Simon, who lived in Scarsdale for 25 years and took up running at the age of 44 after developing heart trouble. In 1969, with Nicholas Dean, Stanley Newhouse, Dick Rothchild and Bob Peterson, he organized a group to run for the New York City Marathon. The group has since grown to include hundreds of members who run three times a week in the Scarsdale area.

In its 10th year, the Running Club has raised more than $100,000 for various charities, including the American Cancer Society, the American Heart Association and the United Way.

The club's annual Christmas Carol Sing at Boniface Circle will be held on Sunday, Dec. 11, at 4 p.m. The Sing is sponsored by the Town Club and will feature performances by the Scarsdale High School instrumentalists and the Town Club choir, as well as a children's choir from the Scarsdale Elementary School. The Sing is open to all and admission is free.

Judge rules creche promotes religion

By DAVID KIRKWOOD

The basic issue determined by Judge Charles Stewart in the creche case was whether the village of Boniface Circle, in violation of the Establishment Clause of the First Amendment, had wrongly denied the display of a religious symbol on public property.

Patricia Curran, chairman of the Scarsdale Creche Committee, said that the creche on Boniface Circle is a "public forum," as the plaintiffs contended.

Martin Schwartz, attorney for the Creche Committee, said that he had advised his client to appeal the decision, which he described as "vulnerable.

Kathleen McCrea, who organized the 12 citizens who filed the first of the two suits against the village, said that her group also intends to file notice of appeal with the United States Circuit Court of Appeals. Mrs. McCrea, who is a lawyer, said there is "an extremely strong chance" that the three-judge Circuit Court, which is the last court before the U.S. Supreme Court, would overrule Stewart's ruling.

Marvin Frankel, a former federal court judge who was hired by the Village Board to defend it in this case, said that he expected Stewart's decision to be upheld, if it goes to the Supreme Court. However, he acknowledged that "it does break new ground and lawyers always think a decision that breaks new ground is vulnerable, especially if it's a decision that they don't like."

The legal ground that Frankel said was broken in the ruling regards the legal distinctions between symbolic expression and other types of expression. "There is a need to differentiate between the different forms of expression," Frankel said.

Frankel himself drew the distinction between symbolic expression and other types of expression during last summer's trial when he said that the First Amendment clearly permits a person to speak in support of Nazism in a public park, but that it does not guarantee his right to hang a swastika in a public park and leave it on display.

Stewart's decision received praise this week from defendants in the suit. Jean Stone, who was mayor in 1981 and 1982, and clas her no vote in the four-to-three rejection of the creche (Continued on Page 6).

Scarcely anyone all day long

By DAVID KIRKWOOD

Scarsdale seems to have had an all-day curfew last week, as Dr. Thomas J. Sobol, president of the Board of Education, said last week that "time to speak" in the community was "not going to be present for a long time" if the school board does not act soon.

Sobol, who is the next in line to succeed the outgoing president for a full term, said that the board should "take action" if the school board does not act soon.

"I am concerned about the way people in the community have been acting," Sobol said. "They have been acting in a way that is not in the best interest of the community.

In the past, the school board has been able to have its way with the community. The school board has been able to do what it wants, and the community has had little say in the matter.

"I think that the school board should be more open to the community," Sobol said. "The community should be involved in the decision-making process.

"I want to see the school board become more open to the community," Sobol said. "I want to see the school board become more open to the community.
Creche decision

(Continued from Page 1)

applications, told The Inquirer, "I'm very gratified. I hope that the question is resolved and that it removes an area of tension from the village. I'm grateful that it came down when it did" (before Christmas).

Beatrice Underweiser, chairman of the Village Board's Law Committee and one of the trustees who voted against the creche display, said she was "delighted." She said that the judge's decision "establishes a strong precedent that would apply to any religious symbols. The overall effect is to keep government and religion as separate as possible. That's what the Constitution is all about." Trustee Underweiser said that she feels confident that the decision would be upheld in the Circuit Court.

Mayor Seymour Sims, who was not on the board last year but voted against the creche application in past years, said he was "satisfied with the decision and hoped the lingering doubts have been settled." However, the mayor's reaction was subdued. "How can a mayor be pleased when a great number of people on one side or another are going to be unhappy however the case comes out?"

Trustee William Glendon, a lawyer who voted to permit the creche at Boniface Circle, called Stewart's decision "well written, whether you agree with it or not." Glendon, who had advised his colleagues before either suit was filed that in his view denying the creche was a violation of the Creche Committee's rights, saw "something positive" coming out of the law suits.

"I've always felt that this obviously very divisive issue had to be resolved in the courts," he said. "It's not fair to ask a political body to decide questions of freedom of speech and exercise of religious rights. A final resolution by the courts will get community acceptance."

The immediate impact of Judge Stewart's decision is that this Christmas the creche will not be displayed in Boniface Circle as it was from 1956 to 1980 before being barred in 1981 and 1982. Nor will it be displayed elsewhere on private land. Mrs. Curran said that the Creche Committee has made no attempt to find an alternate site. In 1981, the creche was displayed directly across Chase Road from Boniface Circle in front of what was then the recently closed Frog Prince Proper Restaurant and is now another restaurant, Chase Landing.

If the property owner agreed, Mrs. Curran said the committee could probably erect the creche there again this Christmas. However, she said, "We're concentrating on the court decision."

If the District Court decision is appealed, the Circuit Court will probably hear the case this spring and either uphold or overrule Judge Stewart before Christmas 1984. Either way, that decision could be appealed to the Supreme Court.

Another case could also have a bearing on the Scarsdale creche case. The Supreme Court has before it a case from Pawtucket, R.I. in which a publicly owned creche, displayed on private property, was found to be unconstitutional. While the facts of the Pawtucket case are quite different from those in Scarsdale, in ruling on it the Supreme Court might make statements broad enough to have implications here.

There had been anticipation that the high court might rule on the case before Christmas, but the court adjourned Monday until after New Year's without doing so.
Ready to play up a storm

Setting the scene for Sunday's annual Christmas Carol Sing at Boniface Circle are some of the principals in the traditional event. The sing, sponsored by the Town Club for more than 60 years, will start at 4 p.m. and is open to all. Song sheets will be provided and Santa will supply candy canes. From left are, clarinetist Wayne Warrken and trumpeter Bruce Goldstein, who will be among the Scarsdale High School instrumentalists performing; Jerry Varley in the Santa suit; John Hawkins, who is organizing the sing for the Town Club; Mark Bench, the Town Club president; and Earl Groner, who will conduct singers and instrumentalists.

Abe Simon dies; led Antiques

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**Judge's opinion**

(Continued from Page 1)

Widmar does not govern in the creche case. Stewart decided, because, "in contrast to cases like Widmar where speech derives from the simultaneous efforts and actions of those who have gathered to engage in it, when a symbol is placed on public land, the land performs an inside-enhanced function, it is the land itself which is a test of which a message can be portrayed when a symbol is left on public land."

This finding by the judge distinguishes the display of the creche on Boniface Circle from a "traditional public forum": it is a public, government-owned property and not an alcoholic, commercial property. The creche was a "tinfoil..." and was a "tinsel..."

In the spirit of the city paper at Holiday Time, it might be the type of effort we need as a community--maybe too late for this season, but perhaps worthwhile considering!

PAT REILLY
23 Grand Park Ave.

**Six in creche case**

Two trustees, not the elected State legislature, nor even the Congress, can decide what is done, the judge with the opinion of the Appeals Court found it a local matter.

**William Wemple**
30 Cambridge Road

**Olga Toll**
44 Huntington Ave.

**Joseph F. Limongelli**
Parel Lane

**Hearty Stewart**
23 Grand Park Ave.

**Jean Stone**, Member of the Village Board:
While the creche case is pending, there is a possibility it could be dropped. The creche was to be replaced by the Village Board.

William Wemple
23 Grand Park Ave.

**Marvin Frankel**, Attorney for the village, and argued during the July 13th that Boniface Circle "be a public forum": it is a public, common place reserved by the city for solemn ceremonial occasions connected with the war memorial.

However, based on the history of Boniface Circle, the court felt Stewart's argument, saying that its "public forum" character is set by the fact that it is used for ceremonial occasions. The city's use of the creche was a "public forum" for a "traditional public forum"--one to which the public was denied access because the creche is a public forum, not a private place.

In deciding whether it was proper for the city to deny the plaintiffs access to public land, the court then looked at the question of whether the denial was "necessary to serve a compelling state interest," and found that it was not. The court dismissed the Establishment Clause claim.

On the third Lemon test--whether a government policy fosters an excessive government entanglement with religion--Stewart ruled that permitting the creche would not be constitutional. He wrote, "...while allowing the creche to be displayed does not create a public forum, the establishment clause is not violated, as the creche is not a public forum, but a private property.

In summarizing the impact of his ruling, Judge Stewart stated, "The law has drawn allows persons to have religious symbols on private property, and a public place of worship, and the creche was one of the places of worship. The creche was a public place of worship and could be used for religious purposes by the village property.

While failing the "three-pronged test of Lemon", the creche was a form of religious expression, the court held that the creche was not a form of religious expression, but rather a public, government-owned property.

This finding by the judge distinguishes the creche on Boniface Circle from a "traditional public forum": it is a public, government-owned property and not an alcoholic, commercial property. The creche was a "tinfoil..." and was a "tinsel..."
For better or for worse, the Village Council Petit tried to build a soccer/football field on a property on the north end of the village. The proposal was opposed by residents who have proposed a small park to block the view.

According to Assistant Village Manager Donald Newman, this is the reason for a hearing, which will be held this week. The Village Council is considering a proposal to build a soccer/football field on a property on the north end of the village. The proposal was opposed by residents who have proposed a small park to block the view.

Residents who braved the rain this morning (Thursday) were startled to find a creche at the foot of the Christmas tree in Boniface Circle.

The creche—two three-foot-high figures of Mary and Joseph, a small figure of the infant Jesus and two lambs—had apparently been placed there during the night. At 10:20 a.m. part of the mystery was solved when an Edgewood resident reported to police that the creche was missing from the front of her home. She quickly identified the creche in the village as hers, and by early afternoon police had returned it to her.

Police are still working on the remaining question, to try to learn who took the creche from its owner's lawn and placed it in a spot that has been the focus of a long-running controversy.
Looking at Crossways

Between continuing search to find a new playing field, and last week’s contract signing for the Scarsdale High School football team, the process of selecting a site has been delayed.

Recipients


Creche returning to court

Plaintiffs in the Scarsdale case have been notified that their request to file an amended complaint has been denied. The case will proceed to trial.

Meanwhile, the long drawn out case of the Anti-Defamation League (ADL) and the First U.S. Circuit Court of Appeals in Boston has been halted. The ADL, a national civil rights organization, has filed an appeal against the lower court’s decision in favor of the plaintiffs.

The ADL, representing the plaintiffs, filed a complaint in federal court in November 1983. The plaintiffs, represented by the League, sought to enjoin the town from enforcing its anti-discrimination law against members of a religious group.

The League, which represents over 100,000 Jewish organizations, argues that the town’s ordinance violates the First Amendment’s protection of religious freedom.

The plaintiffs, represented by the League, argue that the ordinance violates the plaintiffs’ rights to freedom of speech and association.

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The plaintiffs, represented by the League, argue that the ordinance violates the plaintiffs’ rights to freedom of speech and association.

If successful, the plaintiffs would be allowed to continue their case in federal court.

Casting call notice attracts hundreds of would-be actors

By SARA BLOOM

If English teachers are still dreading the day that-I’d-ever-over-see-vacation week, they might find a rare moment in next week’s crop of student compositions.

Chances are good that among accounts of the usual summit trips and island getaways, one of your young men might turn in a real stunner—an adventure tale built around hopes and dreams, studied with suspense, a little comic relief and a cliffhanger finish.

Precisely at noon the first case is airs from director Shirley Rich, who lined up the first 30. Would have done her work, one, and, briefly, interviewed them along with film producer Stanley Jaffe and the director, Michael Apter. When they were done with the first lot, eight had passed muster.

“Right for the part.”

Assistant to the director Miss, Miss, or Edgerton, matched.

Mrs. Rich meant out. “Thank you. Then can’t be the other kind of girls in this business—actors with real talent. Too many waiting lines. The little ad, it was noon, I appeared at several local newspapers and, in the four hours, barely 300 would-be actors from New Jersey to Connecticut descended on centrally located Edgerton for the chance at stardom.

“I understand you’re having a casting call this week at Scarsdale High School,” he asked.

“Would you like to see the children of the older broth- Some ‘long ledge. Others who have attended high school plays or movies know the ad, Jeff Apter and Mr. Rich, reviewed the list. Mrs. Rich delivered her line coming.

After private parties were eliminated, those second round was 1 p.m. before a huge audience for the request again and through the long line, Mr. Kaslow, was under the release date is 6.

“We’re looking for the part.”

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Creche case continues

(Continued from Page 1)

tangent” from the actual parties to the suit.

