
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.

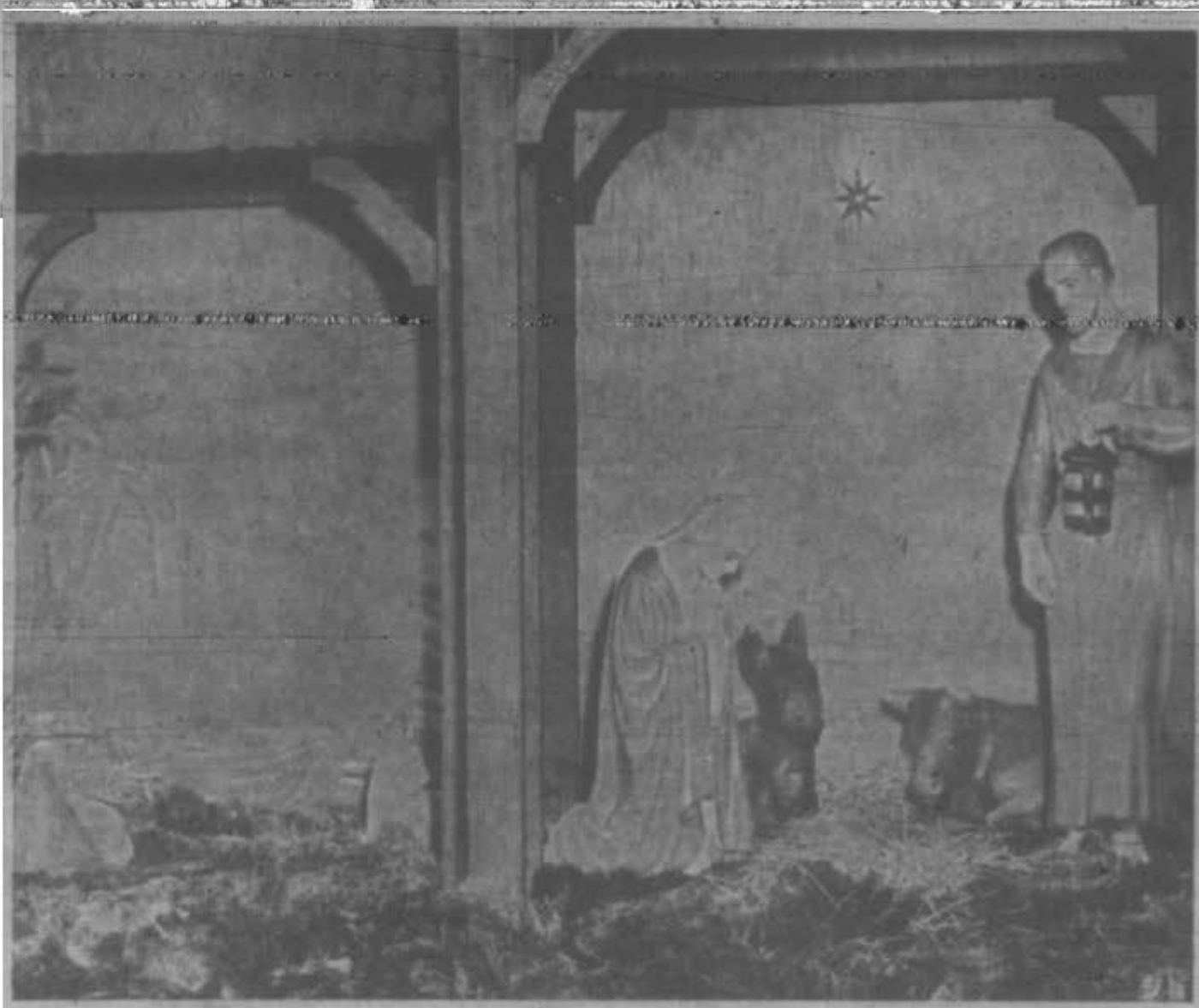


This Nativity Scene set up in Boniface Circle by the "Christmas **Creche**" committee including representatives from the Community Baptist, Congregational, Grace Lutheran, Immaculate Heart of Mary, St. James the Less, Our Lady of Fatima, St. Pius X, and Trinity Lutheran Churches, has been visited constantly 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 in lower picture show scene on spot in Boniface Circle creche from which figure of the Child Jesus was stolen Tuesday night of last week. Also stolen was a 16-inch high statue of a kneeling shepherd. Picture at top shows creche prior to the theft. The two figures were valued at \$300. Statues of the Infant, Mary, a shepherd and six sheep also were stolen the same night from the 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

Special to The New York Times.

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

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Ban On Creche Reaffirmed

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 300 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.

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 representations, pro and con, 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, the 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 clergymen. 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.

(Continued on Page Ten)

-Creche

(Continued from Page One)

Webb, supervising principal, had brought up the subject of continuing the exhibit. Until this year the board had approved the

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

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

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

'American Tradition'

In its official statement on the 2-1 vote, the board said it was guided by a "fundamental American tradition." It felt that a . . . on school grounds violated 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. Dwyer 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 Jade Street said that the . . . was a primary reason for his moving to Hartsdale 12 years ago. He charged that the board ignores the majority and represents the minority.

Rev. Verdin said the . . . represents something beyond its theological origin. The board, he said, gives the impression that it places little merit in moral values.

Rev. Donald Koehler, pastor of the Calvin Presbyterian Church, commended 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 . . . he said, should be judged by the same criteria.

What's Inside

THE HOLLY BALL, one of the biggest and brightest social events of the year in Scarsdale, is recorded with a full page of photographs. . . Page 5

A NEW FEATURE in The Inquirer starts this week on the church page. A setman greets by a different local clergyman will be published every Thursday. This week, quoting a Beatnik poet, Rev. George F. Kempson Jr., comments incisively on Christ in Christmas.

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nt Species

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

Species Listed

The various species seen follow: 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, towhee, 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

Board Gives Permission For Creche

Decision For Future Years To Be Studied

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

Although the board's resolution was passed at its September 20 meeting, it released the information only this week.

In addition to granting permission for this year, the resolution called for Mayor Alton 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, 1962, on the issue of granting permission to erect a creche on Boniface Circle in subsequent years."

This special committee will "be solicited and engendered 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 Fair

Mrs. H. H. Kinzella, co-chairman of the creche committee, said that the board's action "was a very fair answer. We hope, though, we can keep the creche in Boniface Circle each 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 the committee places it in the village in the middle of December for a two-week period.

According to Mrs. Kinzella, 1962 was the first complaint has been filed against the creche, "but the committee has had many calls and letters expressing appreciation and has had the cooperation of local merchants," she said.

The organization that filed the complaint before the Village Board has refused to comment now on the September 20 resolution.

"We feel very strongly on general principles that the creche should stand," Mrs. Kinzella 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 at practically the

(Continued on Page 30)

-Creche

(Continued from Page 40c)

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. Kinzella 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 Approved; Law Suit Planned

By DAVID KIRKWOOD

The Village Board Tuesday night voted to approve the Scarsdale Creche Committee's request to be permitted to erect the traditional creche (Nativity scene) in Boniface Circle. However, Leonard Rubin, a Scarsdale attorney said after the November 23 board meeting that he planned to start a law suit in federal court for an injunction against the Village on the grounds that in allowing public land to be used for the display of a sectarian religious symbol it is violating the doctrine of the separation of church and state provided by the First Amendment.

The Trustees' decision to grant the Creche Committee's request for the 20th consecutive Christmas season came after long discussion on the subject. Earlier the board had received a letter from ten clergymen representing several local churches and synagogues expressing "concern over the potential division which threatens our community as a result of the proposed litigation over the use of village property for the placement of the creche."

The clergymen stated their belief that the use of public land for a "religious statement" is "inappropriate." Therefore, they suggested that henceforth the creche be placed on the grounds of five churches on a rotating basis from year to year. The churches who offered the use of their grounds were St. James the Less, Hitchcock Presbyterian, Scarsdale Community Baptist and Scarsdale Congregational, Scarsdale Community Baptist, Greenville Community and Scarsdale Congregational.

Before calling for oral communications from the public, the board heard Trustee Frank Gordon, chairman of the Law Committee, report that previous court decisions upheld the legality of the use of public land for a creche provided that it is not erected by the government or at government expense.

Mayor Boine Johnson then reported that the Advisory Commit-

tee on Human Relations had recommended to the board that it accept the request of the Creche Committee.

Discussion

First to speak from the floor was Leonard Rubin who told the board that the "thrust of the law" is going in the direction of forbidding religious displays on public land. Saying that such display is "totally improper," Rubin said that although he is Jewish he would be "offended just as much" if the Village permitted a menorah or some other Jewish symbol to be placed in Boniface Circle.

Scarsdale Chamber of Commerce President Thomas Kavanaugh then read a letter from his organization favoring the traditional use of Boniface Circle for the creche. Kavanaugh cited an informal poll of 60 local merchants, of whom 58 favored the creche being allowed and two were undecided. The letter also pointed out that the religious polarization last Christmas in Larchmont was precipitated by the removal of a creche from public land onto church property.

Mrs. John Curran of the Scarsdale Creche Committee which represents St. James the Less, Our Lady of Fatima, Church of St. Pius X, Immaculate Heart of Mary, Grace Lutheran, Trinity Lutheran and Redeemer Lutheran Churches, read a letter stating that the group would consider the removal of the creche from Boniface Circle "an erosion of our spiritual values, an affront to the drafters of our Constitution whose intent was to protect religious freedom and an injustice to the people of Scarsdale whose interfaith activities have grown in stature over the years."

While acknowledging the existence of opposition to the creche, the committee said it believed that few residents shared those feelings. Rather, the letter said, the creche has been "a source of edification to the community."

Eleanor Kirk, chairman of the Human Relations Committee, ex-

Creche Approved

(Continued from Page 1)

plained 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 the board of the New York Civil Liberties Union, said that his suit would have the support of that organization. The NYCLU, he said, will 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."

(Continued on Page 4)

RARE NOVEMBER SNOWSTORM dumped about three inches on Scarsdale Monday and made roads treacherously slippery especially for motorists who had not yet had their snow tires put on. Even for those who drove home safely, it wasn't much fun getting the car cleared off enough to see out of, as George Langa, in photo at left, discovers. If you were

dressed for the conditions, walking was the most enjoyable. Joanne and Sherill Milton take a stroll along snow covered

Publisher's Notebook

New Park Proposal

The Village Board will apparently discard a measure proposed this summer which would, if enacted, establish a curfew for public parks in Scarsdale and generally set much stricter rules for the use of public property. Trustee Frank Gordon, chairman of the Law Committee, announced at this week's meeting that he would ask at the December 12 meeting that the original proposal be withdrawn. In its place he will propose a much simpler law.

The new law directs the Village Manager to regulate and control the hours during which parks and recreation areas are open to the public and prohibits alcohol in parks and recreation areas at night, except with prior written permission of the Village Manager. There is no current local restriction on drinking in public. Along with adopting this law, the Trustees will be asked to have the Superintendent of Parks, Recreation and Conservation establish operating rules for the parks to be ratified by the Trustees.

The originally proposed parks law called for a curfew in all parks, a ban on drinking without a permit and the requirement of Recreation Department approval for groups or teams of five or more people using a park. It came under sharp criticism from the Village Club and League of Women Voters, as well as from a group of teenagers who attended a public hearing on July 18. If the board approves, there will be a public hearing on the new proposal on January 23.

Creche Approved

The Village Board voted, as it has for the past 20 years, to permit the Scarsdale Creche Committee to place a creche (Nativity scene) at Boniface Circle during the Christmas season. The board, in granting its approval five to two, required the committee to place a sign next to the creche stating that the display has been erected by a private group — at no cost in money or labor to the Village.

Voting against the Creche Committee's request were Trustees Jeanne Richman and Seymour Sims. Trustee Richman said that the creche is a "religious symbol" with a message "to people of a particular religious faith." As one who believes in taking "scrupulous care" to maintain the separation of religion and state, she said that she opposed permitting public land to be used for a religious display.

Trustee Sims said that the issue is "a lot more than a creche." In accommodating one religion, he said, the board may put itself in the position of having to approve or reject other religious displays as well. Sims suggested that with Christmas and Chanukah both coming on December 25 this year, the Village might have to divide Boniface Circle, with half for the creche and half for a depiction of the Maccabees. Both Trustees Richman and Sims added that they were not personally offended by the creche in Boniface Circle.

Mayor George Szabad, who in some previous years has abstained, voted reluctantly to permit the creche, for the sake of "intergroup relations." He added that it would be better if the Creche Committee were willing to place the display on private property. The Creche Committee, represents St. James the Less,

Scarsdale Baptist, Our Lady of Fatima, St. Pius X, Immaculate Heart of Mary, Grace Lutheran, Redeemer Lutheran and Trinity Lutheran churches.

Last year Leonard Rubin of Scarsdale, a lawyer affiliated with the New York Civil Liberties Union, sued the Village for permitting the creche, but a U.S. District Court judge dismissed the case on grounds that federal courts lacked jurisdiction.

Case Closed

The Village dropped charges earlier this month against 28-year-old Patrick Maddaro of Yonkers. Maddaro was charged with reckless driving and failure to keep to 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.

Village Prosecutor John Galloway agreed to drop charges when the defense produced a statement from Maddaro's doctor that he had blacked out while driving behind the wheel as a result of a chemical imbalance in his blood. Following a similar blackout not long after the Walworth accident, Maddaro turned in his driver's license.