Marvin Schwartz, chief attorney for the two plaintiffs—the Scarsdale Creche Committee and a citizens’ committee headed by Kathleen McCreary—gave his consent last week to the ADL’s request to file an amicus brief. Asked why, Schwartz said, “I would never object to anybody filing anything with the court that they wished to file.”

At a special Monday afternoon meeting, the Village Board instructed its principal lawyer, Marvin Frankel, to permit the ADL and any other organization “having a similar visible interest” to file an amicus brief.

Frankel said that he recommended to the trustees that they go along with the ADL’s request because it is “a responsible organization with a legitimate interest in the case.” He said “Responsible lawyers commonly advise clients to give their consent” under such circumstances. He added that an amicus brief “might shed some light on the case.”

The village’s brief is due on March 19. The Circuit Court has advised the parties to be ready to make oral arguments in the case any time after March 26.

While neither party’s brief has yet been released, it is expected that the plaintiffs will reiterate their claim made in last summer’s trial that in denying them permission to display the creche the village had deprived them of their First Amendment rights of free speech and free exercise of religion. The village is expected to claim, as Judge Stewart found, that a return to its previous policy, in effect from 1957 to 1980, of giving the Creche Committee use of the Boniface Circle for a religious display would serve to promote religion in a manner prohibited by the Establishment Clause.

Regardless of how the Circuit Court rules on the Scarsdale case, it is likely that the unsuccessful party will appeal its decision to the U.S. Supreme Court. However, a Supreme Court decision in the Pawtucket case might make such an appeal unnecessary. If handed down soon enough, such a decision might eliminate the need for the Circuit Court to rule in the Scarsdale case.

The facts of the Pawtucket case are quite different, since unlike in Scarsdale, where the creche is privately owned, it is the city that has put the creche on display. On the other hand, the Pawtucket creche has been erected on private, not public, land.

Despite the differing circumstances in the case, the Supreme Court could make a ruling broad enough to apply to Scarsdale.
Supreme Court ruling may pave way for return of Scarsdale creche to Boniface Circle

By DAVID KIRKWOOD

Plaintiffs in the Scarsdale creche case were rejoicing this week, confident that the U.S. Supreme Court decision in a Pawtucket creche case (Lynch v. Donnelly) means that the creche will be back in Boniface Circle next Christmas.

"Frankly, I think it's in the bag," said Kathleen McCreary, the Scarsdale resident who heads the citizens committee that first filed suit against the village last year in an attempt to get the court to require it to permit the Nativity scene to be placed in Boniface Circle. With the Supreme Court decision, she said, "It's very hard to see how the Circuit Court of Appeals couldn't overrule the District Court."

(The Circuit Court may soon begin consideration of appeals by Mrs. McCreary's group and by the Scarsdale Creche Committee of U.S. District Court Judge Charles Stewart's Dec. 8 decision that the establishment clause of the First Amendment prohibits the erection of religious symbols on public land.)

"I'm euphoric," Mrs. McCreary continued. "It's been something of a David and Goliath story. We started out with nothing, not even a lawyer. The other side had all the money and the lawyers. But our diligence and determination have led to success."

Patricia Curran, chairman of the Creche Committee, which placed the creche on Boniface Circle from 1956 until 2001 when the Village Board denied it permission, said she was "elated" by news of the Supreme Court decision in the Pawtucket case. Mrs. Curran, whose committee sued the village after the citizens committee explained, "We always felt that this was a constitutional question. We truly felt that a right was taken away from us."

Vincent Gilmore, the lawyer for Mrs. McCreary's group, also expressed confidence that the Pawtucket ruling would have "a significant effect" in persuading the Circuit Court to overturn Judge Stewart's ruling against his clients. Oral arguments in the case could take place as soon as March 26. However, in light of the Supreme Court decision, the Circuit Court might decide not to hear the case, but rather remand it to Judge Stewart for possible reversal.

Marvin Schwartz and Sarah Goodman, the attorneys for the Scarsdale Creche Committee, were out of town this week and not available for comment.

No comment from village

Also not commenting, but for different reasons, were the trustees, present and past, and former Mayor Jean Stone, who are the defendants in the Pawtucket case. Marvin Frankel, who is defending the village, advised his clients not to make any public statements.

Frankel also declined to state his opinion on the impact of the Supreme Court decision on the Scarsdale case (McCreary v. Stone), beyond saying that it does not necessarily mean that the Scarsdale creche is legal. The former District Court judge said, "It would be irresponsible to say anything more before the brief is filed." The village has until March 19 to submit its written response to the plaintiffs' appeal. Frankel did acknowledge that "there are things in it (the Supreme Court decision) that I will have to deal with in our brief."

Pawtucket decision

The Supreme Court's ruling in Lynch v. Donnelly, decided by a five to four margin, finds that it was unconstitutional for the city of Pawtucket to place a municipally owned creche on private property in the downtown as a part of a larger Christmas display. Dennis Lynch, a citizen of Pawtucket and others, had sued Mayor Daniel Donnelly charging that the display was a "nepotistic Christmas tree display.

(Continued on Page 20)

Sobol calls for compromise plan on kindergarten

Scarsdale kindergarten classes will meet two full days a week, with one-third of the children called back on each of the remaining three afternoons, if the School Board approves a plan Dr. Thomas Sobol, superintendent, will recommend at its meeting on Monday, March 12.

Currently kindergarten students attend classes in the morning and return one afternoon a week to work in small groups. Under the new plan each child would attend school three full days and two half days a week.

Sobol announced his proposal at a Board of Education study session Tuesday.

A March 5 Supreme Court decision may pave the way for the return of the Scarsdale creche to Boniface Circle. Here is the creche as it appeared in Christmas seasons from 1956 through 1980.

Jane Kelley dies; was LWV leader
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Sobol calls for compromise plan on kindergarten

Scarsdale kindergarten classes will meet two full days a week, with one-third of the children called back on each of the remaining three afternoons, if the School Board approves a plan Dr. Thomas Sobol, superintendent, will recommend at its meeting on Monday, March 12.

Currently kindergarten students attend classes in the morning and return to their homes in the afternoon. The new plan would allow half of the kindergarten classes to continue meeting full days, with the other half meeting half days. This would allow for a more balanced schedule for the children and their families.

Jane Kelley

The board will study Sobol's kindergarten proposal and community response to it this month. It plans to announce its decision at the April 9 meeting.
High court decision could affect local creche case

(Continued from Page 1) voted the establishment clause of the First Amendment of the Constitution. The plaintiffs won in the U.S. District Court and Circuit Court of Appeals, but those decisions were overturned by this week's high court ruling.

Chief Justice Warren Burger, who wrote the majority decision, started by pointing out: "The concept of a 'wall' of separation between church and state is a useful figure of speech...but...not a wholly accurate description of the practical aspects of the relationship that in fact exists between church and state...Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any.

Hence, the question to be determined by the court was whether the creche display involved any involvement of the state with religion or whether it was involvement to an unacceptable degree.

Lemon test

In making that determination, the majority test, (derived from Lemon v. Kurtzman, an earlier Supreme Court case). To be considered constitutional under the Lemon test, an action must meet three criteria. It must have a secular purpose; it must not impermissibly advance religion and it must not create an excessive entanglement between religion and government. The court found that the creche case met the latter two criteria.

In the case, Justice Burger wrote: "We are unable to discern a greater aid to religion deriving from the creche than from...benefits and endorsements previously held not violative of the establishment clause." "Benefits and endorsements" referred to including public money being spent on books for transportation to church schools; Sunday closing laws; release time from public schools for religious training, and legislative prayers, all of which have been upheld in court.

Near the conclusion of the majority opinion, the court states: "Of course the creche is identified with one religious faith, but no more so than the examples we have set out from prior cases in which we found no conflict with the Establishment Clause...To forbid the use of this one passive symbol-the creche-at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains would be a stilted overreaction contrary to our history and to our holdings."

Application to Scarsdale

This week's decision that it was legal for Pawtucket to erect a creche may well mean that it is legal for the village to permit a private group to place a creche on Boniface Circle. However, the village's content in that it was not constitutionally allowed to permit a creche display on Boniface Circle was one of the questions in the case.

Until it was used, the Village Board had never claimed that it could not legally permit the creche to be displayed. For 34 years it did permit the display and, even after the Village Board switched positions, the majority seemed to be veering against the creche display as a matter of choice. They did not say that they believed it would be illegal to allow the creche. Rather, they said that a religious display on public land was inappropriate, potentially objectionable to non-Christians, and contrary to the principle of separation of church and state.

However, when the case went to court, village officials decided to take the more extreme position that the creche was unconstitutional in hopes of "siding with the plaintiffs." This decision would settle the creche question permanently, rather than leaving it up to the Village Board to decide every Christmas.

Free speech question

Even if the Pawtucket decision refutes the village's position in McCreary v. Stone, it will not necessarily mean that the creche is unconstitutional in hopes that this stand would lead to a court decision that would settle the creche question permanently, rather than leaving it up to the Village Board to decide every Christmas.

Is a symbol different?

While a religious symbol to be placed on public land is not constitutionally protected, the plaintiffs believe that the creche will be back to First Amendment protection. However, when the case went to court, village officials decided to take the more extreme position that the creche was unconstitutional in hopes of "siding with the plaintiffs." This decision would settle the creche question permanently, rather than leaving it up to the Village Board to decide every Christmas.

Exhibition of modern works at Paper Work Gallery

An exhibition entitled "New York" will be presented at the Paper Work Gallery, 70 Wenth Ave., Larchmont from March 7 to 24. Cast paper work by Harriet Kline, Linda Nisselson, and Ray Holland will be shown along with other artists. The exhibition will run from March 7 to 24.

The exhibition features a selection of artists whose work is currently on view at Paper Work Gallery, the Gallery in Manhattan and the United States, Europe and Israel. The Museum selected one of its 11 pieces as its first cast paper work exhibition. These pieces include, sculpture, ceramics, and watercolors, and Ray Holland's three-dimensional eight color etchings make up this show of major works by established artists from around the world.

Ray Holland's work, colorful and free floating forms on handmade paper, has been shown to critical acclaim in major exhibits of modern work in this country and abroad.

Barrett Kline, a Scarsdale resident, has exhibited her work in the United States, Europe and Israel. The Museum selected one of its 11 pieces as its first cast paper work exhibition. These pieces include, sculpture, ceramics, and watercolors, and Ray Holland's three-dimensional eight color etchings make up this show of major works by established artists from around the world.

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provide for the 1985 Village election will be determined by the board.

**Creche case (cont.)**

The Scarsdale Creche Case will be back in Federal Court in Manhattan next Wednesday morning at 10, as the Circuit Court of Appeals hears oral arguments on the appeal brought by the Scarsdale Creche Committee and a separate citizens’ committee led by Kathleen McCreary.

Last December, U.S. District Court Judge Charles Stewart dismissed the plaintiffs’ suits against the village, finding that the village was not only entitled, but required by the Establishment Clause of the First Amendment, to deny the use of Boniface Circle for the display of the Nativity scene.

Since that decision, however, the U.S. Supreme Court ruled in the Pawtucket, R.I. creche case (Lynch v. Donnelly) that the city could put up a creche in its Christmas display. The citizens committee, in a written reply brief, contends that the high court’s decision “forecloses any contention that display of a privately owned creche in Boniface Circle during the Christmas season would violate the Establishment Clause of the First Amendment.” Thus, the plaintiffs contend, the Circuit Court must overturn the District Court decision.

However, village defense attorney Marvin Frankel argues in his appeal brief that because of the differences between the two cases, the Supreme Court ruling “leaves solid ground for affirmance” of Judge Stewart’s decision upholding the village’s position. In Pawtucket, Frankel notes, the city was arguing that it may display the creche. In Scarsdale, the plaintiffs are saying that the village must allow them to display the creche. Also, Frankel argues, in the Pawtucket case, the creche was part of a larger Christmas scene, full of secular displays and placed on private property. In Scarsdale, the creche is to be displayed on public property, standing alone.

Backers of a U.S.-So. weapons freeze were out Tuesday night’s Village E. But, after all the argument, the evening’s climax, as the trustees a ppoint their decision on a tion until April 24 when that the full board will vote. Mayor Seymour & Bowen presided in his

All but one of the 16 the Village Board to fo may other local govern a resolution to Washin President and Cong negotiations with the S

In trying to persuade pass the resolution nuclear weapons poli the federal level, spea ty of approaches.

John Galloway, wil prosecutor, cited the statute, he reminded are obliged “measures... (for)... the village property...and and general welfare of

Dr. Charles Pere Physicians for Soci told trustees that the constitutes “a me “worldwide, panden

The Rev. Stuart S: pastor at Immacula

**SHS student in head**

Two Scarsdale H were seriously injur at Church A m.

pace for dancing couples William and Michael and Patty Cairo.

and Joan and Robert Oppenheimme Wilson.
US Circuit Court hears arguments in creche case

By DAVID KIRKWOOD

The three-judge U.S. Court of Appeals for the Second Circuit spent an hour in a downtown Manhattan courtroom Wednesday listening to and questioning the lawyers, then reserved decision on the appeal of the Scarsdale creche case, McCreary v. Stone.

It is expected to be several weeks before the Circuit Court rules whether the March 5 Supreme Court decision in the Pawtucket, R.I. creche case (Lynch v. Donnelly) requires reversal of District Court Judge Charles Stewart’s Dec. 8 decision that the village was right not to permit the plaintiffs to display a Nativity scene in Boniface Circle.

In Lynch v. Donnelly, the Supreme Court decided that the City of Pawtucket could include a creche as part of a larger, mostly secular Christmas display erected in a privately owned park in the center of the city.

Marvin Schwartz, representing both the Scarsdale Creche Committee and the citizens’ committee which filed the original suit against the village more than a year ago, contended that “the issue is whether the Establishment Clause requires the denial of what would otherwise be the right of private citizens to express their views in a public park."

The Lynch decision, Schwartz stated, has removed the separation of church and state principle from consideration in the Scarsdale case. For, he asked, "If the city (Pawtucket) itself can convey a religious message, how can the Establishment Clause compel a city to deny citizens’ right of expression?"

Yet, he pointed out, Judge Stewart’s decision was based on his conclusion that for Scarsdale to allow public land to be used for a creche display would violate the Establishment Clause.

Since, Schwartz concluded, the Establishment Clause does not bar the creche from Boniface Circle, then the village had no legal cause to deny the plaintiffs from using Boniface Circle as a public forum for expressing their message.

In arguing for that conclusion, Schwartz cited the Supreme Court decision in Widmar that found that a state institution (the University of Missouri) must provide the same access to its facilities to people to hold religious meetings and services that it gave people for other, non-religious uses.

Defense arguments

During his oral arguments, Marvin Frankel, attorney for the village, disputed Schwartz’ claim that the recent Supreme Court decision means that the display of the Scarsdale creche would not violate the Establishment Clause.

Asked by one of the judges what distinguishes the two cases, Frankel cited several differences. Among them, he said, is that the Scarsdale creche is a religious symbol standing “starkly and utterly alone, not surrounded by teddy bears,” as in Pawtucket. Another dif-

(Continued on Page 8)
Creche case appealed

(Continued from Page 1)

ference in circumstances, he said, is
that Boniface Circle is public property,
and as such appears to give village
endorsement to a symbol placed on it,
while the Pawtucket creche is
displayed on private property.

The former District Court judge also
said that the Scarsdale creche, unlike
Pawtucket's, had engendered "an over­
whelming record of anguish and bitter
resentment."

Schwartz disagreed, saying that it
was only when the village barred the
creche display after 24 years that there
was any uproar.

Finally, Frankel cited what he called
"a distinction of capital importance."
In the Lynch case, the city wanted to
have a creche display and the Supreme
Court ruled that it could. But, he
argued, that does not mean that
Scarsdale, which decided that it did not
want to have a creche display, must
permit the plaintiffs to put one up.

Schwartz countered that this line of
defense is "constitutionally outrageous."
"If a public forum is available to some parties," he asserted,"it must be available to all. That's the
guts of the First Amendment."

During their questioning of the at­
torneys, the three judges focused par­
ticularly on the nature of symbolic
speech.

In the original trial, Frankel had
argued that when a symbol is placed on
a piece of land, with no one around it,
the land "becomes the message
bearer." Thus, when a creche stands on
village property for 10 to 14 days, the
village is perceived as proclaiming
the message of the birth of Christ. Frankel
contrasted the impact of a symbol with
that of a minister preaching on Boni­
facing Circle or people singing Christ­
carols. In those cases, it is clearly to
people, and not the village, who are
stating the message, he said.

Frankel also warned that if one sym­
bo~ic display is allowed by the court to
stand on public land, then the village
could not deny even unpopular and
flammable messages from being
displayed. Frankel mentioned a sign,
reading "God does not hear the prayers
of Jews" or "a six by nine foot
swastika" commemorating the
col·liversary of the Beer Hall Putsch
as symbols that the village might have
 tolerate.

But Schwartz argued that since
Boniface Circle is a public forum
where other symbols have been per­
mitted to be displayed, the village had
a right to bar the creche on the basis
of the message that it conveys.

Asked by a judge whether the creche
must be permitted even if observers
do not perceive it as a religious expres­
sion in the village, Schwartz answered
"Regardless of public perception, there
may be no denial based on content."

However, Schwartz added that
"would not be a reasonable perception
for people to think that the village
was promoting Christianity in allowing
creche on public land, especially since
when the creche was displayed there
was accompanied by a sign stating that
it was put up and maintained by
Scarsdale Creche Committee.

Cluster homes

(Continued from Page 1)

According to the village of Scarsdale,
densely built up, regardless of
Case closed, we hope

The time and the opportunity have arrived for Scarsdale to draw the curtain on the seemingly endless saga of the creche.

The U.S. Circuit Court, reflecting a 1984 decision of the Supreme Court in another creche case, has found that the village must permit the creche to be displayed in Boniface Circle. Now the only question is, how will the Village Board respond to this ruling?

Will the trustees accept the ruling, even though some of them personally disagree with it? Or will they avail themselves of their legal right to seek a rehearing of the case in District Court or to appeal it to the Supreme Court.

We strongly urge that the trustees accept the decision and take no further legal action.

There are several reasons for the Village Board to follow this course. One is a matter of practicality. Requests for rehearing by the District Court are rarely granted. As for an appeal to the Supreme Court, what realistic chance is there that the high court would rule against the Scarsdale creche when it has already found that the City of Pawtucket, in actively sponsoring a creche display, did not impermissibly advance religion? If Pawtucket did not violate the Establishment Clause, then surely for the village to permit a private group to put a creche in a public park for two weeks does not either.

There is also a financial reason not to prolong the case further. Appealing the case would cost money—plenty of it. And, while the village expects to be reimbursed by its insurance company, the more money the village collects, the more it can expect to pay in future insurance premiums.

The most important reason for the village to let the legal issue drop is community relations. The creche question has been a painfully divisive one for this town. The sooner it is settled, the sooner the emotional wounds can begin to heal.

In the past, the village could not be accused of prolonging the dispute. For, while the trustees would certainly have aroused less emotion had they continued to permit the annual creche display in Boniface Circle, they would probably have been sued whatever position they took on the creche.

Now, though, it is within the Village Board's power to bring the case to a close. We hope it will do so.

Decision followed precedents

(Continued from Page 1)

Circle to be used for a religious display did have the principal effect of advancing religion.

The U.S. Circuit Court, in its August 1 decision in the creche case, overruled the lower court, the District Court, which had found that the creche was being displayed on private property and that it was part of a larger Christmas display including many non-religious symbols. However, the Circuit Court denied the request to order the Village of Scarsdale to put the creche back in Boniface Circle.

The village is now either required to appeal the Circuit Court decision or to allow the creche to remain in Boniface Circle.

Two women any day

By KATHY COCHRAN

Earning a bachelor of education degree is an achievement reserved for Scarsdale women.

Among this year's graduates were Elizabeth M. Fowler, president of Scarsdale High School, and Dorothy Silvers, who received a B.A. in English from Fordham University.

Being a middle-class person, this situation is amusing to me. People who are not, I think, the material very well.

DOROTHY SILVERS

Being a middle-class person, this situation is amusing to me. People who are not trying to think, she quipped.
Two recent U.S. Supreme Court decisions, one of them handed down this year after the District Court ruling in the Scarsdale creche case, were apparently crucial in convincing the Circuit Court to overturn the lower court's decision in McCreary v. Stone.

The 1984 decision in Lynch v. Donnelly found that the City of Pawtucket, R.I. had not violated the Establishment Clause of the First Amendment by placing a creche in a private park during the Christmas season.

The high court's 1981 decision in Widmar v. Vincent found that the University of Missouri, a state institution, had violated the rights of a group of students in denying it the same access to facilities for holding religious meetings that it granted other student organizations for secular activities.

In the trial in District Court, the plaintiffs in McCreary v. Stone had cited the Widmar case in their contention that Boniface Circle, as a traditional public forum, must be equally accessible to all citizens for exercise of their right of free expression, regardless of the content of the message they wished to express.

In ruling against the plaintiffs, District Court Judge Charles Stewart distinguished the case of McCreary v. Stone from the Widmar case. The question in Scarsdale, he said, is whether "the manner chosen by the plaintiffs to convey their religious message sufficiently relies on the 'prestige, power and influence' of the village to constitute an impermissible state advancement of religion."

In Widmar, the religious activity in a public facility was clearly identified with the students conducting it. However, Judge Stewart found that when a religious symbol is displayed on public land for an extended period of time, the message being conveyed is identified with the government, as "the land becomes the message bearer."

(Continued on Page 6)
Decision followed precedents

(Continued from Page 1)

Circle to be used for a religious display did have the principal effect of advancing religion.

On this ground, Stewart ruled that the Scarsdale creche display failed the three-pronged test established by the Supreme Court in 1971 in Lemon v. Kurtzman for determining whether governmental conduct is contrary to the Establishment Clause. To be permissible, according to the Lemon test, a government action must 1) have a secular purpose; 2) must not foster excessive governmental entanglement with religion, and 3) must not have as its primary effect advancing or inhibiting religion. Stewart found that the display of the creche on Boniface Circle failed the third test.

In light of the Pawtucket creche decision, the Circuit Court disagreed with Judge Stewart that the Scarsdale creche advanced religion. In its ruling, the appeals court noted that, “Of importance...is that the district court...did not have the benefit of Lynch v. Donnelly, a creche decision with major impact on this litigation.”

“In Lynch,” the Circuit Court said, “the court determined that the display of the creche did not advance religion in general or the Christian faith in particular any more than those benefits and endorsements found not violative of the establishment clause in other Supreme Court cases.”

In his appearance before the Circuit Court, Marvin Frankel, the village’s attorney, had tried to distinguish McCready v. Stone from Lynch, noting that the Pawtucket creche was placed on private property and that it was part of a larger Christmas display including many non-religious symbols. However, the Circuit Court denied the significance of the distinctions cited.

The Supreme Court permitted the creche in Pawtucket in the context of the observance of the Christmas season, not simply the context of the rest of the display. The context of the Christmas celebration in Scarsdale is comparable to that in Pawtucket, the court found.

As for the public property argument, the Circuit Court stated, “We fail to find substantiality in this asserted private/public distinction.” Indeed, the court noted that Scarsdale’s role in the display of the creche was less than that found permissible for Pawtucket, which was actively involved in the display, including funding and sponsoring it.

Despite the frequent citations of the Lynch case in last week’s Circuit Court ruling, the lawyers for the plaintiffs—Vincent Gilmore for the citizens committee and Marvin Schwartz for the Creche Committee—insisted that the decision wasn’t crucial in this case. The Pawtucket decision “made it easier for us,” Schwartz said, but even without it he said that he thought that the Circuit Court would have overruled the District Court.

Gilmore acknowledged that the Lynch decision was “important.” But, he said, “I think our clients would have won under prevailing law.”

Gilmore added, “The right of people to speak in a traditional public forum is what this case was all about.”

WHAT’S AHEAD

Saturday, June 30

painting, Scarsdale Library

notices, Scarsdale Fire Department
U.S. Circuit Court says village must permit creche

By DAVID KIRKWOOD

The Scarsdale Creche Committee plans to return the Nativity scene to Boniface Circle next Christmas, in light of last Thursday's decision of the U.S. Court of Appeals, Second Circuit, reversing a District Court ruling that had barred the display of the religious symbol from the public park in the heart of Scarsdale's downtown.

The unanimous decision of the three-judge federal appeals court on June 21 upheld the claim by the Creche Committee and a separate citizens committee headed by Kathleen McCreary that their First Amendment right of free expression had been denied them when the Village Board rejected their requests to display the creche. Barring a successful appeal by the village to the Supreme Court, it appears that the creche, which was displayed at Boniface Circle from 1956 through 1980, will be back there this Christmas after an absence of three years. In 1981 and 1982 the Village Board, by four to three votes, refused to permit the display of the creche. Last year, the Dec. 10, 1983 ruling of District Court Judge Charles Stewart legally prohibited the display.

Now, however, the Circuit Court has remanded the case to District Court for issuance of an injunction that would prohibit the village from barring the creche on grounds that its display violates the constitutionally mandated separation of church and state.

Reactions to decision

Advocates of the display of the creche on Boniface Circle were delighted by the Circuit Court ruling. "I feel great," said Patricia Curran, chairman of the Creche Committee. "I hope it's all over."

Mrs. McCreary said, "I feel very gratified and, in a sense, vindicated." Mrs. McCreary, a lawyer, called the decision "a very significant one all across the country in expanding the scope of the First Amendment and the protection of free speech."

William Glendon, the most outspoken member of the minority on the Village Board that felt the village should not have denied the creche display, said, "As a lawyer, I'm pleased to have the court agree with my feelings about the law. As a trustee, I feel it's a step toward resolving what was a very divisive situation."