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 response to it, Pearl Abramowitz, who had notified the paper of the problem, received several calls from readers suggesting ways to eliminate the rodents and the Village Manager's office heard from many people complaining about their rats. The Village's position remains that, barring a real emergency, it would be improper for public money to be spent taking care of private citizens' problems. However Village Hall did ask the exterminator it uses, Joseph Rocco of Classic Pest Control, to check out Crane Road.

According to Rocco, the situation on Crane and elsewhere is not one to be alarmed about and can be controlled. He suspects that the rats have been driven out of the wet, low lying property at the corner of Post and Crane Roads by the construction on that site. (The owner of a home across Post from the new houses has also reported a rat problem on her property and on her neighbors'). According to Rocco, poisoned bait and poisonous gas in rat burrows should drive them off a property. In some cases, it is necessary to clear the ground of ivy and other foliage in order to locate their burrows.

Rocco, who has 16 years of experience in the field, said that Scarsdale has about as many rats as other Westchester towns. They are most prevalent in wet areas and they cause problems when they are dislodged, either by winter weather or by construction.

Rocco questioned another exterminator's statement that the Norwegian rats which are found here can be 18 inches long. Two pounds or 12 inches from nose to tip of tail is about the maximum, according to Rocco.

League Surveying Road On Non-Partisan Systems

How the average citizen views Scarsdale's unique Non-Partisan nominating systems has long been a subject of debate between proponents and critics of the system. This week, the Scarsdale League of Women Voters is mailing a questionnaire to every home in the Village in an attempt to measure local public opinion regarding the processes by which the Non-Partisan candidates for Village and School office are nominated.

The two-page questionnaire, scheduled to be mailed today (Thursday) can be folded, stamped and returned by mail to the League of Women Voters' post office box without an envelope, or it may be left at the Scarsdale Library.

League officials urged that all citizens fill out questionnaires, by December 15, using it as a way to register their support or non-support of the Non-Partisan sys-

tems as well as a way to recommend any changes they favor. The league wants to hear from residents whether or not they participate in the nominating systems in the selection of Village and School Board members.

The survey, which has space for two family members to answer separately, is divided into three sections. The first 10 questions ask biographical information such as age, sex, length of residence in Scarsdale, school district, political party and local activities. However, respondents are not asked their name or address.

Sections two and three each consist of seven, mostly multi-part questions on the Village Board and School Board nominating systems, respectively.

Residents are asked, not only if they participate in the Non-Partisan Systems, but also whether they understand them, since the complicated nature of

14 Vacancies To Be Filled On School Nominating

The Administrative Committee, which is responsible for overseeing the January 30, 1979 election of members to 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 Non-Partisan System provides for a School Board Nominating Committee composed of 36 voting members (six from each of the six Non-Partisan Units) together with four non-voting members: One representative each from the Confederation of Scarsdale Neighborhood Association Presidents, the Scarsdale Woman's Club, the Town Club, and the Village Club. Members of the Citi-

zens' Committee for the nomination of Village officials may not be elected to the School Board Nominating Committee.

Two voting members of the School Board Nominating Committee are elected each year from each Non-Partisan Unit (A thru F) to serve for a three-year period. At the conclusion of service on the School Board Nominating Committee, each retiring member is required to serve an additional year on the Administrative Committee which supervises the nominating procedure.

Due to the resignations from the School Board Nominating Committee by members representing Units B and F an additional voting member from each of these units

Village Candidates

Biographical data forms must be submitted soon for candidates to be considered as possible nominees of the Non-Partisan Citizens' Committee for the Village offices to be filled at the next election. According to Walter J. Handelman, chairman of the Citizens' Committee, "It would be helpful to the committee to have as many such forms as possible submitted to the Town Club office by December 6, to be available for the first meeting of the Committee on December 10."

The forms for submitting biographical data may be obtained from any member of the Citizens' Committee, or from the Town Club office (room 412, Harwood Building) on weekday afternoons, except Thursdays. Properly completed, the forms provide the committee with information as to a proposed candidate's correct name, address, approximate age, length of residence in Scarsdale, occupation, business connection and experience, and civic activities in Scarsdale and

PT Program On 'Human Side'

"More Than Academics — The Human Side of the High School" will be the subject for discussion at the second meeting of the PT Council on Wednesday, December 6, at 4 p.m., in the multi-purpose room of the Heathcote School. There will be a short business meeting at 3:30.

Topics to be discussed include; the formal and informal ways that the high school tries to meet the personal needs of the students; the guidance network that exists through programs, and informal per-

sonal contacts between students and teachers; and how teachers respond to the needs of the children.

The panel moderator will be Paul Kelleher principal. Members of the panel will include: Roy Stemer, health teacher; Dr. Gene Pisani, social studies teacher; Christopher Douglass, English teacher; and Audrey McGinn, English teacher.

All interested persons are invited to attend. Chairman of the PT Council is Laura Strauss.

in order to...
season are as follows:

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

leave them on overnight.
Chief White again reminds all residents of the voluntary home inspection program offered by the Fire Department.

Further information concerning voluntary home inspection and placement of smoke detectors, is available from the Fire Department at 723-2514.

Letters To The Editor

No Hanukkah Display

To the Editor:

As a private citizen, I headed a group called the Hanukkah 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 Hanukkah 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
Hanukkah 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

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 per cent last year; that's good. But the rise of inflation was about 8.2 per

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."

WINTER SALES

**3-DAY
SALE**
NOVEMBER
23, 24, 25

10 am
6 pm

**DUROY
VESTED**

Camel Color

\$49⁹⁰

3

m 'til 6 pm

**PC.
BARDINE
ED SUITS**

59⁹⁰

Open
Fri.
'till 12

T SAVINGS!

TON DOWN SHIRTS
d yellow

\$12⁹⁰

reg. 125

publisher's Notebook

Enforcement

Dog owners have had their period of grace. For starting this Wednesday, they face prosecution if they do not obey the new law requiring them to clean up after their pet if it defecates on public property or on private property without the permission of the property owner. The "pooper scooper" law, passed two weeks ago, provides for a fine of up to \$25 for a first time offender and stiffer penalties, up to a \$100 fine and 15 days in jail for repeated convictions.

At a meeting Wednesday of its 30 or so code enforcement officers, the Village determined its strategy of enforcement, which went into effect immediately. All code enforcement officers have been instructed to issue summonses 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 Tooley and his assistants).

Joseph Cox, the full-time dog warden, has been 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 highway, water, waste and fire departments. Chief Terence Shames has also notified all regular police officers of the new law and they too are expected to enforce it, although most of the responsibility lies with civilian employees.

All the code enforcement officers have been issued identification cards with pictures. Along with looking for people who fail to clean up after their dogs, 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 Herbek, 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 Scarsdale Creche Committee's request to be permitted to place a creche or Nativity scene in Boniface Circle. The vote was five to one, with Seymour Sims the only Trustee opposed to allowing the creche to be displayed, as it has each Christmas season for more than 20 years. The Creche Committee represents several local churches.

Sims said that he considered the display of a religious symbol on public land a violation of the Constitutional principle of the separation of church and state. Allowing it, he said, also opens the door to other similar requests. If one such display is permitted, "What religion or cult would you exclude?" he asked.

Sims added that because some people are offended by the display, granting the Creche Committee's request "violates the elementary courtesy of being good neighbors." He suggested that the Village "try to determine if it's an offense to those residents who aren't Christian."

Trustee Frank Gordon, while saying that he would prefer to see the creche displayed on church property, termed the granting of the request a case of "good neighborliness," citing a 1977 recommendation by the Advisory Council on Human Relations to allow the creche. Concerning the legal question, Gordon argued that the Village is not promoting religion, which is what the Constitution prohibits. In fact, he said, for the Village to end its long standing tradition of allowing the creche could be considered a restriction of the free exercise of religion, which the First Amendment protects.

In response to a suggestion by Beverly Cunningham, the board said that it would suggest to the Creche Committee that in the future it consider placing the Christmas display on church property.

R.I.P. Senior Outing

On Friday, November 16, the very morning after the well attended panel at the high school on the problem of alcohol and drug abuse among Scarsdale teenagers, many high school students provided what might be considered a dramatic example of the problem. At a senior class breakfast in the cafeteria, there was widespread drinking and seven students found with alcohol or under its influence were suspended for three days.

According to Paul Kelleher, the principal, it was not the panel, but rather the cancellation of this year's overnight senior outing that precipitated the affair. Kelleher canceled the 1979 outing a year ago, after deciding that "we simply cannot control the behavior of 370 students going away together on a weekend without becoming a police force, which we aren't willing to do."

Class members decided to protest the cancellation on November 16, the date the outing would have begun. A sign was posted reading "Requiescat in Pacem Senior Outing" and some students wore black armbands. Some also, in Kelleher's words, "brought to school the kind of behavior they would have displayed on the outing."

The principal, clearly upset by "the tasteless and inappropriate behavior" at the breakfast, plans to meet with the whole class and then to have the students break into smaller groups led by deans to discuss what happened. Kelleher has already spoken to and sent letters to the parents of students, who he determined were involved in the drinking at the breakfast, but who 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.

Kelleher emphasized that the extent of the drinking at the breakfast was by no means typical of behavior at school or even at other senior breakfasts. However, he added, the breakfast did typify the increasing degree to which high school students think "the way you play is to get high on alcohol or marijuana. The recreational behavior that was once the exception has become more like the norm." The principal added that he wants "kids to recognize recreational options that are not so self-destructive."

Funds Sought For Support



SOMEWHAT STUNNED, but not all panicky, students, parents and Rochelle Beach and Tennis Club after heavy winds blew in the plate where the Monday night Maroon and White fall awards dinner for var center of photo, Sheldon Levine, assistant principal of Scarsdale directions. For more on Monday's storm, see back page.

New Girl Scout House To Rise From Ashes

The Girl Scouts of Westchester Putnam Council has given the go-ahead for the construction of a new Scarsdale Girl Scout House on the foundation of the old house, which was destroyed by an unexplained late night fire in August.

On Tuesday night, the

Scarsdale Village Board unanimously approved a resolution to proceed with negotiations that will lead to an agreement with the Girl Scouts permitting them to rebuild. Village approval is required because the Scout House site, located just off Wayside Lane, is on Village property.



UNANNOUNCED AWARD — Village Manager Lowell Tooley, left, was the surprised recipient Tuesday night of the Presidential Citation from the Westchester County Recreation and Park Society, presented to him by Salvatore DeSantis, president of the private organization. The citation praised Tooley for having supported parks and recreation "as an essential municipal service" and for having "encouraged and motivated a high level of professional involvement within his staff." Arey photo.

Sunday Rec Hold

The Scarsdale Sunday Recreation Program's annual open house — featuring registration and a free taste of the programs — will take place at Scarsdale High School

of the Korean Chisanbop math method by Neil Castaldo, and a candy-making exhibit by Sheila Peterson. Little People's Maria Edes will discuss and show doll

year. It faces expenses of \$3500. The difference must be made up by individual contributions.

Even those who question some aspects of the nominating system can hardly quarrel with the major

Anyone who would like to help is asked to send up to \$10, payable to the Citizens Nominating Committee UFSD, to the Administrative Committee, UFSD #1, 24 Cambridge Road, Scarsdale.

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 coop-

eration between church and state to insure "free exercise" of religion 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 terminate 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

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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 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: poopier scoopers.

Shelly Levine: a testotating senior class.

Peter Telfer: a computer that schedules in thirds and halves and day sizes.

Audrey Hochberg: solid waste transfer station in Yonkers.

Jack Kammer: more Revellia and Graveses.

Harry Isokane: girls' basketball uniforms.

The Village staff: parking meters in the Village Hall parking lot, and Alice's twin sister to patrol



LUBRICA
garage, a



IF WINTER
they plowed

Scarsdale Award

By RUTH

While skiers lament the un-
lament the un-
weather that
even to manuf-
J. Woodcock

This calendar is a publication of the Village government. Contributions wishing to be included should list them with the Village calendar at Village Hall by calling 723-3300 and asking for Lorraine Lombardo.

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 religions, religious institutions, and nondenominational 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, goes a full 360 degrees too far from what is socially desirable and constitutionally permissible.

A creche display is the symbolism of the religious meaning of a specific religion. Religious education and instruction, the propagation of religious doctrines, are frequently carried out by means of recognized symbols that exemplify a particular tradition and way of life. These symbols through centuries of use and adoration become invested with a meaning that transcends logic. Displays of these symbols have and are intended to have, the effect of awakening a sympathetic awareness of particular religious concepts and of intensifying a particular religious devotion. There is here a propagandizing effect.

The creche is a matter for adoration, not adornment. Its uses are those of sacred devotion, not secular decoration. Nor can it be properly suggested that the creche should be accepted as non-denominational and even non-religious in implication. Christian clergyment rightly repudiate any suggestion that symbols conceived out of their religious tradition can be treated as possessing a secular importance divorced from their religious significance.

The apparent endorsement by the state of the special meanings embodied in religious symbols inescapably operates to endow those meanings with official sanction. Certainly the minimum intended by the installation of religious symbols is to help generate a particular religious tone, a feeling, an attitude of reverence on the part of those who observe them. And it is precisely this purpose under our Bill of Rights the state may not seek to fulfill.

The abstention of our public institution from the promotion of religious belief through the display of religious symbols in no way intrudes upon any sects religious freedom. Each member of the community and the sect as a group remains perfectly at liberty to practice and pursue their religious views as they see fit and to continue to erect, maintain and display their religious symbols as widely as they desire on property under their own dominion. There can be no claim that this right has been impaired by the mere refusal of the public institution to cooperate with them in their devotions.

To provide a public forum for a religious display is one right too many.

IRVING J. SLOAN
Mr. Sloan teaches social studies at Scarsdale Junior High School.

Darkness Visible
By William Golding
Farrar Straus Giroux, 1

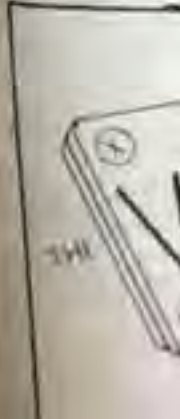
William Golding's new book like a long, many faceted diamond full of fire and mystery and dream, disparate parts and there is no need for explanation of how one relates to another. One's reply accepts them because so vivid and the energy strong.

If this sounds confusing, intentional. Golding is concerned with man, present-day moral values, is with a man, a species and a sequential, repetitive. There is a very definite "Darkness Visible," rate to say several of the darkness, they are visible.

The book opens dramatic, almost as the hero (that's word for Matty) erupts after-fire of an event during the London War II.

"The figure was coming nearer... He was miles of light hit the child's stride is... child walked down the side of the street in a ritual gait that I have been called perhaps something was directing his place where the consumed."

The left side of



of white stuff to clear an Arvey photo

hters

Woodcock
time pay is one of the factors that make it so expensive to clear snow. One six to 10-inch snowfall alone costs \$10,000 to clear. This year the cost ran approximately \$10,000, probably ample despite the cost of salt, now \$26 a ton and up from \$5.49 last year to \$7 a cubic yard, and fuel costs which have yet to be reduced. But everything, of course, is on the weather. In the snows of '77, the budget was completely wiped out and the department had to find extra funds.

Minimize Salting
Residents of Scarsdale often complain that sometimes after a snow storm Village streets are white, while over the border into the Plains the asphalt is as black as on a summer's day. The town says that has to do with salt.

Scarsdale," he says, "prefers to keep the salting operation as minimal as possible for ecology's sake. Since salt goes into the water table and Hutchinson rivers and also forms brine pools absorbed into the soil, we use as little as possible and ensure safety."

As soon as the snow begins to melt, the phone calls begin to come in. Some people expect that if it stops snowing that roads will instantly turn black again. "I wasn't my street done yet," they want to know. Not every body can be first," says the town engineer. "Sixty to 75 per cent of complaints are from people who live on dead-end streets where only small plows have access. Though they are slower than big trucks, they get the work

any event, advises Wood-

Dates For Vot

or a person to
cannot save them. He would ap-
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angry when a criminal hits him
with every four-letter word ever
written. He would appear unpro-
fessional. He cannot become

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

Your kind words could have been more timely. It has been low and you have Your hundred dollar efforts to start a fund for our members appreciated. It is due to the fact that you

So do we, Mr. Bresler, you know. With our investments, we will continue our job. It's people like us who feel it's well worth

JACK BRESLER

S
Benevolent

Commuter Dilemma

To the Editor:

From the diary of a commuter:

"Never expect to get on time at the station. If you are late, the train will leave without you."

"Never hope to get off the station: The bus will have left before you. Why, oh why?"

probably also be physically handicapped. The building will be designed for non-ambulatory residents.

If the Ethical Humanist site works out, Scarsdale will have met the state-imposed quota of two community residences for the retarded. The first such home, at 1 Foxhall Road, opened in 1979.

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 Inquirer Wednesday that he and several other Larchmont residents plan to sue that village's board if it approves a request 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, violates 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

many points of view at diverse areas of West stepped to the microphone at the Board of L hearing on the proposed Budget.

Under the \$448 million proposed by County Executive I Bello last month, costs were reduced slightly for the five year, and there was about \$6.73 million from

Health related issues of many of the speakers. I Bello's budget includes this area (partly to a percentage of costs state), including the from the budget for health centers.

Although the Board since voted to reinstate centers speakers meeting to urge De appropriation, which him its version of t

Nancy Craig, president of Women Voters the league's statement urged the legislature to send funds to the next term. Calling West on target in requirements for lower government planning control," Mrs. (line in a period while the state are reducing financial efforts of government services is in priorities then fiscal."

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 far 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 acutely 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 Hitch-

cock 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 vot-

(Continued on Page 18)

Board seeks changes in football schedule

Creche approved (Continued from Page 1)

ing against the request, called it a "very difficult...inappropriate issue" for the board to be faced with.

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."

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 Stone, the Police Commissioner, thanked the officers for volunteering 2036 man-hours during the past year. "They're there when they're needed," she said.

The board also accepted with respect and with gratitude for his long service rendered, the announcement by Harry Schlosser that he will resign as chairman of the Town Board of Assessors' Review when his term expires at the end of this month. No successor has been named.

School Board (Continued from Page 1)

Sobol quipped that if the Regents' proposals for State Aid were adopted, Scarsdale would have to join the "Association of Flat Broke Districts." The proposals, announced last week, would not only give less aid to districts like Scarsdale, but would penalize districts that increased expenditures over a 2-

School teachers: Nancy Krim, English, as of January 2, 1981, and George [unclear] man, health, as of January 28. Also approved were the change from substitute to probationary status of Lynn Fisher, High School and Junior High math teacher, and an addition of time, from 7 to 7 1/2 days for Greenacres School.

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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.

Budget hearing (Continued from Page 1)

Scarsdale ripe survive

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LETTERS

'Discomforting' vote on creche

To the Editor:

At a time when we non-Christians witness the sight of a private religious organization, the Moral Majority as it is called, striking down a handful of United States Senators who have always stood for the protection of minority religious groups, it is certainly discomforting to view the vote of our Village Board to yield to the religious interests of the Creche Committee.

Nor is there any comfort in the knowledge that the Advisory Council on Human Relations advised the board that for the sake of good interfaith relations it should permit a public display of a private religious group on public ground. The council's presumptuous premise for this reasoning is that the non-Christian community will not as likely harbor as much ill feeling by granting permission as the Christian community will have and perhaps even express, at being denied the request. Of course, this premise is implied — not expressed.

I would suggest that the council is wrong on two counts. The sensibilities and sensitivities of many non-Christians are offended by the board's action and the council's recommendation. Perhaps not ill feeling floods our hearts, but sadness does.

The second miscalculation is that the council overlooks the fact that four churches dropped out from the Creche Committee's work thereby signifying that they at least conclude that there is something inappropriate if not improper about persisting in the campaign to use public property for private purposes, religious or otherwise.

These churches represent substantially large Christian congregations, and it can therefore be assumed that a large number of Christians in the community both respect the feelings of their non-Christian fellow citizens as well as the United States Constitution. The constitutional protection of religious groups from governmental support of any kind

protects Christians, non-Christians and even non-religionists.

The Village Board's attorney advised the board that granting the Creche Committee's request is constitutionally right under the terms of the arrangement. I would submit and argue that this advice is tenuous at best. The courts have different ways of interpreting what is the "expense incurred" by the board. Money is not all that is at stake in constitutional law and issues.

In a rural community with no or a handful of non-Christians there may be no non-monetary expense in terms of the values and feelings of the community as a whole. In Scarsdale, where the non-Christian community is substantial in numbers and substantial in the life and quality of the community, the courts might very well hold that a private religious display there is an improper construction of the matter. But the big question is not whether the display on public property is constitutionally right. The compelling question is, is it right?

As America moves into an era when in keeping with its historical beginnings and development it continues to welcome new immigrants who become new citizens from the non-Christian lands of the Eastern world, we must promote and enforce the constitutional ideal as well as right of no government participation in the religious action of any group.

Scarsdale itself is experiencing an influx of non-Christian families different from even those non-Christians already here for many years now. These good people will in time make their contribution to the quality of life in the community. They have a right not to have any religious symbols imposed upon them on property which belongs to all of us, Christians and non-Christians alike.

Is or was the action of the board majority the right thing to do at this time in this place?

IRVING J. SLOAN

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Susan Campbell



On perinatal services

To the Editor:

I have read your article on neonatal

published at the Westchester County Medical Center.

Creche

(Continued from Page 1)

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?



The Scarsdale

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quackery." The
statements and a
opinion are wrong
leading.*

have been able to live with the village's past policy of permitting display of the creche in Boniface Circle.

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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 1968 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, Mauricet-

te; 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 Raeff, 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.

BLOOPERS
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OV. 16
 (Central/Mountain)
**EARLY, EARLY,
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OV. 17
 (9-30 Cent./Mt.)
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OV. 22
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**HEER FOR THE
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(Central/Mountain)

**ra,
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THE SOLE DISCRETION OF CORNELIUS DONOVAN ASSOCIATES

SPORTSWORLD (live coverage)
SUN., NOV. 15

12:30-7 NBC (11:30 AM Cent./Mt.)
NFL: Regional telecasts starting at
1PM NYT: Baltimore at Philadelphia
 Buffalo at St. Louis
 Denver at Tampa Bay
 N.Y. Jets at New England
 Oakland at Miami
 Pittsburgh at Atlanta

2PM NYT: Houston at Kansas City
4PM NYT: Cleveland at San Francisco

12:30-1PM ABC (11:30AM Cent./Mt.)
COLLEGE FOOTBALL '81 Weekend
 highlights of key contests from the
 weekend's NCAA schedule

MON., NOV. 16

9-11:45PM ABC (8 Central/Mountain)
MONDAY NIGHT FOOTBALL: San
 Diego Chargers at Seattle Seahawks

SAT., NOV. 21

12 Noon-7PM ABC (11 Cent./Mt.)
NCAA FOOTBALL: Doubleheader
 with the teams to be announced

4-5:30PM NBC (3 Central/Mountain)
SPORTSWORLD

SUN., NOV. 22

12:30PM-7 NBC (11:30AM Cent./Mt.)
NFL: Regional telecasts starting at
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 (11:30AM Cent./Mt.)
COLLEGE FOOTBALL '81 Weekend
 highlights of key contests from the
 weekend's NCAA schedule

MON., NOV. 23

9-11:45PM ABC (8 Central/Mountain)
MONDAY NIGHT FOOTBALL: Min-
 nesota Vikings at Atlanta Falcons.

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Cruche reaction

The village board, town has been strong
 reaction to the Village Board's
 decision was last week not to permit
 to be displayed in front of
 houses. Moreover, with a few exceptions,
 the reaction does not seem to have been
 as strong as some had feared.
 The most notable exceptions were the
 of welcoming phone calls to
 the village, the American Civil
 Liberties Union and five years
 ago. That history was to have the
 been learned from public property as a
 part of the Constitutional process
 of separation of church and state. Al-
 though there was not directly involved
 through the process this year, the
 the Trustees' decision this year, has
 been mentioned in news articles
 which were mentioned in a *Cruche* II
 which was the cruche controversy.

Public reacted in anger but he re-
 ceived several threatening and sus-
 tained calls, starting last Tuesday
 night and continuing through the
 weekend. The calls were all anonymous.
 But Rubin said that he thought that
 they were made by four or five different
 people, including one who sounded like a
 lawyer, probably high on drugs or al-
 cohols who said he would firebomb the
 Rubin home. Responding to Rubin's
 complaint, San Diego police arrested
 several cars to keep a close watch on the
 area.

Rubin said that while he didn't ex-
 pect that anything would come of "the
 call, he found them "a little scary."
 Rubin was also the victim of telephone
 threats in 1976 when he filed his suit,
 which was dismissed by the courts on
 procedural grounds.

Mayor Sims and Director Under-
 way, two of the last trustees who
 stood against the Cruche Committee's
 report, also received an anonymous call,
 apparently from the same person.

Most of the reactions, but come to the
 site at a trail of letters and calls to
 Village Hall and, in smaller numbers, to
 Mayor Sims' home, who can't find the
 trail leading over against display of the
 cruche in Sandway Circle. The great
 majority of these disagree with the
 Board's decision, the Mayor said, but
 while many of them were scolding, they
 were "not vicious."

Another recipient of letters has been
 James Clark, chairman of the Advisory
 Council on Environmental Conserva-
 tion, who opposed the cruche display, and
 advised the Board to approve the program
 on the basis of community relations.

Mr. Clark said that the letters were
 mostly calm, but very concerned. "A
 few residents, especially persons
 really broken-hearted" that after 34
 years the Village display will not be
 placed in the usual spot during the
 Christmas season.

At least three persons, all saying the
 Village Board to change its decision,
 have been threatened in the Village. Al-
 though the Cruche Committee ap-
 proves eight local churches, none of them
 reported to be officially involved in
 any of the efforts to persuade the village
 to reverse its position.

Some notable businessmen have also ex-
 pressed concern about the cruche con-
 troversy. One veteran local merchant
 said that there were rumors that some
 business might boycott local stores in
 protest, even though the business com-
 munity had nothing to do with the vil-
 lage's decision. He said that his custom-
 ers, regardless of religion, seemed the
 most that the cruche will not be in
 business Clark.

Sanitation law

A public hearing will be held Tuesday
 morning, November 23 at 8:30 at Village
 Hall.



The board has means the cuttings are being
 scheduled to be replaced next spring. The trees are on the

**New program sees
 decline in tree po**

Homeowners, merchants and local
 organizations are all being encouraged
 to take part in a replacement program
 for shade trees that have been removed
 from village streets because of disease
 or injury.

In the next Village Report, residents
 will be invited to tell the village where
 trees are most needed. The Advisory
 Council on Environmental Conserva-
 tion, which provided the initial impetus
 for the tree replacement program, is
 also surveying the community by writ-
 ing to organization leaders, to find out
 where plantings are most needed. The
 advisory council and the village are co-
 operating with the business commu-
 nity in maintaining trees along
 streets in the shopping areas.