Two high court rulings key to Scarsdale case

By DAVID KIRKWOOD

Mayor Seymour Sims, who consistently voted against the creche display, not, he said because he thought it unconstitutional, but because he considered it "unnecessary to erect a display that offends some residents because of its religiousness, also expressed the hope that "the decision, any decision, will settle the matter. The issue will just fade away, at least that's my fond hope," he said.

Former Mayor Joan Stone, the first named defendant in the McCreary v. Stone suit, said that "the good part of the decision is that the village will have the question settled." However, she said that the Circuit Court's ruling did not convince her that she had been wrong to vote against the creche display.

The return of the creche to Boniface Circle will be the most visible consequence of the Circuit Court decision, assuming it stands. However, it is not the only result. Because the plaintiffs won their suits, the District Court is likely to order the village to pay their lawyer's fees. While the plaintiffs would not estimate how much that would be, an attorney close to the case said the cost is likely to be in six figures. The village will seek reim-

VILLAGE WEIGHS LEGAL OPTIONS

The Village Board failed to reach a decision in executive session Tuesday night on how to respond to the Circuit Court's decision in the creche case. William Glendon, chairman of the Law Committee, explained that there are three options available to the village.

They are: 1) do nothing, thereby accepting the decision against the village; 2) to ask the District Court for a rehearing of the case, or 3) to appeal the decision to the U.S. Supreme Court.

The village could first ask for a rehearing and then, if that failed to reverse the ruling, appeal to the Supreme Court.

The village has until July 5 to decide if it wants to appeal or seek a rehearing.
The events of the 60's gave young people growing up at that time a strong sense of generational identity characterized by idealism and optimism about the future. Competition at college admission time was especially fierce among the war babies of '64. As he conducted a tour of the high school, '64's advisor Le Roy Steimer noted that the class of '64 is even more competitive, possibly because there is less group identification and a greater focus on the individual. "After '69, there wasn't much to believe in," Steimer said.

A common source of amusement for reunioners was the embarrassment recognizing others of us by the code response to "Where did you grow up? "Around New York,"

Another classmate wrote that while she didn't enjoy being thought a snob, she was proud to have attended a school where boys didn't fight in the halls and "we were free to explore our minds."

Appreciation of the quality of education in Scarsdale was nearly universal, though some didn't realize how good it had been until they went away. Mike Charney said, "I worked harder at Scarsdale than I did my first year at Yale. I was disappointed at first."

Bob Tannenwald, now an economist, said the same thing about Dartmouth. "High School was more competitive than the real world," he said. "When I left I found out there was more to life in the 60's."

Marvin Sterner characterized the individual. "After '69, there wasn't much to believe in," Sterner said.
The creche in Boniface Circle · subject of an appeal to the United States Supreme Court.

Supreme Court review sought in creche case

By LINDA LEAVITT

The Scarsdale Board of Trustees voted 5-4 last week to file a certiorari petition with the U.S. Supreme Court, rather than accept the June 21 Court of Appeals decision ordering them to permit a Nativity display in Boniface Circle. The Supreme Court is expected to decide before Christmas whether or not to grant certiorari and review the case.

The privately-owned creche has not been displayed in the public park since 1980, the last year that permission was granted by the Village Board. A creche committee composed of representatives from area churches had erected the creche in Boniface Circle every December since 1956. In 1981 and 1982, the board voted four to three to deny the committee permission to display the creche on village property. Believing that their First Amendment right of free speech had been violated by the ban, the Creche Committee and a separate citizens committee headed by attorney Kathleen McNulty sued then Mayor Jean Stone and the village trustees. In McNulty v Stone, Judge Charles Stewart upheld the trustees' contention that the display of a religious symbol on public property violated the separation of church and state mandated by the Constitution.

In last month's unanimous reversal of that decision, Judges Lawrence Pierce, Walter Mansfield and George Pratt of the U.S. Court of Appeals, Second Circuit, found that permitting the creche did not violate the establishment clause of the Constitution, because Boniface Circle was a "traditional public forum," and there was no proposed active involvement, sponsorship or financial support by the village. However, the Circuit Court recommended that the committee be required to place a more visible sign near the creche, emphasizing its private sponsorship.

Although village trustees expressed a fervent wish to see an end to the bitterly divisive issue, Mayor Seymour Sims said they felt that they had an obligation to the community to follow it through to the Supreme Court. "I would love to see it over," said Trustee Martin Bowen, who cast one of the minority votes in favor of permitting the creche when the issue first came up. "But the simple truth is that the legal remedies are not exhausted. We got into it and it should be resolved. We have to be fair to both sides."

Explaining that she and some other trustees had received telephone calls urging them to continue the fight, Evelyn Seidman said, "If the village doesn't take it to the court of last resort,"

(Continued on Page 6)

School Board elects new officers

By LINDA LEAVITT

Carl H. Pforzheimer III was elected president and Beverly B. Cunningham vice president of the Board of Education at the board's annual reorganization meeting Monday night.

Both board members were elected unanimously by their colleagues to two-year terms.

County Board asks PSC to order Con Ed refund
Creche

(Continued from Page 1)

the 'what ifs' will linger on. If one part of a wound is not cleaned, that part will continue to fester."

William Glendon, who had favored permitting the creche because of his belief that "a public park is a forum where people can speak on any subject," said that he would have wanted the Supreme Court to hear the case regardless of the Circuit Court ruling.

Edward Hand, the third trustee who originally voted against the creche ban, was unable to attend the executive session and so did not vote on the issue, although the board conferred with him by telephone. According to Sims, Hand was opposed to the majority decision to appeal, because he was concerned about the possible cost to the village.

Sims estimated the fee for the village's attorneys at $60-$70,000 if the Supreme Court agrees to hear the case, and $15-$20,000 if it does not. The insurance company has paid all but $25,000 of the village's legal fees so far, and it appears likely that the company will accept responsibility for the opposition's expenses up to and including the Circuit Court decision. However, it has not been determined how much liability beyond the Circuit Court decision the carrier will assume.

"It could cost a pretty penny" Sims said, "but we're ready to go in spite of that." Evelyn Seidman said that while the trustees were not discounting the financial aspect of the decision, "nothing is more important than the relations among people."

Kathleen McCreary, attorney for the citizens committee, said she did not view the board's decision as "a healing action." Estimating the total cost of the case for both sides thus far, including fees covered by insurance, at $450,000, she said, "The community has gotten lost in all this. The taxpayers deserve an explanation."

According to Mrs. McCreary, recent Supreme Court decisions do not support the board's interpretation of the separation clause of the First Amendment. Lynch v Donnelly, in which the court permitted the city of Pawtucket, R.I., to include a Nativity scene in a municipally-funded holiday display, was cited frequently in the Court of Appeals reversal of the lower court decision banning the creche.

"I'm astonished that the Board of Trustees has determined that it is in the best interests of the community to prolong this litigation when there is virtually no chance of prevailing," said Mrs. McCreary. The citizens committee does not plan to submit a brief of the Supreme Court if it considers the village's application to be a "fair presentation of the case."

The fact that the Supreme Court has recently supported public display of a Nativity scene did not discourage Marvin Frankel, special defense counsel for the village, who feels the Scarsdale case differs significantly from Lynch v Donnelly and involves an important question that should be reviewed.

Among the differences mentioned in Frankel's brief are the facts that the Pawtucket display consisted of secular images as well as a Nativity scene; that it was on private property; that the city fathers supported rather than opposed the display and that there was no history of controversy surrounding it, as there has been in Scarsdale.

While most of the trustees were unwilling to speculate on what the outcome would be if the Supreme Court agreed to hear the case, several of them expressed doubt that certiorari would be granted. Out of thousands of requests, the court selects only a few hundred a year. "What the chances are is not really important," said Mrs. Seidman, "The trustees were not acting as attorneys. It was a philosophical decision."

Even if the Supreme Court does decide to hear the case, a decision cannot be expected before next Christmas. Meanwhile, Frankel has requested a stay of the injunction against the village ban of the Nativity display.

In other words, the creche may or may not reappear in Boniface Circle.

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Donors

To the Editor:

I'd like to thank all those who took time out of their schedules to support the Immaculate Heart of Mary.

The Sunday of the Feast of the Immaculate Heart, 24,70 pints of blood were collected at the drive. Those 70 pints of blood can save the lives of health hospitals.

Village

To the Editor:

It is ironic that the creche case is losing. After more than a year, the Village Board not only failed to get the courts to side with the creche in banning the creche, but it succeeded in losing a case that the Village Board is fighting over Boniface Circle. The Village Board is fighting over a tiny piece of municipally-funded holiday display, sponsored by December, a special event for the Village Board. The Village Board is fighting over a case that was brought to the Supreme Court in order to have the creche removed from Boniface Circle.

The legal jargon and the "content-based" restrictions of the creche are not the same as the "public forum," but the Village Board may wonder whether the Village Board will win.

Not for profit

To the Editor:

We very much appreciated the editorial, "A Concert of Concern," in the Feb. 24 issue. We outlined one focus of our drug abuse prevention program, "Drugs and Alcohol: A Public Health Problem." We acknowledge the importance of addressing drug abuse prevention programs in our community and look forward to collaborating with other organizations and local leaders to promote healthy living and prevent drug abuse.
Supreme Court to hear creche case

By DAVID KIRKWOOD

The U.S. Supreme Court announced Monday morning that it will review the Scarsdale creche case, McCreary vs. Stone. The court's decision to grant the village certiorari, which surprised most observers, means that there will be no decision until next year on whether the Scarsdale Creche Committee will be able to display the Nativity scene in Boniface Circle at Christmas as it did from 1957 through 1980.

Had the high court decided not to hear further arguments in the case, it would have left standing the unanimous ruling of the Circuit Court of Appeals on June 21, 1984 that the village must permit private groups to display the creche on the village-owned park in accordance with their First Amendment right of free speech. However, Monday's announcement means that at least four of the nine Supreme Court justices believe that the case deserves a hearing and a ruling in the court.

The court's decision was seen as surprising, in part because only five to 10 percent of all requests for certiorari are granted, and also because the Supreme Court ruled five to four last March, in the case of Lynch vs. Donnelly, that a municipal creche display in Pawtucket, R.I. was permissible.

The Circuit Court rested heavily on that decision in overruling a 1983 District Court decision that had upheld the Scarsdale Village Board's position that it would be a violation of the Establishment Clause of the First Amendment to allow the religious display to be placed in Boniface Circle. Apparently four or more justices concluded that the circumstances in the local case differ enough from those in Pawtucket to merit a full hearing. In Pawtucket, it was the city itself that put up the creche, but not on public land. Also there, the question was whether the city could display the creche, not whether it could be compelled to.

Marvin Frankel, the former District Court judge who has defended the village against the two suits brought in 1983 by a citizens committee headed by Kathleen McCreary and by the Scarsdale Creche Committee, said he was "very glad" that the Supreme Court had decided to hear the appeal: "If I ever saw a case that had certiorari written on it, this was the one. It is obviously a case that will have wide impact around the country," he said.

Frankel declined to speculate why the court decided to hear the case, saying that it would be "just shooting in the dark."

Vincent Gilmore, attorney for the citizens committee, expressed disappointment in the Supreme Court's action, saying, "Personally, I would like the case to have ended." He suggested that the court may be interested in examining the tension between the two constitutional issues in the case—free speech, which was the principal argument cited in the plaintiffs' successful appeal to the Circuit Court, and the separation of church and state, the main argument cited by the village and upheld by the District Court. Only the second point was considered in the Pawtucket decision.

Kathleen McCreary, who is herself a lawyer, said she was "surprised but not discouraged" by the Supreme Court's decision. "I wouldn't have sued in the first place, if I hadn't believed that ultimately we would win."

As to why the court decided to hear the case, she said that "the workings of (Continued on Page 14)"

Woman's Club faces loss of role in nominating system

Defenders of the Scarsdale Woman's Club's role in the Non-Partisan System are preparing to fight, next season, for the late-summer interest and involvement of the Woman's Club in the Non-Partisan System in recent decades.
Woman's Club

(Continued from Page 1) retain its role in the system. But even if the membership votes yes, it is uncertain whether that will be sufficient to remove the Woman's Club.

The Non-Partisan Resolution contains no formal amendment procedure. Originally, the Town Club amended the resolution unilaterally, but in recent years changes have not gone into effect without the approval of the other organizations in the system. In this case, it appears certain that the Town Club would get no backing from the other organizations.

Other amendments
The six other proposed changes in the resolution that will come before the Town Club on Oct. 25 include two that would result in significant changes in the nominating procedure.

One proposal would establish an expert Judicial Qualifications Advisory Committee to suggest candidates for village justice and acting village justice. The Citizens' Committee would then be able to nominate its candidate for village justice from the list provided to it by the advisory committee. Similarly, the mayor could appoint the acting village justice from among people recommended by the seven-member committee.

Another amendment would eliminate the annual Unit Meetings at which members of the Citizens' Committee are elected in favor of machine voting at a central location, the system used in the election of Non-Partisan School Board Nominating Committee.

Both these amendments have already been approved by the Village Club, on Oct. 1, and the Woman's Club, on Oct. 18, and are supported by the Procedure Committee and by the Town Club Non-Partisan Procedure Committee.

Along with consideration of changes in the Non-Partisan System, the Town Club will hear reports by Mayor Seymour Sims and Carl Pforzheimer, president of the Board of Education, at next week's meeting.

Supreme Court

(Continued from Page 1) the court are mysterious,” but suggested that the court might be interested in including a decision on McCready vs. Stone along with rulings on several related cases before it.

Mayor Seymour Sims, who consistently voted against the display of the creche in the years before the issue was taken to court, said that the village's decision to appeal the Circuit Court ruling had been vindicated by the Supreme Court's action. He explained, “We wanted an end to the controversy and we could only get it by going to the highest court.”

Even though Trustee William Glendon, chairman of the Village Board's Law Committee has supported the creche display, he too had agreed with the village's decision to appeal to the Supreme Court, as a way to provide “a more conclusive resolution” to the issue, which has aroused heated and sometimes bitter controversy among residents here.

No display this year
The granting of certiorari apparently means that for the fourth consecutive year the creche will not be erected in Boniface Circle this Christmas.

The village has 45 days to prepare a written brief. The plaintiffs will have 30 days to respond and the village will get another 10 days to reply to their brief, which means that the case could not be heard before after Christmas even if the Supreme Court had heard it on its 1984 calendar. Oral arguments are expected to take place in early 1985, with a final ruling by the end of June.

Patricia Curran, chairman of the Creche Committee, said that her committee will not ask permission to put up the creche while the case is in litigation. “We'll aim for 1985,” she said.

Atlantic City trip
The For Men Only group of the YM & YWHA of Mid-Westchester, 999 Wilmet Road, Scarsdale, will sponsor a co-ed Atlantic City trip on Sunday, Oct. 28. A bus will leave the Y parking lot at 10:15 a.m. and return between 8 and 9 p.m.

The fee for the day is $21. The Atlantic Hotel will reimburse each person $15 for food and gambling chips. Refreshments will be served on the bus.

For further information and reservations call Shari Baum at the Y, 472-3300.
Consultants push downtown plan

The village's professional consultant on planning for the downtown area will present a range of possible approaches at a public hearing of the Planning Board next Wednesday, Dec. 5, at 8:15 p.m. at Village Hall.

Paul Buckhurst, partner in the Manhattan firm of Buckhurst, Fish, Hutton and Katz, said that he will propose various options that the village might choose regarding landscaping, provision of additional parking, improvement of traffic flow and use of major possible redevelopment sites including the Freightway property and the Mobil (Robison) lot along Christie Place.

Jeanne Richman, chairman of the Planning Board, explained that the

Nominating short on can

With less than a week to go before the Dec. 3 deadline, the School Bo
Nominating Committee still needs more candidates in three of the units in the Scarsdale school district.

Under the Non-Partisan System, at least four candidates from each unit must be selected to run in the election of 12 new Nominating Committee members on Jan. 22. The Nominating Committee selects the Non-Partisan candidates for the Board of Educators who normally run unopposed.

In Unit A, where Diane Yaco-
Linda Pelaccio and Elizabeth V
have been nominated, at least
more candidate is needed. A fu-
candidate is needed in Unit C,

Maureen Allegaert, Tama Seif
William Miller will run. Unit D,

RAMP UNDER REPAIR

The village was scheduled to start today (Thursday) the reconstruction of the wooden ramp leading from East Parkway to the east (northbound) side of railroad tracks. The ramp will remain open during the work, which is expected to take three weeks.

The village is relatively quiet on the creche front in Scarsdale, as the interested parties await action by the Supreme Court. However, with Christmas approaching, news media from outside the village are focusing new attention on the issue. Newsday, the Long Island daily newspaper, and Newsweek magazine, are both doing stories about the Scarsdale creche. National Public Radio broadcast an item Wednesday morning and Channel 13, Public Television, is planning to discuss the Scarsdale case on an issues program.

CBN, the Christian Broadcasting Network, is working on a creche piece for its “700 Club,” a religious program that appears on television stations across the country. A crew from CBN was expected to be in town Thursday to do a videotape. The story is scheduled for airing on Dec. 6, assuming that CBN can get the information it needs. Sam Walker, a reporter who called the Inquirer about the story, expressed frustration at the unwillingness of local officials to discuss the case with him. He also complained that Patricia Curran, chairman of the Scarsdale Creche Committee, refused to give a CBN film crew access to the place where the creche is stored.

Mrs. Curran also plans to turn down another opportunity to display the creche this year. The Scarsdale Congregational Church extended an earlier invitation to the Creche Committee to place the Nativity tableaux on that church’s property at the corner of Post and Heathcote Road. Included in the church’s offer was the original letter of invitation, written Dec. 5, 1982, which said, “We make this offer in the interest of helping to heal this community by providing a privately owned, public convenient vantage point on which the creche display may celebrate the birth of Christ and the brother-and-sisterhood of humankind.”

While Mrs. Curran expressed appreciation of the offer, she told The Inquirer, “The creche is not going up until the issue is decided, which hopefully will be before Christmas 1985. It’s that simple.” She said that the Congregational Church property is not a suitable alternative site for this year because its sharp grade would make it difficult to set the creche up and because it is not a place where people can stop and view it.

Interest in creche

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Paul Buckhurst, partner in the Manhattan firm of Buckhurst, Fish, Hutton and Katz, said that he will propose various options that the village might choose regarding landscaping, provision of additional parking, improvement of traffic flow and use of major possible redevelopment sites including the Freightway property and the Mobil (Robison) lot along Christie Place.

Jeanne Richman, chairman of the Planning Board, explained that th
Amicus briefs

Four organizations supporting the village's position in the Scarsdale creche case have filed amicus curiae (friend of the court) briefs with the U.S. Supreme Court.

Joining the Anti-Defamation League of B'nai B'rith, which also submitted an amicus brief last year with the District Court, are the American Jewish Committee and the National Council of Churches, which filed a joint brief, and the American Civil Liberties Union. Carl Loewenson Jr., national staff council with the ACLU, said that his organization had decided to take the village's side in the case, even though the plaintiffs — the Scarsdale Creche Committee and the Citizens Committee for the Creche — have argued, and were upheld in the Circuit Court of Appeals, that their right to display the creche in Boniface Circle is guaranteed by the First Amendment freedom of speech clause.

Loewenson said that the ACLU recognizes the conflict between freedom of speech, of which it is a leading champion, and the establishment clause, ensuring separation of church and state, which the ACLU also supports. Loewenson, who described the amicus brief as "achieving a delicate balance" between free speech and separation, said that the Civil Liberties Union believes that for the village to permit the display of a religious symbol on public property would give the appearance of government endorsement of a specific religious view and would thus violate the establishment clause.

While the village's own brief appealing the Court of Appeals decision also cites the establishment clause as a bar to a creche display, it places more weight on the claim that even though the Supreme Court, in Lynch v. Donnelly, found that the city of Pawtucket may erect a creche display, that does not mean that a municipality can be compelled to permit its land to be used for a religious display. The brief, prepared by Marvin Frankel, the village's special counsel, and filed on Nov. 29, casts the Court of Appeals' decision in the Scarsdale case, a "remarkable stretching of the free speech clause," which, if not overturned by the Supreme Court, "would compel municipalities to make places in parks and other 'public forums' not only for religious symbols, but for things like纳stikas, and vulgar signs containing words or thoughts that speakers have a right to utter in such settings."

The two creche committees have until Dec. 29 to prepare their response to the village. While no date has been set for oral arguments before the Supreme Court, the clerk has told the parties that the court is aiming for January.

Traffic headaches

Community esthetic considerations may clash with individuals' desire for more diverse television fare when the Village Board holds a public hearing next Tuesday night on a proposed law restricting satellite earth stations.

The hearing, scheduled for 8:15 p.m. on Dec. 11 at Village Hall, will be an opportunity for public comment on draft legislation that would limit the dish-shaped television antennae to backyards and would require screening "to minimize visibility from the street and adjacent properties." The proposal, modeled on legislation...
The Scarsdale Inquirer

Supreme Court hears creche case

By DAVID KIRKWOOD

The Scarsdale Creche case finally reached the highest court in the land Wednesday morning, Feb. 20, two years to the month after a citizens committee headed by Kathleen McCreary sued the Village Board for denying it permission to display a creche, or Nativity scene, in Boniface Circle during the Christmas season.

For an hour, the justices of the U.S. Supreme Court fired questions and listened intently as the lawyers for each side presented oral arguments in a case that has drawn nationwide attention to the little public park in the heart of the village's downtown. Promptly at noon, the arguments ended and the waiting began as the contingent of approximately 40 participants and interested observers of the case filed out of the marble halls of the Supreme Court building in Washington, D.C.

The high court's decision on the village's appeal of the June 1984 Circuit Court of Appeals ruling that it acted improperly in denying the display of the creche will not be announced for some time, possibly not until the end of June. And, even then, it is uncertain whether the issue will be finally laid to rest.

Neither Marvin Frankel, the special attorney for the village, nor Marvin Schwartz, who represented the McCreary committee and the Scarsdale Creche Committee, which also sued the village in 1983, was willing to speculate on how the Supreme Court would rule.

Could come back to the board

However, Trustee William Glendon, a lawyer who has argued other cases before the Supreme Court, said Wednesday that he has “a sneaking feeling that this issue will come back to the Village Board to decide.”

If the court rules, as U.S. District Court Judge Charles Stewart did in December 1983, that the Establishment Clause of the First Amendment of the Constitution bars the display of the creche on public property, the question will be decided. But that is generally considered unlikely to happen. For, last year, in the case of Lynch v Donnelly, the Supreme Court ruled, five to four, that the city of Pawtucket, R.I. could display a creche without violating the principle of separation of church and state.

In overturning Judge Stewart's decision last June, the Court of Appeals relied heavily on the Pawtucket decision. However, while that ruling found that the Establishment Clause was not a reason for barring the creche, it specifically pointed out that the village could establish "reasonable time, place and manner restrictions regarding the use of its public properties." Thus, even if the Supreme Court sustains the Court of Appeals' decision in favor of the creche committee, the Village Board might not have to allow the creche if it established rules limiting the erection of displays and symbols on public land.

Trustee Glendon, who is running unopposed for mayor in the March election, declined to predict how the Village Board would proceed if the Supreme Court rules in favor of the present plan when the Village Board to decide"

the Establishment Clause issue was given relatively short shrift. Frankel began by stating, "Reversal (of the Court of Appeals decision) is required without ever reaching the Establishment Clause." The former federal court judge argued that even without a set of rules for park use, "what Scarsdale has done is constitutional." Nothing in the First Amendment establishes public parks as "an open public forum for unattended symbols, structures and signs." Thus, he argued, the Village Board was entitled to deny the creche, because it believed that the display of this sectarian (Continued on Page 4)

Plan calls for new fields on Boulder Brook, Crossway

The village's major recreation complex would be overhauled under a proposal being presented at a public hearing of the Planning Board next Wednesday. That Scarsdale High School teams will no longer use elementary school fields for games and practices. The only exception will be Quaker Ridge, which has two fields, one of which will continue to be used for intramural sports.

(Continued on Page 4)
In his arguments, Marvin Schwartz dismissed the significance of the creche's being unattended. The Court of Appeals did not even address the subject, he said, because "the argument is so void of constitutional merit that it takes the ingenuity and forensic skills such as only my friend possesses to advance it."

Schwartz spent more time disputing Frankel's assertion that the Village Board was entitled to deny the creche display on grounds that it is controversial or offensive.

He argued that the village cannot permit the Red Cross or AFSC to place banners and signs in public places, then turn around and reject the creche. "When the state opens a place for expression of views, it must permit all views. If the village can ban something because it is unpopular or offensive or unwanted, where will it go next? Can Liberal or Conservative Party banners be barred?"

Justices William Rehnquist, John Paul Stevens and Thurgood Marshall all queried Schwartz on whether there is anything that the village could bar based on the content of its message. "What about a sign saying 'We don't like the Jews who live in Scarsdale?,'" Justice Marshall asked.

Schwartz replied that someone would have a constitutional right to erect such a sign unless it was a police problem. He said that only something, such as a swastika, that is so provocative that it might present "a clear and present danger" to the public welfare might possibly be banned on the basis of its content.

When asked whether the village could set content-neutral restrictions on symbolic speech, Schwartz said that he thought it would be "difficult, but not inconceivable." However, he said the village would have to show that the rules "would advance some significant government interest."

Perhaps because Schwartz has already restricted "the critical distinction" that creche was a stock in trade, the Court of Appeals dismissed the display the creche did not; that the creche was part of a larger secular Christmastime display; and that the creche case has "a clear and present divisiveness."

Frankel insisted, "Every establishment of religion disposed of by the village can ban something that the creche, how much more offensive than the swastika?" Schwartz replied, "What about a sign saying, 'Send blacks back to Africa and Jews back to Israel?'

Legislature

Justice Sandra Day O'Connor disputed Frankel's reading of the Court of Appeals decision, reminding him that it found that the village could establish "reasonable restrictions." "Presumably," she said, the village could bar all unattended displays from public land.