The Village Board has budgeted \$4000
 for the tree replacement program in
 1982. At an estimated cost of \$25 to
 \$30 a tree, not counting labor, which
 will be paid for out of the regular high

way department and
 fund could pay for plant-
 trees. Among the top
 planning are along E-
 Program Road, where
 trees will be replaced
 on Palmer Avenue, S-
 Currier, where plant-
 heavily as a new vi-
 sioned by a street
 to offer to a tree
 for the program, the
 ing including a tree
 which residents will
 from of their home vi-
 certain percentage
 price. Under this pro-
 gram on a first come,
 first served basis.

The advisory council
 Monday night in Vil-
 la Hall, a portrait of
 Robert Woodard, the
 Council, indicated the
 setting priorities for
 basis of road relief.

**Former U.S. hos
 warns: it could**

By LINDA LEAVITT

When psychiatric researcher Mearns
 Kennedy was hospitalized by a system on
 the day of the embassy takeover in
 Tehran, his chief concern was not his
 health, but his appointment with
 an Iranian lawyer. The next day, still
 hospitalized, he was worrying about his
 appointment, but was worried about
 being a doctor party and wondering how
 he'd get word to the lawyer.

Months later, after Kennedy had moved
 to the beach, his divorce, and 14 months of
 hospital care, he found out that his initial
 hospital stay was a mental hospital
 to address violence that psychia-
 trists had denied.

Former Senator Mearns Kennedy is the
 was the featured speaker in the
 was the featured speaker in the
 was the featured speaker in the
 was the featured speaker in the

"They won't release
 Mearns." He remembers
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 lawyer would be paid
 without sacrificing the
 service of the
 and he began to
 He had been in the
 believe, but they had
 before anyone had
 could hear until the
 Now there was nothing
 and try and propose
 might come at any
 Kennedy had been
 removed to a better
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 for his staying back.
 These revelations were
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cause his pupils were often of
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who is schooled in identifying
mples they have found. "Our
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ne. His daughter used to take
and when she began to lose
sted that perhaps it was be-
was located in an upstairs
ough an instrument to bring
says, so he purchased one
the living room for years,
ly location was not the prob-
it was sold.

ued on Page 16)

LETTERS

In the wake of the Village Board's decision not to permit the creche to be displayed in Boniface Circle, The Inquirer received many letters. All those received as of Tuesday, November 17 appear below except for those which were addressed to the Mayor or which came anonymously or with a request for the writer's name to be withheld.

To the Editor:

There has got to be something positive that can result out of the passions surrounding the decision to move the Christmas creche off public property. Maybe we'll realize that even in 1981 there are still lessons to teach our children about loving and respecting their neighbors and that actions and behavior can speak more effectively about religious belief than sculptures in a public parking circle. This event can teach all of us to be more sympathetic to the feelings of our neighbors about the proper use of public property.

If we all show the Creche Committee enough love and understanding they may unbend from their uptight position and they may place the creche on the property of one of the sponsoring churches where it belongs.

Most importantly, maybe a few more of us will spend extra time preparing for the birth of Christ with our loved ones instead of rushing around shopping. Maybe God is guiding us to place our religious symbols in better surroundings, instead of next to the hardware store and facing the sporting good store. Let's go downtown for tools and tennis balls and let's keep religious belief where it belongs...in our hearts and our deeds and our reactions to change.

MICHAEL P. ANASTAS
49 Church Lane

To the Editor:

There is obvious hypocrisy in banning the Creche in Scarsdale but not the other blatantly Christian public decorations. The holly wreath is the symbol of Christ's crown of thorns. Legend has it that the berries, once white, were stained with His blood. The undying evergreen tree was introduced by Martin Luther into Christmas as a twofold symbol of joy and the infinity of God the Son. Certainly Santa Claus and his reindeer need no explanation.

Simple logic dictates that all "holiday" decorations be outlawed as Christian in tradition and association. But does hypocrisy's long arm reach so far as to halt such bold action in the name of crass commercialism? The board is willing to take on its weaponless residents. The merchants may be quite another target.

I for one will not Christmas-shop in any Scarsdale store that does not display a creche in its window.

NEIL SULLIVAN
64 Taunton Road

To the Editor:

As a convert to the Christian religion and as a resident of Scarsdale who firmly believes in the separation of church and state, I am appalled that some so-called Christians who claim to be conservative and thus of necessity must believe in the separation of church and state would have the audacity to insist that a Nativity scene be placed on village property, especially when there are numerous Christian churches and various denominations plus private homes which are so decorated for the Yuletide season.

I personally believe in Christmas and all that the Christ Child stands for. Nevertheless, it should never be forgotten it was the Christians who demanded that the separation of church and state

To the Editor:

The matter of Christmas season display of a manger scene on property owned by the people of Scarsdale has been a bone of contention for several years. I would like to place the matter in perspective for the benefit of those who are concerned by the recent decision of the Village Board of Trustees to discontinue the practice.

Each year since 1957, the private Creche Committee responsible for the display has solicited permission by the Village. Not until 1976 was there a public objection regarding placement of the display. Each year since 1976, the Advisory Council on Human Relations has been asked to review the matter and to make a recommendation to the Village Trustees in the interests of harmony in the community. This year, the Advisory Council on Human Relations, after thoroughly investigating opinions and options, recommended that continuation of the practice was likely to be less divisive and less damaging to good relations within the community than would be denial of permission. The Council wanted to avoid the relatively greater shock to community harmony we believed would occur if the 23-year-old practice were discontinued.

Nevertheless, the Trustees voted their convictions. The matter is decided. There will not be a manger scene on Village property this year.

I appeal to all residents of Scarsdale to be tolerant of the Trustees' action. In support of this appeal, several points should be made.

First of all, no one has made any claim against displays of manger scenes in Scarsdale. Many homes and most churches provide such decorations. The only controversial point has been the placement of such displays on property which is held in common. Many churches in Scarsdale have offered to display the creche which formerly has been placed at Boniface Circle. The Creche Committee, however, has declined these sites because they are not

To the Editor:

Your recent editorial "On the Creche Decision," Nov. 11, 1981 stated, among other things, that the majority of the residents of Scarsdale are now not Christians.

You further stated that the decision was good because it satisfied the majority, who are not Christians.

This may be true but here are three questions:

1. What census or what source did you use to obtain these figures—or is it your assumption?

2. What vote or survey did you use to ascertain the desires of the "majority" or the hopes of the "minority"? Or was this an assumption?

3. The real question is: In this question is it pertinent to use the concept of the interest of the majority v. minority?

I believe that in this community that there are many of the "majority" who don't share your views—perhaps even a majority of the majority. And there are many in the "minority" who don't care that much and would side with the majority.

The point is that this concept serves to polarize people; but perhaps that is what you are attempting to do as the record of your editorials for the past five years shows a constant campaign to make the issue of the creche a divisive one in the community.

JOHN D. HAWKINS
5 Tisdale Road

Editor's reply

centrally located. The Advisory Council on Human Relations also looked into other privately owned property, but no suitable locations were available.

Second, although the Trustees' action did provoke the kind of response from both sides that we feared, the dispute could be dispelled now if only those who have been offended will simply let the issue die. There undoubtedly will be many, many Christmas displays of manger scenes in Scarsdale for years to come, but there is no longer any reason to argue about the one at Boniface Circle.

Third, the council has urged the Creche Committee for years to find another site for their display. Certainly, it has not been in the best interests of community harmony to review this same issue year after year. Now, I hope they will pursue the council's request so that the creche can be enjoyed by those who have enjoyed it in the past.

Fourth, it is my conviction that this issue is not grounded in any religious controversy between Jews and Christians. Christians as well as Jews have been opposed, and Jews as well as Christians have favored continuing the practice. Indeed, differences of opinion on this use of public property have occurred within the same family. What Scarsdale does not need in this holiday season is a religious dispute among its citizens.

Finally, I hope we all can observe this festive season in the spirit of joy. We can be thankful that we do live in such a special, pluralistic community. Let's bury this bone of contention, accept the Trustees' decision, and get on with our lives together as fellow citizens who have many different ways to celebrate the holidays. Then we will be freer to concentrate on more significant challenges to peace and good will on earth.

LYNNE BUTCHER CLARK,
Chairman Advisory
Council on Human Relations

To the Editor:

Let us be consistent. We all know that we celebrate the birthday of Jesus Christ on December 25.

So, if no creche, there should be no Christmas decorations, no lights, no window dressing, no tree decorations.

These latter do not signify the real meaning of Christmas.

DOROTHY BLACKMAR
Chateau Lorraine

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.

FLO and WARREN SINSHEIMER
22 Murray Hill Road

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By GEORGE C

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When the dissolution of a marriage... a woman, who for years identified with that often-repeated quote from Ibsen's play, A Doll's House, "Before all else, you are a wife and mother." She suddenly realizes that this no longer applies to her. She must adjust to a greatly changed life as a woman alone, or a woman alone with children. She will have to anticipate living under substantially reduced financial circumstances. For many it means facing an alarming

...qualified, custody, maintenance, child support, wills and marital contracts, are discussed by guest attorneys at the women's legal clinic of Westchester, held on the 3rd Tuesday of each month at the YMCA in White Plains. An opportunity is provided for questions by those attending. Legal awareness implies knowledge of the pertinent laws, becoming an informed consumer when seeking legal services, and an understanding of one's rights and obligations when retaining an attorney.



Tom Giordano, 12 - General

Alexandra Polrel, Women do. They other ladies over for the afternoon and about other people father sticks to but my mother can her friends for hours

LETTERS

For the second consecutive week, The... has received a large number of letters to the editor concerning the... Most of these letters that were published last week and which... the paper by Monday at 5 p.m. appear here, although there was not... for every letter. Anonymous letters... letters whose writers requested that their names be withheld will not be used.

To the Editor:
In the light of mounting crime, terrorism and the recent close-to-home... murders, I submit that only by a return to God and his Ten Commandments can our country be saved from its enemies.

"The fear of God is the beginning of wisdom" and "The nation that will not be ruled by God will be ruled by tyrants" are not mere pious maxims; they are statements of the law of life. When the existence of God is denied, self-restraint disappears and society must impose external restraints in order to survive. This leads to tyranny. When God's law is acknowledged, certain actions become impermissible. A list of such actions is formalized in the Ten Commandments.

Those organizations promoting godlessness in the U.S.A. are promoting tyranny. In my opinion, the future choice of the U.S.A. is clear: Teach the young to acknowledge God and to obey His laws or prepare them to live under a tyrant. The tyrant might well be a communist.

Tragically, Secular Humanism appears to have become our state religion, with our schools permitting almost anything except God, prayer and the Ten Commandments.

To those who challenge the fact that our country is a God-fearing, Christian country from its very beginning, I quote a few phrases from George Washington's first Thanksgiving Proclamation:

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits and humbly to implore His protection and favor; ... and

Now, therefore, ... that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions, to enable us all, whether in public or private stations, to perform our duties properly and punctually; to render our national government a blessing to all the people by constantly being a government of wise, just and constitutional laws, discreetly and faithfully executed and obeyed; to promote the knowledge and practice of true religion and virtue...

In my opinion, the deplorable creche decision, pressured by a small minority of left-liberals, plays into the hands of the worldwide attack on our Judeo-Christian heritage of universal Moral Law.

OTTO E. DOHRENWEND
6 Paddington Road

To the Editor:
As our nation prepares to celebrate Thanksgiving, it would serve us well to reflect for a moment on just why the Pilgrims and other early colonists came to this land. They were escaping, as you probably will recall, from religious intolerance. They were running away from a narrow-minded society

that felt threatened by anything that was different from their own religious convictions. No truly religious person sees another religion or public expression of religious beliefs as a threat. In fact, the majority of religious people recognize the great benefits in a free society that has the right to speak its mind and publicly express its religious beliefs.

In light of this, it mystifies me that the Village Trustees could have made the decision to reject the right of a part of our community to exercise its religious freedom by putting the Creche in its traditional place at Boniface Circle. I have been a teacher at the Junior High for over 12 years, and I have always made an attempt in any contact that I have with the young people of this community to teach them tolerance for others. I just wonder what kind of message the Village Trustees have sent to our young.

We do not have to look too far back into history to remember what religious intolerance did to god-fearing people in Hitler's Germany. One of the messages given to us this past week in the movie "Skokie" was that when the Nazis began they were just a small band of radicals to which nobody paid any attention. How can our village allow a few secularists, who would take God off the dollar bill and out of the Pledge of Allegiance, to pressure it into denying the civil rights of other members of the community.

DOMINIC J. CASTIELLO
86 Madison Road

To the Editor:
To us, the vote of the Village Board of Trustees on the issue of the creche display is a sad one indeed. Regardless of religious beliefs, the display has meaning for our feelings for our fellow man. On public property or not, it reflects a universal caring, loving attitude that should remain and be reinforced as part of our life as Americans. With the mixed traditions that have become a part of the heritage of many of us today, especially here in Scarsdale, is the display really offensive?

Doesn't this presentation, and/or a similar Channukah tradition or otherwise, help to warm our hearts toward each other? Now we are left with nothing... the world becomes colder and more distant. As citizens of Scarsdale, cannot we learn and enrich our lives from traditions of this sort.

SUSAN and REED BOHOVICH
24 Overlook Road

To the Editor:
As a Christian member of the Scarsdale community, I have been distressed by the negative reaction to the board's decision not to allow the creche display this year.