Justice O'Connor also questioned the contention that the village could deny speech "on grounds that it finds offensive." "Does (Scarsdale) have a rule permitting unattended symbols unless they are controversial?" she asked. Frankel replied, "As of today, I think that the fair answer is yes, as the rule is evidenced by practice."

Justice Byron White and Chief Justice Warren Burger pressed Frankel on the significance of the creche being "unattended."

Justice Burger asked, "What if two people stood on either side of the creche ringing a bell? Would that make a difference?"

Frankel said that it would, since "it becomes clear that it is the speaker's message."
Supreme court rules creche is permissible

By DAVID KIRKWOOD

The United States Supreme Court cleared the way for the return of the creche to Boniface Circle next Christmas when it announced Wednesday morning that it had upheld by a four-four vote a ruling by the United States Court of Appeals for the Second Circuit that the Village Board acted unconstitutionally when it prohibited the display of the Nativity scene from the public park in downtown Scarsdale.

The Supreme Court was deadlocked because Justice Lewis F. Powell Jr., who had missed the oral arguments in the case on Feb. 20 due to illness, did not participate in the decision. The tie vote leaves standing the unanimous (3-0) lower court decision of June 21, 1984 and apparently brings the legal battle over the creche to an end more than two years after the citizens committee headed by Kathleen McCreary and the Scarsdale Creche Committee first sued the village, charging that their First Amendment right of free speech had been denied them.

As it often does when a deadlock occurs, the Supreme Court issued only a very brief statement—a procuriam—saying, “The judgment (of the Circuit Court) is affirmed by an equally divided Court.” The court did not reveal how the individual justices had voted or their reasons.

The rather anti-climactic conclusion to the case did not dim the victors’ satisfaction over its outcome. Patricia Curran, chairman of the Creche Committee that displayed the creche in Boniface Circle every Christmas from 1957 until 1981 when the Village Board first voted down its request, said, “I’m absolutely elated. The bottom line is that we won. How could anybody who has been involved in a case of this magnitude be anything but elated?”

Mrs. McCreary also stressed that “It’s a victory. Obviously we would have preferred the vote to be five-four. It’s too bad Powell wasn’t there because it’s quite clear he would have

(Continued on Page 8)

School board seeks solution to overcrowding at Edgewood

By LINDA LEAVITT

Science experiments are conducted in classrooms that meet aesthetic standards of the world's most densely populated school in Scarsdale, and enrollment projections do not promise much relief from the overcrowding problem.

The overcrowding problem is not new to Edgewood. After enrollment reached an all-time high of 500 in 1981, the village began a desegregation plan that has been phased in over the past four years. The board has expanded facilities and added new classrooms as part of this plan. However, the school population is expected to continue to grow, and the board is seeking a solution to the problem.
Creche decision

(Continued from Page 1)

voted for the creche." She pointed out that Justice Powell voted with the five-judge majority that approved the display of the creche in Pawtucket, R.I., and that he had written the majority decision in the case of Widmar v. Vincent, on which the lawyers for the creche committee rested heavily in their arguments. That decision found that the University of Missouri could not bar religious activities from facilities that had been open to other student activities).

Mrs. McCready, who is a lawyer, said she was "gratified that my legal opinion turned out to be correct." She added, "I also think this is the healthiest outcome for Scarsdale. In my opinion, the way to live in peace and harmony is not to strip each other of our cultural and religious traditions in a pattern of mutual recrimination. It's more sensible to enhance everyone's traditions and to honor and respect them."

Naturally, those on the other side of the lawsuit reacted differently to the high court's ruling. Former Mayor Jean Stone, who cast the final and deciding vote in both 1981 and 1982 to deny the use of Boniface Circle to the Creche Committee, said, "Obviously I disagree with the decision." Mrs. Stone said she was particularly disappointed that the tie vote meant that the court did not issue a written opinion in the case.

"The case is going to end with a whimper instead of a bang. The judges seemed so interested in the oral arguments, I feel sort of short-changed. I just wish we had more input on their reasoning."

Mayor Seymour Sims, who also voted against the creche each year, said that he would have preferred a decision that gave the Supreme Court's reasoning. He added, "The decision means the Circuit Court ruling is in effect. Whatever the Supreme Court says, naturally we'll live with it."

Marvin Frankel, the village's special attorney in the case, commented, "I'm disappointed. I wish there had been a legal opinion one way or the other." The former U.S. District Court judge declined to say whether the village has any legal recourse left, explaining that he would have to discuss the question with his clients.

Both Vincent Gilmore, the lawyer for the McCready committee, and Marvin Schwartz, the Creche Committee's attorney, said there is no doubt that the Stewart agreed in his December 21 decision. But the Circuit Court, using the Pawtucket decision as a guideline, overturned Judge Stewart's decision.

With the Establishment Clause not addressing the display of the creche, the Circuit Court found that the plaintiffs' constitutional right of free speech entitled them to use public land to express the message through the display of the creche.

However, the Circuit Court also stated that the village could establish content-neutral rules for the use of Boniface Circle if such rules served legitimate village interest.

Asked whether he thought the village might establish regulations restricting the display of symbols on public land, Mayor-elect William Glendon said, "That wouldn't be my way of disposing of the case, but I'm only one of seven."

He added that he has no indication of any of the trustees favor such an approach.

Asked whether she feared that the Village Board might pass rules that would effectively prevent the creche from returning to Boniface Circle after four Christmases away, Mrs. Carr said, "I don't think that would be wise." She added, "I have enough confidence in our trustees and our mayor to feel that they are not going to play games."

In addition to permitting the creche to be displayed in Boniface Circle each Christmas, this week's Supreme Court decision very likely means that the plaintiffs' lawyers, who have been working pro bono, will be paid. Since plaintiffs prevail in a civil rights suit and federal law entitles them to receive "reasonable attorney's fees" from the party that has been found to have denied them their rights.

Gilmore said that he plans to petition for compensation, which will amount to more than $100,000. Marvin Schwartz said that he has not yet decided about seeking payment nor has he calculated what the amount would be. If he does petition the court for payment, the amount would be "well into six figures," he said.

Frankel will receive about $100,000 for representing the village, most of which will be paid by the village insurance company.

Talk on the arts

Kitty Carlisle Hart, chairman of the board of the arts, said, "We need to talk on the arts."

Paul and Innes Road are a daugth to Fe...
By DAVID KIRKWOOD

In a moment combining history with anti-climax, the Village Board Tuesday night quietly and without debate granted the Scarsdale Creche Committee's request to erect a Nativity display in Boniface Circle this Christmas season.

The action formally concluded a long, often bitter dispute that had divided the community and brought national attention to a case that was finally settled this spring by the U.S. Supreme Court.

Yet, except for the handful of newspaper and radio reporters who surrounded Cynthia Barsuhn, acting chairman of the Creche Committee, after the meeting, there was no evidence of the controversy that had begun in the same Village Hall auditorium, almost four years earlier, when the Village Board voted four-three not to permit the creche to be placed in Boniface Circle, where it had stood every Christmas for nearly a quarter century.

Before the current board approved the request of the Creche Committee, a group of private citizens representing several local churches, Village Attorney Richard Gardella briefly reviewed the history of the case. Gardella recounted how supporters of the creche has sued the village in February 1983. That December, U.S. District Court Judge Charles Stewart upheld the village's position that the Establishment Clause of the First Amendment prohibited religious displays on public property. However, in June 1984, the three-judge U.S. Court of Appeals, Second Circuit, unanimously reversed that decision. Finally, last March, the Supreme Court deadlocked four-four on the village's appeal, thus leaving the Circuit Court decision standing.

As Gardella explained, the village was legally prohibited from barring the creche on First Amendment grounds. Thus, the trustees' action this week was a foregone conclusion.

Mrs. Barsuhn said after the meeting, that the Creche Committee was "very happy that we can now put the creche back in Boniface Circle." She said that she was "sad that it had to come this way" (through legal action), but declined further comment on the long controversy. She added that the creche, a tableau of life-sized figures carved out of wood, would be installed on Dec. 19. It will be accompanied by a sign stating that the display has been erected by the Scarsdale Creche Committee, a private organization, using private funds.

Although he did not speak during the meeting, there was at least one on-looker who opposed the board's action. Jerry Rosen, Westchester regional director of the Anti-Defamation League (ADL) of B'nai B'rith, said after the meeting, "I'm disappointed."
Creche

(Continued from Page 1)

Despite the Supreme Court’s decision, Rosen said that the trustees could have blocked the creche display, by decreeing that Boniface Circle would no longer be available as a public forum, and therefore not governed by the First Amendment freedom of speech provision that had led the courts to rule in favor of the creche supporters.

Rosen, who said that he had come to monitor the village’s action on the creche, explained that the ADL believes “there is no place for religion in the public sector.” He added, “We don’t oppose religion, but the proper place for it is in the homes and the churches and and the synagogues.” He also warned that offensive extremist groups, like the Ku Klux Klan, might decide to hold demonstrations or put up their own displays in Boniface Circle and that the village would be legally required to permit them.

Rosen, who noted that the ADL is currently trying to prevent a creche from being displayed in front of the White House, said it was “premature” to say whether the group would attempt to keep the creche out of Boniface Circle.

FSW names director

Anne Eglinton, formerly executive director at the Clinton Mental Health Center, has been named director of the Family Service of Westchester, Inc. (FSW). She will succeed the retirement of Barbara Carrow, who has been executive director of FSW for 31 years. Eglinton joined FSW in 1994 as its director of community services and was named associate executive director in 2001.
Scarsdale creche returns

By DAVID KIRKWOOD

After years in the courts, the Scarsdale creche is back in Boniface Circle.

Not a judge nor a lawyer was in sight Thursday morning as a crew assembled the carved wood Nativity tableau in the little downtown park where it had been displayed every Christmas season from 1957 to 1980. The only reminder of the long and often bitter controversy that had surrounded the creche was the swarm of reporters, photographers and cameramen from metropolitan area newspapers and radio and television stations.

Cameras closed in as the newly repainted figure of the Christ child was placed in the manger and each member of the Creche Committee who arrived quickly found herself surrounded by reporters asking how she felt about the return of the creche, which was made possible by the U.S. Supreme Court. Last March, the Supreme Court deadlocked four-four on the issue, thus upholding a lower court decision that the Creche Committee had the right to put up a religious display in a public forum.

"I feel super," said Patricia Curran, who was chairman of the Creche Committee when it sued the village in 1983 for rejecting its request in 1981 and 1982 (Continued on Page 14)

Winston proposal described
to display the creche. "It's a great day," said Mrs. Curran, who recently moved to Wilton, Conn., but returned to Scarsdale for the occasion. She said that all during the four years that the creche was barred from Boniface Circle, "We never doubted, even for a minute, that someday it would be back here."

Teresa Vohnout, the only charter member left on the Creche Committee, expressed similar feelings when asked if she had thought the creche would ever return to Boniface Circle. "We had faith it would happen, and it happened," she said.

Cynthia Barsuhn, acting chairman of the committee since Mrs. Curran moved from Scarsdale, said that she sees the creche as "a symbol of peace and brotherhood."

While committee members expressed regret that the display had become engulfed in controversy, they agreed that it had been worth bringing a suit to restore the creche to its traditional place in Scarsdale. "It just wasn't Christmas without it," said one member.

Mrs. Vohnout, in whose garage the six-foot high tableau with 10 human and animal figures has spent the past few Christmases, said that in the long run, the suit had made the situation easier, because "the court made the choice for all of us." She added, "I'm ecstatic. It makes my Christmas."

Installation took about two hours from the time the truck pulled up next to Boniface Circle carrying the creche, which was sculpted for the Creche Committee 30 years ago at a cost of more than $3000. The separate pieces on the display had to be screwed together, the figures dusted off, moss added to the floor of the manger and evergreens placed around. There was also a new sigil put up, next to the creche, stating that the creche was erected and paid for by a private organization.

Finally, everything was in place. The crew and the members of the committee had gone home and the reporters had headed off to other assignments. Only then did Boniface Circle once again look the way it had at Christmas before the Scarsdale creche became a constitutional issue reported and debated throughout the nation.

IN TIME—If you simply have to get body and soul together totally for day gifting—or, if—horror of horror, forgotten a really important present—worry. The fine department always talking about are standing by to serve the woebegone, with temptation and numerosity to mention.

Here are just a few suggestions that are eternally welcome, and that
 Peace on Earth, Good Will to Men

A throng gathered Sunday afternoon in Boniface Circle for the Town Club’s traditional carol sing. Among the visitors was Santa, who must have been a little surprised at

3-year-old Meaghan Hearn’s gift request—a vacuum cleaner.

Demolition of house protested in vain

Rliable acknowledged that Demo-
Traditional display

Susan Campbell and her 4-month-old airedale, Chloe, pay a visit to the Scarsdale creche, which is on display this Christmas in Boniface Circle for the second year in a row after four years' absence while the Scarsdale Creche case was being argued in the courts.