For over one thousand years in many countries, Christian festivals have been used as an excuse for pogroms against the Jews. This history has caused a sensitivity in the Jewish community towards religious displays which we Christians tend not to understand, since we have not experienced the same kind of persecution. I hope that this issue will be explored and that all of us can learn new tolerance for all religious, national and racial groups who reside in Scarsdale.

Let our town become a place where everyone can feel comfortable and at home!

ANNE PIERPONT LEHR
6 Dickel Road

To the Editor:
I read with great dismay the decision of the Village Board to abolish the creche from Boniface Circle this year. I fail to understand how anything as plain and simple as a Mother, Father, and Child could offend anyone. I imagine next year we will eliminate the wreaths as I am sure they offend some of our residents. In addition, why not also eliminate the sale of all cards for the holiday season, both Christian and otherwise?

The once united Village of Scarsdale should spend more time getting rid of pornography on the magazine racks of our stationary stores, or reducing neighborhood crime which is slowly increasing in front of our eyes. To many people, these things are considered offensive, whereas a once-a-year symbol of peace is not. In fact, in past years many people have looked forward to taking a short visit to Boniface Circle, especially with their children. To remove the creche would be to take away a part of the holiday season for many.

JOHN SOMMANTICO
74 Sprague Road

To the Editor:
In attempting to be all things to all people, your November 12th editorial touches also on the notion that religious expression by a minority (localized to Scarsdale in this case) can be suppressed in deference to a majority. Did you realize the implications once your "reservations" on the feelings of what is not a "Large percentage of the village's residents" were to be applied nationally?

The entire matter is shortsighted, clearly divisive, surprisingly provocative and the incipient anger and outright resentment generated (which you rather hopefully dismiss as a "passing initial shock") will be sadly but aptly symbolized by the absence this year of the creche and the loving emotions it inspires in more people than "constitutional argument" cares to recognize.

In fact, and despite the multiple-choice "cloaks," the board's decision to violate a tradition was essentially antagonistic and will surely encourage many to think like the board — "anti." Pity!

Why are Scarsdale schools closed on Christmas Day, anyway?
ALEX and LOURDES PHOCAS
60 Taunton Road

The November 12 editorial made no reference to a majority or a minority. Nor did it say that there is not a large percentage of Christians in Scarsdale. What it did say is that there is a large percentage of the population for whom the creche is not a symbol of their religion, i.e., non-Christians.

To the Editor:
It is with considerable dismay that I read of the growing controversy about the placement of a creche in a Scarsdale park. The threat that such a controversy generates against religious tolerance is upsetting enough, but the alleged house-burning threat is frightening.

It is an important principle of a democratic society that every citizen must be allowed to follow his conscience within the moral law. Unfortunately, there is a great divergence of consciences in this country. I must follow my own conscience, but I may not force others to follow

that conscience of mine. If I wish to follow my conscience, I must do so at all times and in all instances, whether convenient or inconvenient; whether profitable or unprofitable.

If I feel it is right and just to fight the placement of a certain religious symbol in a particular place, it is righteous for me to fight such placement. Consequently I must resist the same in all places of public gathering even if my action means a loss to me of profit from sales and advertising. This is the proof of my sincerity. I must also be prepared for the destruction of some friendships and community relationships. Perhaps I must ask myself whether the cause justifies the effect.

In this dispute let both sides remember that a righteous conscience must be guided by charity and open-mindedness. Also, let us beware of the fact that righteousness never precludes a little vindictiveness. Let us hope, too, that the removal of the Lord's image from the park in Scarsdale will not thereby remove His image from the hearts of the citizens in Scarsdale.

REV. JAMES CASHMAN, OSC
950 Mamaroneck Avenue
White Plains

To the Editor:
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

Morning or Evening

WFS

12½ hours in H

In our Railroad Station Office:

6:30	AM	9:00	AM
to		to	Da
4:00	PM	7:00	PM
to		to	Da

We're up early; we stay Westchester's finest banking the morning when you call or in the evening on the way banking more convenient for

WES
FEDERAL

New Rochelle • North Yonkers • South Hartsdale Train Station • Fleetwood-Mo Baldwin Place-Somers • Gre

MEMBER FEDERAL RESERVE BANK

... collection, will comprise the Metropolitan display of dancing masters' fiddles — a collection, Kaston says, worth

... have traveled often together through in search of authentic master- examples they have found. "Our of a kind." This is the characteristic art and the famous Jefferson bow, and U.S. President by Tourte, the famous bowmaker, and emblazoned

... no indication of Schambach's in- his home. His daughter used to take says, and when she began to lose suggested that perhaps it was be- ment was located in an upstairs fine enough an instrument to bring mbach says, so he purchased one ood in the living room for years, obviously location was not the prob- Later, it was sold.

Continued on Page 16)

are

...ces to have it in Westchester is arsdale.

Referring to the magazine article, the paragraph states, "It is disconcerting to find that in Scarsdale, Eastchester and Bronxville not a single paramedic is available. They may eventually recognize that emergency medicine is at least as important as some of the municipal services budgeted."

I sincerely hope your newspaper will use its influence to help secure for Scarsdale better emergency services

ROBERT OPPENHEIM
45 Popham Road

ace

...okline, Mass. In July, the larger maker group known as the New York Early Meeting adopted a minute endorsing the call, thus joining a wide range of organizational and individual sponsors.

Among the organizations are the State Assembly of New York, the State Senates of Massachusetts and Oregon, the American Friends Service Committee, the Catholic Peace Fellowship, the Jewish Peace Fellowship, the National Council of Churches, the United Presbyterian Church, and the YWCA of the U.S.A.

Among the individuals are Rep. Richard L. Ottinger, Peter Rodino, Roy Williams, Toby Moffett and Shirley Fisholm; Archbishop Iakovos of the Greek Orthodox Diocese of North and South America; Rabbi Ramie Arian of the Union of American Hebrew Congregations; Kenneth Boulding, past president of American Economic Association; Harvey Cox, theologian; George Kenneth Galbraith, economist; George Staikowsky, former science advisor; and many others.

Persons who would like further information to sign

... Simple 10... day decorations be outlawed as Christian in tradition and association. But does hypocrisy's long arm reach so far as to halt such bold action in the name of anti-commercialism? The board is willing to take on its weaponless residents. The merchants may be quite another target.

I for one will not Christmas-shop in any Scarsdale store that does not display a creche in its window.

NEIL SULLIVAN
64 Taunton Road

To the Editor:

As a convert to the Christian religion and as a resident of Scarsdale who firmly believes in the separation of church and state, I am appalled that some so-called Christians who claim to be conservative and thus of necessity must believe in the separation of church and state would have the audacity to insist that a Nativity scene be placed on village property, especially when there are numerous Christian churches and various denominations plus private homes which are so decorated for the Yuletide season.

I personally believe in Christmas and all that the Christ Child stands for. Nevertheless, it should never be forgotten it was the Christians who demanded that the separation of church and state be one of the first and foremost amendments to our Constitution. Thus, if those Christians thought it be of such importance, it behooves us as Christian descendants, to adhere likewise.

CHARLES HARWOOD JR.
50 Popham Road

To the Editor:

Offend: 1. to cause resentful displeasure in 2. to affect disagreeably

Random House College Dictionary, 1968.

The vote of the Village Board means that I will no longer be affected disagreeably by reading in *The Inquirer* that "many people in town (I assume those represented by Seymour Sims) "are annually offended" — caused resentful displeasure — by the creche, which symbolizes love, joy, peace, new life, and perfect harmony between God, his creatures and nature.

MADELEINE R. TIERNEY
18 Gorham Road

To the Editor:

Now, another unpleasantness to be picked up by the news services, further holding Scarsdale up to nationwide gossip and ridicule.

The majority vote of the Scarsdale Village Board to do away with the creche displayed in downtown Scarsdale this year, has made headline news throughout all local newspapers. To ban this traditional display came despite a recommendation from the village's Advisory Council on Human Relations. This group wanted the Creche Committee to be granted permission to place it on village owned property once again.

Is tradition offending? People of Scarsdale are offended by a theological display! Then I do believe no other reminder of this holiday be displayed in downtown Scarsdale either, such as wreaths, lights, trees, caroling, Christmas shopping, card buying and even Santa Claus!

Those of us who do believe in the tradition of Christmas should continue to celebrate, but bring our purchasing powers to other communities that are tolerable of all religions.

We are enjoined by our mutual Creator to "let our light so shine..." Will it, can it shine in Scarsdale this coming season of "Peace on Earth to Men of Good Will"?

Or will it polarize

... You further stated that the decision was good because it satisfied the majority, who are not Christians.

This may be true but here are three questions:

1. What census or what source did you use to obtain these figures—or is it your assumption?
2. What vote or survey did you use to ascertain the desires of the "majority" or the hopes of the "minority"? Or was this an assumption?
3. The real question is: In this question is it pertinent to use the concept of the interest of the majority v. minority?

I believe that in this community that there are many of the "majority" who don't share your views—perhaps even a majority of the majority. And there are many in the "minority" who don't care that much and would side with the majority.

The point is that this concept serves to polarize people; but perhaps that is what you are attempting to do as the record of your editorials for the past five years shows a constant campaign to make the issue of the creche a divisive one in the community.

JOHN D. HAWKINS
5 Tisdale Road

Editor's reply

Clearly Mr. Hawkins has misunderstood our editorial of November 12. Nowhere did we state that non-Christians are in a majority in Scarsdale nor did we speculate what kind of decision or the creche would satisfy the majority. What was said is that it was not appropriate for the village government to seem to be promoting a religion (by allowing display of one of its symbols on public land), especially when many residents of the village do not belong to that religion. Of course there are many Scarsdale residents who are Christians, but whether the percentage of Christians is a majority or a minority here we have no idea nor do we think that it is relevant to this issue. We have never viewed the question of whether the creche should be displayed on public land as one of majority versus minority interest. As Mr. Hawkins writes, that approach would be divisive, something which this paper has always tried to avoid being in its coverage of the issue.

To the Editor:

True, the Nativity scene is of religious significance. Placing it on public property has given rise to legitimate pros and cons — the basic question being is this a mixture of church and state.

What about the Jewish holidays of Yom Kippur and Rosh Hashanah and the Catholic holy day of Good Friday celebrated by our public schools resulting in no classes held these days? Religious significance? Certainly—yet somehow supported by a state-run education system!

Why can't a creche be allowed to sit on public property, not significantly changing anyone's daily life, for a few weeks out of the year? Certainly a day off from school makes a larger impact on our lives both from parents' and students' points of view.

I have nothing against a school celebrating a religious holy day. However, when church and state are allowed to

... Christmas decorations, no lights, no window dressing, no tree decorations.

These latter do not signify the real meaning of Christmas.

DOROTHY BLACKMAR
Chateau Lorraine

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.

FLO and WARREN SINSHEIMER
22 Murray Hill Road

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Scarsdale

The Personal Banking Way...

Irving Bank Corporation

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We do not have to look too far back into history to remember what religious intolerance did to god-fearing people in Hitler's Germany. One of the messages given to us this past week in the movie "Skokie" was that when the Nazis began they were just a small band of radicals to which nobody paid any attention. How can our village allow a few secularists, who would take God off the dollar bill and out of the Pledge of Allegiance, to pressure it into denying the civil rights of other members of the community.

DOMINIC J. CASTIELLO
86 Madison Road

To the Editor:

To us, the vote of the Village Board of Trustees on the issue of the creche display is a sad one indeed. Regardless of religious beliefs, the display has meant...

...information. When counseling women about legal fees, the LAW staff points out that pleasant conversation exchanging tidbits of personal happenings, either in the office or on the phone, may cost them considerably more than a dollar a minute.

Because the selection of an attorney is so important, we have focused on this when a dissolution of marriage is imminent. Other important related problems, such as custody, maintenance, child support, wills and marital contracts, are discussed by guest attorneys at the women's legal clinic of Westchester, held on the 3rd Tuesday of each month at the YMCA in White Plains. An opportunity is provided for questions by those attending.

Legal awareness implies knowledge of the pertinent laws, becoming an informed consumer when seeking legal services, and an understanding of one's rights and obligations when retaining an attorney.



Tom Giordano, 12 - Gener-



Alexandra Poirer, 11 - Women do. They invite other ladies over for tea in the afternoon and talk about other people. My father sticks to business, but my mother can talk to her friends for hours.



Deborah Alterman, 9 - I figure they are both pretty



Kate Shiels, 11 - I think women tend to gossip more because they meet people in stores and talk forever and ever. It's interesting, but I do have to wait and wait. When men meet they talk business, whereas, women talk about almost always each other.

Readers are invited to submit their suggestions for questions to be asked in future editions of Focal Points.

To the Editor:

I read with great dismay the decision of the Village Board to abolish the creche from Boniface Circle this year. I fail to understand how anything as plain and simple as a Mother, Father, and Child could offend anyone. I imagine next year we will eliminate the wreaths as I am sure they offend some of our residents. In addition, why not also eliminate the sale of all cards for the holiday season, both Christian and otherwise?

The once united Village of Scarsdale should spend more time getting rid of pornography on the magazine racks of our stationary stores, or reducing neighborhood crime which is slowly increasing in front of our eyes. To many people, these things are considered offensive, whereas a once-a-year symbol of peace is not. In fact, in past years many people have looked forward to taking a short visit to Boniface Circle, especially with their children. To remove the creche would be to take away a part of the holiday season for many.

JOHN SOMMANTICO
74 Sprague Road

To the Editor:

In attempting to be all things to all people, your November 12th editorial touches also on the notion that religious expression by a minority (localized to Scarsdale in this case) can be suppressed in deference to a majority. Did you realize the implications once your "reservations" on the feelings of what is not a "Large percentage of the village's residents" were to be applied nationally?

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REV. JAMES CASHMAN, OSC
950 Mamaroneck Avenue
White Plains

To the Editor:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

**Amendment I,
Constitution of the United States**

The purpose of this amendment, clearly, is to prevent the federal government from interfering with the religious freedom of the citizens of the various states. Since it is unlikely that the federal government has any interest, whatever, in the Scarsdale village creche display, it is ludicrous to suggest that the United States Constitution bars the placement of a Christmas display at Boniface circle. In fact, quite the opposite seems to be true. The amendment prevents government from "prohibiting the free exercise" of religion in such a display.

If the creche must be removed from Boniface Circle, then it must be equally "unconstitutional" to have the caroling at Village Hall and in our neighborhood parks; the Christmas tree at Davis Park must not be lit; the holiday lights must not go on the village lamp posts!

The concept of "separation of church and state" exists only to prevent one governing body from interfering with the other and has absolutely nothing to do with religious holiday customs that are harmful to no one and probably beneficial to all.

The Grinch should go back to his cave.
THEODORE L. BLUMENTHAL
173 Johnson Road

To the Editor:

I deplore the Village Board's recent vote to reject the Scarsdale Creche Committee's request to again permit the placing of a Christmas display in Boniface Circle. That action, however, is now behind us.

For the future, we are guided by the First Amendment to the Constitution which calls only for the separation of church and state, not for the submergence of either one in the face of the other. I fail to understand how the granting of a request to use Boniface Circle can be construed as an act of promoting the establishment of a state religion any more than allowing the Scarsdale Art Association or the Boy Scouts the use of Chase Park can be construed as an endorsement of scouting or of a particular art form, even if an artist exhibited a religious picture! We are also guided by the historical development of "Village Greens" which evolved from a community's need for a central area for the use of its citizens.

The Village Board must recognize that public lands are for the use of the public, so long as that use is benign - either that or the lands must be completely sanitized and used for nothing. I call upon the Village Board to establish a uniform, consistent policy to govern the public use of public land on a first come, first served basis.

JOHN G. CRONIN
236 Madison Raod

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SCARSDALE, N. Y. 10583

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The Scarsdale Inquirer

Founded In 1901

THURSDAY, NOVEMBER 26, 1981

Second class postage paid at Scarsdale, N.Y.

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 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 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 Mayor Jean Stone and Trustees. Mayor Stone announced at 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, chairman 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 at 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."

The other speaker, Robert J. Walsh, responding to Mrs. Stone's expression of gratitude to "the various members of all faiths in the community" who had supported the board's policy on the creche, challenged her to specify who they were.

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 property and between

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 from the Freightway parking garage is



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that girls are characterizing their
women role models as going to teas,

'Safety zone not safe'

To the Editor:

I have just stood on the corner of Overhill and Popham Roads, and attempted 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, for some time, was green, and so that a pedestrian crossing in a north-south direction were not in agreement as to what color light the pedestrian had, there are now two flashing lights, one red, the other, yellow.

May I suggest that that this is not necessarily a successful alternative, and that normal traffic signals be consi-

dered as a healthy solution.

Before anyone gives consideration to my idea, may I also suggest he or she try crossing the street between 5 and 6 p.m., any weekday or driving his or her car in an east-west direction at that time.

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 have been taught to cross the street. They think that the words "safety zone" indicate that one is safe there. It just isn't so.

MARCIA KESSELMAN,
Overhill Association Safety
Committee

Monsignor's message

To the Editor:

In the weekly IHM Parish Bulletin on Sunday, November 22, our pastor, Monsignor Edward Connors, wrote the below quoted editorial. We feel this statement is well worth reading.

"Over the past six years I have worked closely with and supported the Creche Committee of some of our local churches. I am convinced that the real issue at stake is freedom of religious expression in 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 charitable way. It would be unfortunate if we allowed the image of the 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 the many 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. Where 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. Gary Miller, Mrs. Gary Pokoik, Mrs. Ernst Smith, Mrs. Richard

Frodsham, Mrs. Harold Rubin, Mrs. William Blumstein, Mrs. John Lynch, Mrs. Robert Vermes, Mrs. Anthony Gasson, Mrs. Gregory DeSousa, Mrs. Neri Merlini, Mrs. Howard Weisberg, Mrs. Walter Delph, Mrs. Andrew Dave, Mrs. Michael Stern, Mrs. Barry Mendelson, Mrs. Yotaka Kikkawa, Mrs. James Boyle, Mrs. Richard Smith, Mrs. Michael Gindick, Mrs. Louis Rubins, Mrs. Arthur Unger, Mrs. Robert Timberger, Mrs. Frank Cicero, Mrs. Robert Paley 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 Krishnas, Moonies and the late Jones Town cults who would also use public land to exercise and advocate their 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 expounded by many letter writers in favor of the creche on pub-

lic 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 their expectations. Houses of worship, group meeting halls and one'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

LIZ MILLER
22 Wayside Lane

survey to establish the need for multiple dwelling units in Scarsdale. Not a single potential resident of the new building has been identified, and yet advocates of the building continue to claim a secret constituency. At the public meetings, opposition to the building was overwhelming and yet the proposal refuses to die.

The trustees commissioned, accepted, and paid \$30,000 for the report of a team of "experts" in spite of the warning, at the June hearing, that these putative "experts" were known advocates of development. The consultants' cannot even agree on the height of the proposed structure.

The only "data" contained in the report are two pages of traffic counts from 1979 which are so inaccurate that the numbers do not even add up. The consultants admit (contrary to the report) that the erection of one tall building at Freightway will expose the entire zoning structure to challenge in the courts, and that it is impossible to reserve space for present Scarsdale residents without incurring some of the legal liabilities peculiar to subsidized housing.

The trustees support the Polera prop-

Fun is most imp

To the Editor:

The Quaker Ridge Athletic Program and perhaps the Scarsdale Athletic Program for boys and girls in seventh and eighth grade has just taken a massive step backward. The decision has been made to split the basketball teams into A and B groups by ability. This, to me, undermines the very foundation of the entire program. The participants choose to come out and practice and play. They play for fun, and if they win, fine; if they lose, we hope they profit by their mistakes.

I have coached, or helped coach a girl's basketball team for the past three years. Unlike most other coaches, I have played all my girls an equal amount of time because learning the game correctly is, to me, more important than winning. Consequently, we have had ap-

Having fun wit

To the Editor:

Last week's two pictures of Eric Newland's "Fashion Fantasy" were not quite as piquant as their caption, which (in part, — and with emphasis added) read as follows:

"...fashions were set off by video effects, smoke pots, pop and rock music and exotic dances created and performed by Newland himself. (His theme: HAVE FUN IN CLOTHING.)"

While this admonition is propriety itself, there may be some who, recalling the exhilaration of "skinny-dipping" and other unencumbered diversions, are prone to dismiss fashion's dictates as being too staid, possibly biased and possessed of a hollow ring.

The vision of exotic dancers gently

on A and B

several hours equally dividing teams. The teams then practice against each other and, if need be, further balancing is done. The object of the season is: 1) Learn more about the game; 2) Play the game; 3) Have fun!

When we moved to Scarsdale, I questioned A and B and was told "It has always been this way." I suggest it is time for a change. Do not subject 10, 11, 12-year-olds to A and B. Let them learn, play and have fun without the added pressure of "Am I on the A team?"

When the children walk through the doors of the high school and the sign reads "Freshman tryouts," then it is time for a trained coach to select his, or her, A team.

I suggest all fellow Scarsdalians, write to me c/o Scarsdale Inquirer, Box 418 P.

A and B Yes
A and B No

Maybe we can change what was.

BARRY PERETZ
52 Carthage Road

Yes, safety along the Hutchinson River Parkway can be improved. The huge expenditure of money involved, which probably will necessitate the opening the road to truck traffic, will probably not buy more safety, but instead will buy more traffic and therefore less safety.

Modern median barriers, adequate shoulders, adequate acceleration and deceleration lanes, better signing, better lighting and flood control measures can make the "Hutch" safer and more useable at much lower cost.

BERNARD L. ALBERT, M.D.
67 Turnstall Road

y tax

ast election. It would have been readily evident after public discussion that such a tax would cause great hardship to the prospective home owner as well as the property owner.

It is ironic that our County Executive recommends an onerous tax that will actually deter relocation firms from moving here.

I respectfully urge you to withdraw your two percent real property tax proposal and schedule hearings that will permit public discussion.

ROBERT T. HENCKEL,
Vice President
Raymond R. Beatty Inc.

Scouts

munity 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 made donations.

Creche and Constitution

To the Editor:

Before the creche issue was stoned I observed the votes taken Tuesday November 10, 1981 and heard the comments prior to each individual vote by the Board of Trustees and other comments made since that time.

The legal sounding expression "Separation of Church and State" has no Constitutional validity whatsoever. It has been used as red herring very successfully, especially to outlaw prayer in the schools, the Pledge of Allegiance and history books in favor of social studies among the more prominent divisive issues that have mortally wounded the fabric of the American society.

Article I of the 1791 Bill of Rights spells out in 40 simple words the six basic rights that were enacted. Religious rights are listed one and two more important than rights three and right four, freedom of speech and freedom, of the press. All four of these rights are no-nos. The six specific rights enacted listed in order are as follows:

1. Congress shall make no law respecting an establishment of religion.
2. Prohibit the free exercise thereof.
3. Abridge free speech.
4. Abridge free press.
5. Right peaceably to assemble.
6. Petition government for redress of grievances.

The Creche Committee has not requested Congress to pass a law establishing a religion as is prohibited in Right #1. Since the Board of Trustees has voted to restrict the free exercise of Right #2 of the Creche Committee, the Committee has under Right #6 petitioned the board for a redress of their grievances claiming that they are entitled since they have peaceably assembled for 23 years under Right #5 and under Right #2 the Board cannot restrict the free exercise thereof.

Where is an appropriate location for a symbol to be placed? Where should the wearing of the Roman collar or the yarmulke be permitted? Where should the Star of David and the Cross be displayed? Should symbols or emblems be restricted from being placed on doors or windows? What about the yearly lighting of a Christmas tree on the White House lawn, a public yearly lighting of a Christmas tree on the

Where is an appropriate location for a symbol to be placed? Where should the wearing of the Roman collar or the yarmulke be permitted? Where should the Star of David and the Cross be displayed? Should symbols or emblems be restricted from being placed on doors or windows? What about the yearly lighting of a Christmas tree on the White House lawn, a public building? What about the Salvation Army and Santa Claus with their bells and kettles ringing

on street corners soliciting funds to spread good will?

The statue of Father Duffy prominently displayed on public property in Times Square signifying outstanding good will towards his fellow Americans? Should the use of the Holy Bible in public buildings to swear in elected officials and witnesses in a court of law be discontinued? What about the solicitation of funds in schools and on public property for many worthwhile causes? Should this practice be discontinued?

If the proportion of the ethnic mix in the United States as a whole universally practiced to promote the common good like our forefathers, the Pilgrims, what would the significance be if this too was outlawed? Where then is the appropriate location, and what should or should not be displayed?

The merchants and Town Club sponsor many of the activities held in our town and they have an important stake in the neighborly relations with the whole community. Since the creche display symbolizes peace on earth and good will toward men, our residents have a right to know what these organizations position is regarding the issues involved. What about future Christmas decorations in this town?

The residents should also be enlightened as to whether or not our public schools are to continue to close in the future on Yom Kippur and other religious High Holy Days since the rights of the other students attending the public schools should likewise be respected to avert divisiveness in future years. Since this is the third incident in Scarsdale restricting the free exercise thereof of Right #2 should this also be of vital concern to these organizations too?

I too have sensitivities regarding many issues that have surfaced after having put three years of my life on the line in the service of my country defending the rights of others. We have severely criticized the atrocities that were committed in foreign countries, referring to the lifting of the mythical iron curtain, yet our priorities are at such a low ebb that in reality we are placing iron curtains on our doors and windows now to protect our lives and property. What a sad state of affairs.

Since many other communities in the United States practice together good will toward their fellow man and have excellent tolerance toward each others' religious beliefs, why then is Scarsdale one of the few exceptions who find it offensive and disagree with the basic Right #2 established by the founders of the Bill of Rights?