Metro-North lists holiday schedule

Metro-North trains and New York City subways and buses under the jurisdiction of the Metropolitan Transportation Authority will operate on Sunday or holiday schedules on Christmas and New Year's Day.

Regular service will be provided today and Wednesday, Dec. 31 except that starting at 1 p.m. today and again on Dec. 31, Metro-North will add extra trains to regularly scheduled service leaving Grand Central Station.

Revelers going home. Metro-North's holiday timetables are available at Grand Central Terminal and outlying ticket offices.

A holiday reminder

• About 50 percent of the serious, permanently disabling or fatal injuries resulting from car crashes could be prevented by wearing safety belts, according to official not be drinking, remember that the best defense against a drunk driver is to wear your safety belt.

• If you are driving in snowy or icy weather, your chances of having a collision are greater than in
government convicted.

He'll not be silent

To the Editor:

A recent issue of a Westchester throw-away weekly is running a lead front page story entitled, "Creche Uproar: Silence 2 Years Later." Interviewed in this article, of course, and as a matter of course, is the chairlady of the Scarsdale Creche Committee. This good lady is reported to have said ten in stone. Moreover, if we'll not roll over and play dead and let the Scarsdale Creche Committee carry on under the illusion that its work is the expression of the Scarsdale community. The sign of disclaimer notwithstanding, the presence of an establishment religion's symbols on public property advances the purpose of a particular religion and in the view of four members of the United States Supreme Court as well as in the view of a large number of constitutional scholars, such a religious presence violates both the letter and the spirit of the religious clauses in the Constitution.

So long as a constitutional form of government accords its citizens to protest and to properly overturn judicial decisions through persuasive reasoning, I for one will routinely surface each and every day. 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Creche approval shouldn't be routine, Sloan says

By ELLEN SILBERMAN

As it has every year since the 1985 Supreme Court ruling, the Scarsdale Board of Trustees last Tuesday unanimously approved the Scarsdale Creche Committee’s request to display a Nativity scene, or creche, in Boniface Circle.

But after the vote, Irving Sloan, a middle school social studies teacher and opponent of the public display, read a statement he said was meant to remind residents and trustees that approval of the creche wasn’t always business as usual.

“In the last few years (there’s) just been a routine acceptance,” Sloan said this Tuesday. Sloan, who is the village historian, said he spoke as an individual.

He acknowledged that the board, bound by a court order to allow the creche, couldn’t turn down the request from the creche committee, but said he would like to see some board members abstain from the annual vote.

Those who “feel in their hearts” that the public creche is wrong shouldn’t vote for it, Sloan said.

Cynthia Barshun, a member of the creche committee, said she wasn’t surprised by Sloan’s opposition.

“He does have his opinion and it’s fine by me,” said Barshun, who described Sloan as outspoken in this views. In contrast, she described her committee as “laid back.”

The creche committee, a group of representatives from local churches that comes together each year to erect the creche, first gained permission to display its Nativity scene in Boniface Circle, outside the Harwood Building, in 1957.

History of controversy

It is unclear when the annual display became controversial, but by 1976 some trustees had become uncomfortable with the idea. That year, both the Law Committee and the Advisory Committee on Human Relations studied the issue before trustees voted 4 to 1 to permit the creche. Two board members were absent.

After the vote, Leonard Rubin, an attorney with the New York Civil

Continued on page 23

People’ for speedy police contract

PUTO

& Scarsdale

ley.

By ELLEN SILBERMAN

disability benefits under the guidelines of New York State.

Bird was trying to get

Continued on page 23

Continued on page 23
Should there be automatic creche approval?

Continued from page 1

Liberties Union and Scarsdale resident, sued the village, saying that the board’s authorization of a creche display on public land constituted the establishment of religion and violated the First and Fourteenth Amendments. Rubin’s suit was dismissed by a federal judge who said the issue should be decided by a state court.

Throughout the late ’70s, the board remained split on the issue and continued to approve the display. Then, in 1981, trustees rejected the creche committee’s request for the first time, voting 4 to 3, not to allow the creche on public land.

That year, the Nativity scene was erected on private land on Chase Road, just across the street from Boniface Circle. In 1982, trustees again voted against the creche. For February 1983, the creche committee and a second citizens committee sued the village, saying the board’s rejection of the Nativity scene deprived them of their rights to freedom of speech and free exercise of religion, violating the First and Fourteenth Amendments.

That December, a US District Court judge ruled in the village’s favor, agreeing that the Establishment Clause of the First Amendment prohibited religious displays on public property.

However, in June 1984, the US Court of Appeals, Second Circuit, unanimously reversed that decision. Finally in March 1985, the US Supreme Court deadlocked 4 to 4 on the village’s appeal, leaving the lower court’s decision standing. The decision prohibits the Village Board from barring the creche.

That winter the creche won the approval of the Village Board and was erected in Boniface Circle for the first time in four years.

Strong language

Sloan’s appearance last week marked the first public criticism of the creche since its return.

And he said he wasn’t criticizing the board for approving the resolution – he pointed out that he spoke after the vote – his language was strong.

“I’m not here tonight to lambast the Scarsdale Creche Committee for its persisting insensitivity to the increasing non-Christian population of the village,” Sloan said, noting that he had too much personal respect and even affection for individuals in the group to condemn their actions.

“They have the constitutional right, but is it the right thing to do?” he said this week. Sloan said he looked forward to a day when the Supreme Court decision was challenged and reversed.

The Supreme Court’s decision, Barshun said, was “surprised” by the White Plains decision. “I can sympathize with that group (Chabad-Lubavitch),” she said, noting that the creche committee had invited their “Jewish friends” to “put up a menorah” but had then turned down.

I thought (the Supreme Court decision) was for everyone,” she said.

Coincidentally, Richard Gardella, the village attorney, will sketch the history of Scarsdale’s creche case for the Westchester County Bar Association Municipal Law Section at a luncheon next Tuesday.

Wednesday, Gardella said he agreed to give the presentation to help other municipal attorneys deal with the issue. He said he hoped the talk wouldn’t stir up the old controversy in Scarsdale.

Outside council was hired to defend the village and Gardella, who began working for Scarsdale in 1983, said he had little to do with the case.

GIVE YOURSELF A HOLIDAY GIFT

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Treat Him or Her to a Day of Luxury at Eva of Sweden Unisex Marriot Hotel

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- Swedish Massage
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- Manicure-Pedicure
- Make-up
- For Him...Foot Massage
- Light Lunch in a Garden Setting

All for only $90

NEW:

Swedish Eyelash Tinting $25
Body Peeling with Salt Loofa Treatment $25

We also do Foil Frosting

St. Agnes Hospital

For more information, call 681-1118.

New York Hospital

New York Hospital Cornell Medical Center will sponsor free public education lectures next Wednesday and Thursday, Dec. 11 and 12.

On Wednesday, Dec. 11, Carolyn Rubin, MSW, will discuss issues and problems of adolescence from 6 to 8 pm in the Center Conference Room at the hospital at 21 Bloomingdale Road, White Plains. The topic of the lecture by Ruth Mendelsohn, MSW, and Fran Thurston, MSW on Thursday, Dec. 12 from 6 to 8 pm in the Center Conference Room also is the topic of December’s meeting. For more information, call 681-1118.

St. Agnes Hospital

For more information, call 681-1118.

White Plains Hospital Center

White Plains Hospital Center will offer the following support groups for patients and their families during the month of December:

Diabetes Club on Wednesday, Dec. 11 from 7:30 to 9 pm in the WPHC board room. “How to deal with diabetes during the holiday” will be the topic of the meeting, which will be held by the diabetes committee. For more information, call 681-1118.

The Mental Health Center will offer the following support groups:

Mind and Body Stress Management Group on Tuesday, Dec. 10 at 7:30 pm in the board room. “Of Sound Mind” is the topic of the meeting, which will be held by the Stress Management Group. For more information, call 681-1118.

Mental Health Center, 872 Main St., White Plains.

Intensive Care Unit: Adult Intensive Care Unit will offer a support group for patients and their partners. For more information, call 681-1118.

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Should there be automatic creche approval?

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St. Agnes Hospital

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Board OKs crèche, under protest

By DAVID J. GLENN

With “no grounds for denial,” the Village Board has again voted to allow the display of a Nativity scene on public property in Boniface Circle.

As they had done every year since a 1985 U.S. Supreme Court ruling compelled them, the board members agreed Tuesday evening to allow the Scarsdale Creche Committee to erect the small display.

The crèche was displayed in Boniface Circle every December from 1956 to 1981, when the Village Board first denied the Creche Committee’s request on the grounds that the display was offensive to an increasing number of Scarsdale residents.

“We have no grounds for denial,” Trustee Walter Handelman, Law Committee chairman, said before the regular board meeting.

But before the board members voted, Handelman read a statement declaring he would abstain from voting. He said he previously had voted in favor only because of the 1985 ruling, which capped “litigation that cost our citizen taxpayers thousands of dollars and much personal anguish,” the trustee said.

“I shall not vote to approve this application this year because I want to register publicly my disappointment with the attitude that is shown by the Creche Committee in renewing it, each year, without making the smallest effort to change the site of the crèche to a more appropriate location.”

The other trustees also said they were voting yes only because of the court rulings, and agreed with Handelman that the Creche Committee should rethink its position.

Mayor William McCrery said he would ask Scarsdale clergymen to meet with the committee and ask it to move the display.

No one at the Village Board meeting spoke on behalf of the committee.

Listed on the display application was Cynthia Barshun of 307 Boulevard; the same address was given for the committee.

Barshun could not be reached for comment before press time.

Attorney Kathleen McCreary, who brought the original lawsuits, said Wednesday there was no need for anyone from the committee to be at

Continued on page 23

Continued on page 13
Nativity scene approved for annual display

Continued from page 1

“...It should be a fine process now,” she said.

He said that Handelman’s resignation, and the other trustees’ part of it, only served to perpetuate the controversy. “I do not see why the trustees continue to exacerbate the issue,” McCrory said. “The community has put it behind.”

“We live in a pluralistic society,” he added. “They’re (the village) engaging me to privatize the expression of my religion. It’s my constitutional right to have equal access to a public expression, not at Village Hall, but in a public park, a traditional medium of public expression, not at Village Hall but in Edgemont Park, which is a similar seat of government.”

He stressed that the crèche will be an unassuming and unnecessary token to alter our longstanding traditions,” she said. “The community is more diverse than ever; the more diverse it is, the more important it is to let everyone express their religious and cultural heritage.”

Irving Sloan, a middle school social studies teacher, made an impassioned plea to the board last year to deny the Crèche Committee’s application, arguing that it had a “persisting insensitivity to the increasing non-Christian population of the village.”

Sloan said Tuesday night he hadn’t anticipated the trustees’ response. “I’ve never been more proud of government than I am tonight,” he said.

He dispensed with most of the prepared statement he had planned to deliver.

The controversy, which in Scarsdale has been cornering Yuletide just as regularly as the Macy’s Thanksgiving Day Parade does in New York, pits two parts of the First Amendment against each other — the right of free speech, and the prohibition against any establishment of religion by government.

After the trustees turned down the application for the second time in 1982, the crèche committee sued the village. In December 1983, a U.S. District Court judge agreed with the village that the First Amendment prohibited religious displays on public property.

But in June 1984 the U.S. Court of Appeals reversed that ruling, and the reversal was upheld by the U.S. Supreme Court in a 4-to-4 deadlock in March 1985.

Dr. John Elliott Jr., pastor of the Greenville Community Reformed Church on Ardsley Road, said that 11 years ago, when the controversy emerged, the church placed a crèche on its lawn “as a statement that church and state should be separate. There are enough places, enough churches where a Nativity scene can be placed — we don’t need to have the government do it.”

Elliott added that there has been “a lack of tolerance on either side” of the issue. He said that was unfortunate since the controversy “is a mountain out of a molehill” — the crèche at Boniface Circle is only a few feet high, he stressed, and is not a looming image of imposed religion. But he said that, on principle, it should not be placed on government property.

Rabbi Peter Gluck of the recently formed Congregation B’nai Elohim said Tuesday, “We have separation of church and state in the Constitution. When that line is crossed, it sets one religious faith on top of others, and that’s not what we do in the United States.”

Gluck said he would have the same attitude against a Jewish symbol displayed on public property. Placing a Chanukah menorah along with the crèche, as the committee had suggested, would not be the answer either, Gluck said, since Chanukah has nothing to do with Christmas.

A possible solution, he continued, would be a community policy of allowing each local religious or cultural group to erect a display at a time of year of its choosing.

He added that safeguards against hate groups, such as prohibiting displays that denigrate any other group, could be built into the policy.

Distraction policy debated at Edgemont

Continued from page 1

“...We’re looking for students who can come into Edgemont schools and thrive,” Conboy said.

The proposed policy will be revised to allow some continued access to school documents, privacy protections for student records and

with fellow board member Abby Shipper the two are beginning the long process of bringing Edgemont’s policy manual up to date.

Their study will begin with three policies: access to school documents, privacy protections for student records and

After a public hearing on each policy, the gift policy, to be presented at the Jan. 26, meeting, will be the first to be examined.

New policies are needed on disaster preparation, child abuse prevention and

Sexual harassment. Stone

Cruisewear, layaways and previous sales and special orders. Not to be combined with other sales. Final sales.
**Among Other Things**

**Irving Sloan**

**Christmas message deserves better**

In last week's news article by David Glenn, one could get the impression that the creche display itself "was offensive to an increasing number of Scarsdale residents" because the Village Board members' approval vote was "under protest."

The objection is not to the symbol and its holy meaning to Christians, but only to its setting on public property. I, who have articulated objection through the years, yield to no one in my respect for what the nativity scene means to the Christian community.

Beyond that, I would defend their right to worship and contemplate its sacred meaning in their churches and homes no less than I would pursue my own rights in my synagogue and home.

The erection of a creche or any other religious symbol, be it a menorah or a portrait of the Reverend Moon on public premises, contributes an added dimension and meaning that could never be achieved through any other strategy.

The importance of such a display is not that more people can perceive it (Boniface Circle is an almost obscure setting), but rather that those who perceive it in its public setting will recognize a government sanction and endorsement accorded the particular religious doctrine instinctive in the symbol.

Again and again and even now, physically comparable or even more desirable vantage points for religious displays in Scarsdale are offered to the Scarsdale Creche Committee. But the potent impact of the message conveyed by the fact of a religious presence on government grounds could not be purchased for any amount of money.

To contend, as Kathleen McCreary does, that the community has put the display of religious symbols on public premises "behind it" is specious.

Would she suggest that the six out of seven Village Board members, who urge her committee to meet with Scarsdale clergy to discuss and arrange to move its display from public grounds to private and/or church land, aim at stirring up their constituents? Or can she recognize that their proposal reflects a significant number of their constituents, both Christian and non-Christian?

There is a legal maxim, "Lex non curat de minimus," which means that the law does not concern itself with trifles. People who advocate Nativity scenes displayed at Christmas time in publicly owned places tend to say "de minimus" – not worth fighting about. Protocols used to say "de minimus" when Roman Catholics objected to the use of the King James Bible in the public schools.

No, good people of the Scarsdale Creche Committee, this is no trifling matter that the board and much of its constituency are objecting to.

Flag burning and Nazi marches have come and gone in your schools with little or no agitation. The better test is to see if there is any exercise.

Kathleen McCreary, formerly the parent of Scarsdale schools children, is the State Education Commissioner and Chairperson of the State Board of Education. Commentary is presented by permission of the State Education Commissioner.
The image of the Christ Child on public property is a reminder to some of our citizens that, in other times and places, governments tried to force the beliefs of the majority on the minority and persecuted those who differed.

Yes, the committee has the legal right to display the crèche in Boniface Circle. But the holiday spirit would be better kept in Scarsdale if the figures stood on private or church property next year.
Keeping the spirit

Before 1981, the word crèche had for many Scarsdale residents a pleasant connotation: the Nativity scene with all its appealing elements of humility and awe, kingly splendor and shepherdish poverty, and the wonder, love and hope inspired by the birth of Jesus.

Now, after 11 years of arguing about the appropriateness of permitting a religious symbol on public property, the word crèche has become synonymous here with conflict and resentment. "Free speech!" says one group. "Separation of church and state!" says another. In letters to the editor they trade charges of intolerance and insensitivity.

Many people, Jews and Christians alike, are tired of the predictable dispute at a time when both religions are celebrating joy and peace, giving and remembrance. They prefer to ignore the unobtrusive little scene in Boniface Circle. After all, the highest court in the United States has ruled that the village may not refuse to approve the Crèche Committee's annual request.

This year there was a variation in the rite of court-enforced approval: Village Trustee Walter Handelman - a just and sensitive man who happens to be Jewish - abstained from the vote to approve the display, saying he wanted to "register publicly" his disappointment in the Crèche Committee's refusal to compromise. And Mayor William McCready - a just and sensitive man who happens to be Christian - agreed. The mayor said he would ask Scarsdale clergy and the Advisory Council on Human Relations to meet with the committee to work out a solution.

We believe the committee should find another home for the crèche. In the past, churches and even a business have offered alternative sites, but the committee has stuck to its legal right to erect the display in Boniface Circle.

We know the committee believes that individual citizens have a right to express themselves in a public forum, whether their views be religious or political. But we'd like to ask its members what the symbol of the Nativity means to them, and why they want it in this particular place. Specifically, why place a symbol of love and compassion in a place where it causes division and pain?

As a religious symbol, the Nativity expresses Christianity in its purest form: ideals unsullied by centuries of distortion, betrayal and exploitation. Christians do not look at Jesus, Mary and Joseph and remember the swastika. But they must understand that among Jews, Holocaust memories are powerful and deep; they lend weight to minor insults and political overtones to religious symbols. When the Christian symbol of love and peace evokes memories of hate and oppression, it is not exalting the Christmas message but demeaning and devaluing it.

People should 'Happy holidays'

To the Editor:

Hi. My name is Linda L. Weigle and the problem is that on Time, Newsweek, and many other magazines and newspapers has more than Happy Hanukkah, more than Happy Christmas, and more than Happy New Year, but Happy Hanukkah things in the special sections. Wishing all the people should be able to do a lot of holidays and do as much as they can, but I don't think Hanukkah things in the special section.

P.S. Thank you for helping. 

Linda L. Weigle

Scarsdale kids need to be taught world is imperfect

To the Editor:

In the few weeks before the holidays there's usually one big question that children are asked. That question, of course, is "What do you want for the holidays?" And annually we are discouraged yet not the least bit surprised at the repetitive answers. "I want a bicycle, clothes, and money." Are these replies natural, or are they the result of growing up in Scarsdale?

It's normal for kids to want to buy new toys and gifts, but in all the years that I have read these responses I have never heard a child "ask Santa" for junk food or materialistic items. Sadies who don't fall into that category are not at all surprised. Should I be? Should I not at all saying that when I was 10 I would have answered the question much differently, but I find it interesting to believe that every child in America, even in New York, would answer this question this way.

It is common knowledge that Scarsdale is more privileged than many other communities, but I do consider it a privilege to be born in this world thinking that the world is perfect. I am not suggesting that schools scare kids about AIDS, homeless discrimination, or any other country's problems when they are 6, but I do think that Scarsdale should do a terrible job of dealing with big issues until the children are older, and by that time, the damage of thinking that there is a "perfect world" is already done.

Among

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Downtown menorah, creche both desecrated

By DAVID J. GLENN

The convergence this year of Christmas and Hanukkah meant concurrent candle-lighting, singing, gift-giving — and desecration.

Two shepherds from the creche Boniface Circle were found broken Saturday morning, Dec. 20 — the first time in the 40-year history of the creche it’s ever been vandalized — and members of the Scarsdale Creche Committee quickly repaired the wooden, hand-carved figures.

Then at about 1 a.m. Saturday, Dec. 27, the fourth day of Hanukkah, Scarsdale police on patrol saw that three of the eight branches of the electric menorah in Chase Park — two on the left and one on the right — were broken off.

It was a virtual re-enactment of a desecration in December 1992, when three branches on the left side were ripped off. In late November 1991, a swastika was scrawled at the base of the Chase Park menorah, as they were earlier that autumn painted on a car, a stop sign, and later on two homes.

In the current cases, Scarsdale police are working with the new Bias Crime Unit of the Westchester County district attorney’s office.

“We’re hopeful that our joint efforts will send the message that these kinds of acts won’t be tolerated,” said DA spokesman David Hebert. He urged anyone with information to call, anonymously if preferred, Westchester County Crime Stoppers at 1-800-888-TIPS (8477). Up to $5,000 will be awarded to anyone giving information leading to the arrest and conviction of the vandal or vandals.

Asked if he thought the menorah vandalism was an act of anti-Semitism or just a prank by some kids, Hebert said that “it wasn’t intended, but whether a religious symbol is attacked out of ignorance or out of religious hatred, it can’t be tolerated.”

“We’re treating these as bias crimes,” said Scarsdale police Chief John Feiner, who has been with the force since 1974. “They may just be some people who are against anything that’s put up in the village, or some kids, out of school on the weekend, just looking for mischief.” He said that on Friday night, Dec. 27, police told a group of young people downtown to move on. “It may be retaliation against the police. We’re just not sure,” Pellegrino said.

A student who found — which law enforcement officials concede is unlikely since the acts were committed in broad daylight — that there were no witnesses that anyone knows of, and there is little evidence to go by — the charge probably would be criminal mischief or mischief.

Hebert said that the district attorney, Jeannie Pinno, has been pushing the state legislature to make each bias crimes felony.

The Westchester Region of the American Jewish Congress, chaired by Greenwich Supervisor Paul Feiner, is also calling on the legislature to toughen penalties for hate crimes.

“Let’s say you assemble all the students at Scarsdale High School in the gym. You tell one group that they can have all the competent teachers and all the well-equipped laboratories and all the up-to-date textbooks they’d need.

And you tell the other group, quite simply, they’re on their own.

That bleak, unjustifiable scenario, was suggested by Dr. Thomas Sobol, longtime Scarsdale resident and former New York State commissioner of education.

He said that the system of school funding effectively denies the opportunity to thousands of the state’s schoolchildren, especially students in property-poor districts and those with special needs.

Hebert said that there are people doing this.”

Above, the Boniface Circle creche. Both shepherds were uprooted; an ankle was broken on the one at right.

Left, Rabbi Vevl Butman lights the seventh candle of a menorah at Chase Park in front of a large metal menorah that replaced the one vandalized over the weekend.

“It’s sad that there are people doing this.”

—Teresa Vohnout, co-chair of the Scarsdale Creche Committee

The Scarsdale desecration is another unfortunate example of why New York State needs anti-bias legislation — now,” the AJ Congress said in a statement. “The Westchester division will continue to work on its efforts so that 1998 becomes the year in which those who commit hate crimes in New York will at last receive proper punishment for their vicious acts.

The most effective tool against such acts is education,” said Rabbi Butman, director of Chabad Lubavitch of Westchester County, which had put up the menorah at Chase Park as well as the 13-foot menorah in Golden Horseshoe shopping center and other menorahs around the county. The Lubavitchers are planning to hold a forum next month to discuss ways to prevent acts of religious and ethnic hatred.

The group replaced the menorah — which costs about $1,000 — at Chase Park, with a special ceremony Monday evening for the seventh day of Hanukkah “to send a message of democracy and freedom,” Butman said. “This is in keeping with the teaching of the Rebbe (the Lubavitch spiritual leader) to always counter negativity with positive actions.”

About a dozen people — and three television news crews — showed up in the rain to dimly light Chase Park for the ceremony. Butman first lit the shamua, the guide candle, of a small menorah and, while reciting the traditional blessing, used it to light the seven candles for the start of the seventh day of Hanukkah. He then flicked the switch for the seven electric candles of the large, metal menorah.

Butman said in an interview that he was glad in a way that the ceremony was in a cold, dark rain, since it showed that people were willing to sacrifice comfort to keep the Hanukkah lights burning.

Mayor Ed Morgan and assistant district attorney John Zanussi joined the rabbi at the ceremony.

Morgan said earlier in a statement, “We are outraged at this appalling act of disrespect in this season when many traditions remember miracles of love and closeness of the family. The message for all of us must be and is that the time when anyone can quietly accept such despicable acts is past.”

Teresa Vohnout, co-chairman of the Scarsdale Creche Committee, said she thought the creche desecration was probably a prank by young people.

“It’s sad that some people think they don’t have better things to do,” she said. She was surprised, and relieved, that no figures were actually taken, and that the baby Jesus figure was undisturbed.

The figures of the shepherds were bolted to the floor of the creche, the vandal or vandals apparently tried to pull them out. One of them was pulled all the way off (but not otherwise damaged) and the other remained partially attached with its ankle broken, Vohnout said.

“We really feel sorry about what happened with the menorah, too,” she said. “It’s sad that there are people doing this.”

Defining ‘sound basic education’
Forum to address state funding to schools to be held

By ILYNE NECHAMIN

Let’s say you assemble all the students at Scarsdale High School in the gym. You tell one group that they can have all the competent teachers and all the well-equipped laboratories and all the up-to-date textbooks they’d need. And you tell the other group, quite simply, they’re on their own.

That bleak, unjustifiable scenario, was suggested by Dr. Thomas Sobol, longtime Scarsdale resident and former New York State commissioner of education.

He said that the system of school funding effectively denies the opportunity to thousands of the state’s schoolchildren, especially students in property-poor districts and those with special needs.

The court also held that a sound basic education requires minimally adequate physical facilities, minimally adequate “instrumentalities of learning,” including desks, chairs and reasonably current textbooks, minimally adequate teaching of reasonably adequate curricula, and a sufficient number of teachers.

The case followed a 1996 decision by the New York State Supreme Court, New York County for a full trial — now set for 1998 — and requested public input on how best to define a sound basic education. The lower court’s decision will change the state education funding formula.

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