F.E. LANDRY
92 Brite Avenue

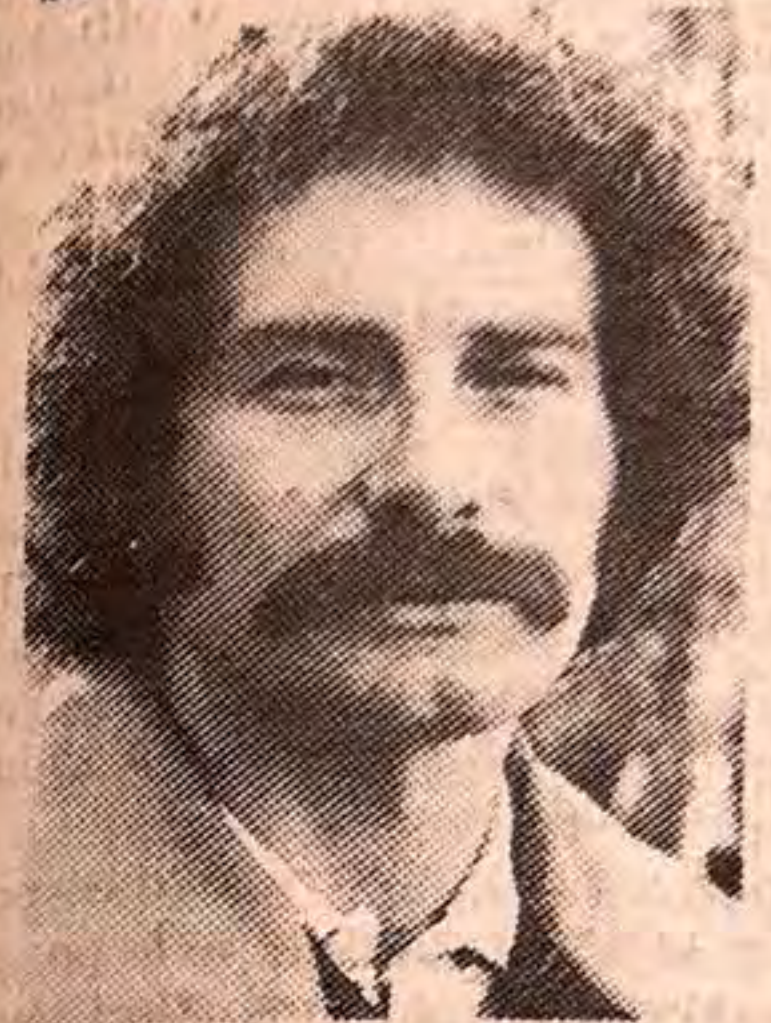
Why so much controversy?

To the Editor:

As Americans we must ask why has there been so much controversy over our own rights in our unfailing consideration of those who differ with us? Which one ceases to perhaps be the



Jack Donovan—No, I wouldn't intervene. I wouldn't send an American soldier anywhere to stop a bullet, unless we are ready to fight and win a war if one develops because of us being there.



Dennis Farrell—As a Vietnam vet, I don't want Poland to end up another Vietnam. I'd like to see the U.S. apply diplomatic and economic pressures and perhaps respond with arms

Deroman

BY IRVING J. SLOAN

The mobilization of the Swiss government to exclude Jews from 19 is clearly documented in a book published in this country in translation in 1969. This study, by Alfred A. H. titled "The Lifeboat Is Full: Switzerland and the Refugees, 1933-1945," was mentioned or acknowledged in an interview published in The New York Times given by the director of the film of the same name. While he says in an interview that his film is based on a newspaper article of 1942, he is familiar with this singular study of the Swiss' treatment of the Jewish refugees.

The effort to exclude Jewish refugees began when Switzerland categorized German Jews as distinctively non-Germans leading to the "J" stamp stigma placed on German Jews at every door of entry.

At an international conference in Evian, France, in the summer of 1938 where a large, worldwide forum representing 32 nations was called to confer on how to deal with the plight of Jewish refugees from Nazi Germany, Dr. Heinrich Rothmund, a former chief of the Swiss Federal Police, spoke about the threatening refugee "inundation" of Switzerland after the German occupation of Austria.

Three or four thousand refugees already crossed the frontier, Rothmund reported. In their flight, these Jews taken advantage of a German-Swiss agreement abolishing visa requirements for either side. Later, there was an



A new home

The creche was set up in its new location in front of the Frog Prince Proper last week. Above, Chris DeLucia, right, adjusts the frame while his son, David, assists.

Are you...

Sculpture exhibit at Hudson Museum

A new show is now on exhibit at the Hudson River Museum. Sculptures is art in and of itself. This person... the actual reality...

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Creche put back in circle

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 Pat-

ricia 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.

to reject the proposal by Search for Change to open a halfway house here for the emotionally disturbed. The rejection, however, was not based on opposition to the house itself, which would be established at 1241 Post Road, but to the form of the proposal.

In moving the rejection, Trustee William Glendon explained that the social service agency's application was "deficient" in two ways: the text of the state law included in the application was out of date and the agency had omitted legally required information regarding other community residences in the area.

Trustee Glendon emphasized that the deficiency of the application was "substantive, not technical." He explained that under the 1978 state law, municipalities could only consider other group homes within their boundaries in determining whether the opening of

of homes that "the nature and character of the area would be substantially altered." However, the amended law effective January 15, 1980 permits a municipality to consider all such houses "in the area", even if they lie outside its boundaries, in determining whether an overconcentration exists.

Glendon said that neither the village nor, apparently, Search for Change, had been aware of the new law until only a few days ago when it was discovered by Skadden, Arps, Slate, Meagher & Flom, the law firm engaged by the Trustees to advise them in this matter. As a result, he said, the board and its Site Review Committee had not had an opportunity to consider the application in light of the new law.

The Trustees' decision, which was applauded by most of those in the nearby Hill Village Board meeting hall, leaves Search for Change with at least two op-

of the new statute and the information used in group homes. If it does, the village will have another 60 days after the application is made to decide whether to approve the site, reject it or suggest an alternative.

Search for Change could also contend that its original application is valid, which would probably result in a hearing within 15 days before the Commissioner of Mental Health. His ruling could be challenged in the courts.

Richard Lang, executive director of Search for Change, told The Inquirer Wednesday that he would meet with his board shortly to decide what course to follow.

Lang denied that he had refused the village's request to give it an extension beyond May 23 to respond to his agency's original proposal. He acknowledged that when Mayor Jean Stone asked for such an extension early this

to give it one, but that he would consider granting a later. Lang said that he had been reluctant to grant an extension because "it was the village's timetable we were following. They told us the day to submit it and we did."

Mayor Stone partially confirmed Lang's account, although she said that the village did not specify a date for making the application. Rather, several days after being unofficially notified by Search for Change of its plans, she had told the agency it could go ahead with its application when it wished.

Robert Groban Jr. of Skadden, Arps said at the May 18 meeting that his firm had asked for a one-week extension, but had received no reply from Search for Change. However, Lang contended that the law firm had only contacted the Office of Mental Health and never his agency. "I find it very strange that they

(Continued on Page 12)

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 opposed 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, to be known as Heritage Plaza, be used for displays observing major national and religious holidays.

When the Village Board voted, last to three, last Christmas to bar the use of village-owned Boniface Circle for the display of the wood-carved Nativity scene, the decision, which reversed vil-

lage 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 without violating the Constitutional principle of separation of church and state.

While the Mayor and the Creche Committee, whose request to use Boniface Circle was turned down in 1981, are in agreement on the plan, it faces numerous 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 of the State Legislature.

The Mayor had hoped that the Village Board would pass a resolution May 19 calling for state legislative action. However, the vote had to be postponed at least until May 25 because the separate home rule bills introduced in the As-

sembly and Senate are not identical and must be made so. 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 per-

(Continued on Page 11)

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 Soragan, Assistant Superintendent for

through the grades and how staff development is supported. The role of the central administration, the principals, the curriculum committees and the helping teacher will also be examined.

The annual reports and the business meeting including election of officers for



Curran Feine decla

While Audrey run for State Assembly, she also work by two states that they are in the race was expected. In a statement she stated that

The two other Paul Curran, who campaign for Governor Paul Feine, who his candidacy Tuesday.

Curran, a former Assemblyman fighting the Republican nomination. Although a native business the first runner-up in the State Assembly. Emsery and former publican chairmans, Curran's long press conference, demonstrating

(Continued on Page 11)

to prevent Search for Change from opening a group home here.

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 turns down the Creche Committee's application to use Boniface 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 attor-

ney 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 would have 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 Boniface Circle, that property has a deed restriction 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.

WHAT'S AHEAD

To the Editor

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...compounds the situation. For the Trustees and the Creche Committee now propose to achieve by indirection 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 dissension: 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 particu-

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

Anti-Bottle Bill position

To the Editor:

Residents were not well served on May 18 when the Village Board endorsed the New York Bottle Bill. It is an overwhelming majority of residents who

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 one 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

Constitutional principle of church and state.

While I recognize your interest in trying to solve, once and for all, the annual 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 a sense of community participation at the Christmas season.

MARILYNNE HERBERT
88 Walworth Avenue

more convenient to consumers, and, as a result, will attract the majority of users. Absent beverage containers, the privately-owned, profit-making recycling centers are not likely to be successful.

it didn't. Being listed
but it didn't. Annette Lappert,
one of the three judges, leaned
and confided, "I won second

challenged and offered the alternative that's right
or "wrong" after each of the nearly 200 words to be
spelled.

(Continued on Page 15)

'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 indirection 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 dissension: 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 particu-

lar 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 one religion not be allowed to infringe on the rights and sensibilities of others.

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CHARLES CUNNINGHAM
2 Obyr Drive

Against Heritage Plaza

The following letter to the Mayor is

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:

the redefining of the military and towards the fulfillment of basic human needs. Over 500,000 people are expected to attend and it will be, perhaps, the largest rally in American history.

I urge all readers to rally on June 12th to protest and survive.

RICHARD ARUNDEL
15 Paddington Row

— *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.

Race reminder

To the Editor:

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LETTERS

'Ill-conceived plan'

To the Editor:

The road to hell is paved with good intentions. Given the best of intentions, still 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 no detour from an unheavenly fate. Sleight of the hand legal hocus pocus is more appropriate for magicians than it is for responsible representatives in government.

Of course the Village Trustees want to diffuse an explosive issue which 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. It is a holy day symbol for adoration of a particular religious faith. 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 does it 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 personhood which is the essential meaning of Christmas. But there is no reason in law or logic why those of other persuasions or of no persuasion must bear witness to the religious representation of that spirit on public property. Providing for a public presence for a private religious belief is not a religious need which calls for governmental action.

To believe that the establishment of an "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 pampering 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 celebrate and publicize their national or ethnic origins with a public display by putting on costumes and dancing or dramatizing their humble peasant or noble royal ancestry, the public parks and public schools are readily available for such spectacles. There are no constitutional issues to prevent people from making a spectacle of themselves.

There is, however, a darker side to the implications of a private foundation holding out a facility for public purposes. Once promoted as a public accommodation, not 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 application to display 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 nauseam.

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 overreaches 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 abort the plan, however well-intentioned, because it was ill-conceived.

IRVING J. SLOAN

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To the Editor:

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(Continued on Page 13)

Heritage Plaza proposal dead

By DAVID KIRKWOOD

The Heritage Plaza solution to the annual Scarsdale Creche controversy fell through last week, before it was ever put to the test of local opinion.

Assemblyman Gordon Burrows' 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 said that he had received "a lot of opposition" to the bill and predicted that if it went to the full Assembly, "there would be a holy war on the floor."

On hearing this, Mayor Stone advised Burrows' office to let the bill die. Mrs. Stone explained:

"I felt the attendant publicity would put Scarsdale on the front pages again. This was just the sort of thing the bill was supposed to avoid. It was supposed to solve the controversy, not create it."

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.

Until last Christmas, the Scarsdale Creche Committee, which represents several local churches, had displayed the wood-carved Nativity scene in Boniface Circle every year. However, in recent years there had been increasing opposition on the Village Board to the use of public property for a religious display. Even those voting to grant a permit had urged the Creche Committee to find a non-public site. Last year, when the committee again came to the board, four of the seven Trustees voted to deny permission.

The unprecedented decision roused anger and bitterness among many residents who want the creche displayed in Boniface Circle. The issue proved a divisive one and it also attracted widespread attention outside Scarsdale when at least one of the New York City daily newspapers reported and editorialized on the question.

Ever since casting the final and deciding vote against letting public land be used for the display of the creche, Mrs. Stone has been seeking a compromise solution that would satisfy both those who want the traditional display to be placed in the center of the village and those who believe that such a display on village owned property constitutes a violation of the First Amendment prohibition of government establishment of religion.

The Heritage Plaza plan would have turned over to private ownership a small piece of Chase Road Park where the creche could be set up. This plan had the approval of the Creche Committee, which had rejected other alternatives sites, including church lawns, as not being central enough.

However, ever since the Village Board unanimously passed the request for the necessary home rule legislation, the plan had come under attack. Civil libertarians felt that turning over title to the site was a legal dodge that did not avoid the basic constitutional problem. Also, the Friends of the Scarsdale Parks were opposed to giving up park land, even though the deed would have included a

(Continued on Page 6)



p.m. through August 6.

Tuesday, July 13

11 a.m.-3 p.m. — Scarsdale Seniors, Scarsdale Pool.

6:15 p.m.—Scarsdale Chamber of Commerce special meeting on sidewalk sale, Crossway Firehouse.

7:30 p.m.—Village Board of Trustees, Village Hall. Agenda for 8:15 p.m. session expected to include decision on whether to pay part of cost of restoring Junior High tennis courts.

8 p.m.—Friends of the Scarsdale Library Film Festival, "From Mao to Mozart," Scarsdale Library.

Wednesday, July 14

9:30 a.m.—Senior Walking Club, Village Hall.

12:15 p.m.—Scarsdale Rotary Club luncheon, Scarsdale Golf Club.

7:30 p.m.—Westchester Band Concert, Davis Park.

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.

Tuesday, July 20

11 a.m.-3 p.m. — Scarsdale Seniors, Scarsdale Pool.

8 p.m.—Friends of the Scarsdale Library Film Festival, "Limelight," Scarsdale Library.

Wednesday, July 21

9:30 a.m. — Senior Walking Club, Village Hall.

12:15 p.m. — Scarsdale Rotary Club luncheon, Scarsdale Golf Club.

8 p.m. — Westchester Band concert, Scarsdale Library lawn.

8:15 p.m. — Board of Appeals, Village Hall.

Thursday, July 22

10 a.m.—Senior croquet, Scarsdale Pool.

11 a.m.-3 p.m. — Scarsdale Seniors, Scarsdale Pool.

7:30 p.m.—Free workshop on love, work and parenting relationships, Scarsdale Library.

(Continued from Page 1)

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.



ork . . . a lot of fun

Raking leaves can be hard work, as 5-year-old David Siegfried and Laura Lenz, 6, who live on Drake Road discovered Sunday. But it was not all work and no play. Arey photos.

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 law suit.

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 law suit 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)

Battle over Hutch heating up again

By SARA BLOOM

The news that the Westchester County Parkway Commission intends to recommend a six-lane Hutchinson River Parkway improvement project to the State Department of Transportation (DOT) has spurred new efforts by opponents of an expanded parkway to get the state to reject the Parkway Com-

mission's leaning. County Executive Alfred Del Bello, who supports a "6-4-6 plan," which would keep the parkway at four lanes through New Rochelle and Scarsdale, have already begun legal and political negotiations in response to the commission's leaning.

Jeffrey Stein, coordinator of the Association to Preserve the Hutch, the organization of Scarsdale, Eastchester and New Rochelle residents that has led

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."

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ber" of SAT-preparation courses. But, he added, "I'm convinced our courses is as good as a \$350 one."

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 board accepted the gift of a new electronic stencil cutting machine from the Edgewood Parent Teacher Association.

Personnel appointments

Three, part-time teachers were appointed for the federally-funded Title I remedial reading program. They are Saraline Corn, who will teach at Quaker Ridge an IHM; Joyce Flanzer, at Heathcote and St. Pius X; and Mariemmi Pozzuoli, at Fox Meadow.

Margaret Reilly received a regular substitute appointment at Edgewood, replacing Saul Ackerman, who recently resigned.

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.

**TYRRELL'S
RUG & CARPET
service co.**

• WALL TO WALL CARPETS

**RICHARD J.
HOLZER
& SON INC.**
Plumbing & Heating

and said. Nevertheless, she is troubled by her new role in terms of her own family and is still considering future directions.

Defending women in the rabbinate, she named compassion, integrity and knowledge as the qualities one should seek in a rabbi, attributes that she but that are "gender blind," she declared. "The differences between

can't talk about social issues when you minister people seven days a week," she said. "All people have fears about life and the future, and you must find a way to respond to that as well." She is refreshingly colloquial in conversation, enjoys being "one of the guys," yet welcomes ecclesiastical
(Continued on page 22)

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

withdraw its petition to use the Boniface Circle, and find a new, non-commercial and permanent location for peace

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

'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

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 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 a 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

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

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.

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Community harmony has never hinged on public showing of the creche

'Find a new location'

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

They're thankful

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

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JEANNE RICHMAN
110 Birchall Drive

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

thing that goes into the gadget to make 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

not remain silent.

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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 a absurd application in this case, for Christmas is no longer only a religious observance but a federal holiday.

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The creche gives joy and hope to thousands of residents who want to see

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 "S

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 funding provided this year. DelBello noted

Local women in the clerical a closer look

By SARA BLOOM

Second of two parts

Rev. Susan Rogers, assistant minister of the Scarsdale Communist Church, remarked recently on women mounting the pulpit, wiping away the "last remnants of resistance in a traditionally male-dominated profession. R. observation, borne out by statistics: close to half of present-day students are women, is valid here in Scarsdale, where there are already five ordained women — a minister, a priest and three rabbis.

Their gender unites them, but has been differently influenced by cultural, educational and social backgrounds, and each brings a unique personality to the

Rabbi Emily Korzenik, the five, claims at 53 to be a woman rabbi. This is one where age is not a negative, she observed. Once while a binical student, she and her mates visited a hospital. Her colleagues had difficulty with the aged patients and her rapport, but for her, her touch and console is a response. "It seems to me a maturity," she said.

She was ordained in the presence of her husband and four children at her couple's 32nd wedding anniversary in 1981, at Bet Am Shalom in White Plains, where,

LETTERS

'A warm fire

To the Editor:

We the neighbors of the Hardware are very sad to see the prostitution leave our block.

Stanley and his co-workers are friendly people. They are friendly business with. No matter

Special meeting on creche slated

By DAVID KIRKWOOD

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 to be displayed, as it was from 1957 through 1980.

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 ar-

ticulated 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)

Restaurant to open

In charge of the
mp, Harvey Klein
gsters under the
tchets and axes,
ended. Saplings
les and potatoes
nd teachers, was
ercio. Arey photo

ors

Counseling Service
Participant in Operation
announced that her
"hotline" will be
people interested in
e sharing of a home.
23-3281.

d in Operation Share
e's Senior Advisory
ch hosted last week's
Junior League of
Doris Schear, who as
Westchester County's
Assistance Program

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.



Sawing a maple are, from left, Tri

PROFESSIONAL DIR

Bronx) river and through the (Crane Road),
Thanksgiving Day dinner, perhaps, in Scarsdale, about 1900. The view is looking
Lane Road from the point where the Bronx River Parkway intersects today.

ristian Endeavor, the 885 citizens of
ld purchase, for three cents a copy or
r (paid in advance), The Scarsdale In-
ightly publication, which provided the
a timely Thanksgiving message, plus
r easing the time-consuming task of
full-laden table for the traditional
Day repast.
r, who paid 25 cents an inch to do so,
that first Thanksgiving issue that his

shop provided "The Best in Fine Groceries" with
"Stores Everywhere." Samuel Hopper and Co. in
White Plains advertised the delivery of "Good
Things to Eat Wagon Leaves Store at
p.m. Each Day."
By Thanksgiving 1902, 15 local school students
could boast placement on the honor roll for the
month, and Mr. Hitchcock was opening a road op-
posite Mr. Watt's place, through to the Post Road.
(Continued on page 16)

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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, moral, 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 in than the "creche issue of Scarsdale."

Another Creche--why not?

HANNA F. KLEIN
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

subject, and because intraclass grouping according to ability is optional, instruction in the "3 R's" may differ widely from class to class and from school to school on any one grade level. The "academic gap" which can result from diversity of instruction has forced many parents either to tutor their children or to use

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in American history or the observance of a day to give thanks in American homes.

By 1901, Scarsdale had moved from a colonial manor of grist mills and sheep farms to a community of businessmen and their families, living in state-of-the-art homes which were accessible over quite a number of cleared roadways.

On Nov. 21, 1901, courtesy of the Arthur Manor

quirer, a fortnightly publication, village news, a timely Thanksgiving suggestions for easing the time preparing a full-laden table Thanksgiving Day repast.

James Butler, who paid 25 cents, proclaimed in that first Thanks

LETTERS

Use zeal constructively

To the Editor:

As a Christian, I don't care very much where the creche is placed, 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

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

Chamber's position

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

nothing of the legality of their...
ment. Yet their means and ends
a well-meaning evocation into a
-spirited provocation. The message
Christianity and Christmas deserves
something better than that.

IRVING J. SLOAN

Mr. Sloan, a Scarsdale resident,
teaches social studies at the Junior
High School.

part of the Soviets. The Strange-
man power brokers who are trying to
this bill of goods are a hazard to
world's health.

We Americans possess a rich and
able folklore about politicians (and
usually a healthy skepticism regarding
their ethics). We've learned the hard
way that our servants (the govern-
ment) will lie, cheat, steal, and kill
when it suits their policies. Messrs.
Kagan, Weinberger, Clark, et al, act
though they were on Mt. Olympus,
delivering proclamations from on high
to the ordinary, unsophisticated
masses.

It really is time we let this imperial
presidency know that it is our servant.

NAT SLOAN

Scarsdale Junior High

uture

Earth Road should conform to
parameters of Scarsdale's existing zon-
ing and building codes for that area, at
the same time not devaluing the adja-
cent Edgemont (Greenburgh) residen-
tial community.

2. As concerned observers and
neighbors, we share a mutual interest
in maintaining the physical character
of Scarsdale, the village we shop in.

We recognize that any Freightway
development plan first should address
the elimination of parking and traffic
problems that presently exist and may
happen in the future.

At the appropriate time we will sug-
gest specific ideas for the Freightway
development which may be helpful to
Scarsdale as well as its Edgemont
neighbors. We look forward to a solu-
tion which will be satisfactory to all
concerned.

MICHELLE WEIL, Chairperson
Edgemont Association
Freightway Subcommittee

r' hailed

... fee that barely covered
...
... example of Roz's
... and we would like to
... thanks to the Scarsdale
... Department for providing
... such a dedicated worker.

MARJORIE and JACK WITTNER
103 Wiltshire Road

going on serving them...
come. However, we were not allowed
that choice. We were told last May by a
representative of the Wilgrin Realty
Co. that our lease had expired and that

bye to our many friends.
JANE (HAMLET) BYRNE
Wayne, Penn.

More tolerance called for

To the Editor:

I am a former resident of Scarsdale
and I 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
varying religious persuasions.

At a recent dinner party in
Scarsdale, conversation turned to a
problem 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 the
Scarsdale of today.

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

1) If the issue is the use of public
property for religious purposes, the
decision to limit or deny that use must
be applied universally. There is, at
present, a Jewish congregation—
M'vakshe Derekh—which has been
using Wayside Cottage on a regular,
weekly basis for its Sabbath services,
and, on a more extensive basis, for its
High Holy Day services in the fall.
(This fact is published in The Inquirer
in its religious section). During the
time when the facility is in use by this
group, public access to the premises is
restricted. The full use of the property
is denied to the public. Wayside
Cottage is public property, owned by
the village, but administered by the
Junior League, a private organization
which has been granted discretion as
to the use of Wayside Cottage.
Boniface Circle is public property as
well and the Creche Committee is also
a private organization. Public use of
Boniface Circle is in no way restricted
by the placement of the creche. To
deny the placement of the creche by
this private group would be to treat
this private committee inequally. This
cannot be permitted and is subject to
legal challenge.

2) If the issue is the separation of
church and state, as purported by Mr.
Leonard Rubin, who created the issue
in the first place, it would be wise for
the trustees of the village to read
carefully the section of our Federal
Constitution prohibiting the establish-
ment of a state religion. The village
has, in the past year, negotiated a
contract with the employees of the
Scarsdale Public Library which allows
the closing of the library on Yom
Kippur, a non-federal holiday. The
library is a public facility and use of
that facility is denied to taxpayers on
that day. There is no other religious
holy day for which that permission is
granted. Christmas Day is a Federal
holiday and that is the only day on
which the library is closed for what
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. This cannot be
permitted to continue if indeed 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 rancor
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 village,
removed from the sentiments of those
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
would prefer that the Creche Commit-
tee refrain from making its request
and therefore make the problem
disappear. This cannot be done in the
spirit or the exercise of the First
Amendment, without examining the
other conflicts which exist in the
village, as stated above.

Had your administration addressed
the issue firmly in the past and
resisted the exhortations of vocal
malcontents, the free and tolerant
practice of religious sentiment would
not be an issue today. In the spirit of
tolerance and fairness, the principle
which is at stake must be judged
without preference to one religious
group over another. The effects of your
decision will be far-reaching and not
everyone will be pleased if the decision
encompasses all the conflicts appar-
ent.

There is room for coexistence and an
"issue" would not have arisen had
more tolerance prevailed several
years ago among peoples who purport
to bring civil rights to light.

DOROTHY S. PATTERSON
Garden City

liberal American...
The left-center policies of this

'Never this

By GAIL RAPHAEL

Just before the election, I read
an account of how Millicent Fenwick
characterized a critical state
about her by her opponent in
Senatorial race: "It was very nice
of him," she suggested.

I roared with laughter. It was the
touch of fun or humor in the long
pre-election weeks.

This year, California politics
mean spirited, misleading, and
totally negative and often vici-
ous. There was little humor, there was
less truth. A movie censor might
define most of California's can-
didates as "totally lacking in redeeming
value."

Our district, the 43rd Congress
combining Orange County and north
San Diego, may be the most
Republican in the country.
Bradley, the Democratic candid-
date for governor, lost his bid by only
a few votes. He lost Orange County by 1

Johnny Crean, a spoiled son
millionaire, won the Repu-
blican primary in the 43rd by an eyelash.
Ron Packard, the dentist-ma-
jor, lost to Carlsbad. But Crean's attacks
on his opponents had been so inflamma-
tory and his mailings so misleading
that even much of the solidly Repu-
blican area became aroused.

It had two post-primary r-
unners. Crean fired Butcher-Forde, his
campaign management hired guns,
then he tried to blame them for his
loss. In turn, Packard became so
frustrated that he decided to run as a
write-in candidate. In the weeks that fol-
lowed, Crean and Packard waged a
ferocious campaign that it ap-
peared that Archer, the forgotten Dem-
ocratic might even win the election.

Gail Raphael lived in Scarsdale
more than 30 years before retiring
and moving to Southern California.
There, he keeps his eye on the
land natives and reports the
behavior to Opinion Page readers
time to time.

In the end Crean spent a
million dollars and finished third, Arch-
er second, and Packard became our
fourth candidate in the dis-
trict history to win a write-in election
progress.

Carol Hallett ran for lieu-
tenant governor against Leo McCarthy,
speaker of the state Assembly. All
her TV and radio commercials I saw and he

LETTERS

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 other 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 *McCullum*, 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 unrelenting 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.

Against MX missile

Bus se

To the Editor:

This letter in week's Scarsdale (25) cover story force change in

I am one of members of Association who muter bus alter Scarsdale, Hart communities.

The continuation service is now ridership losses primarily attrition route changes m City. These ch sarily increased and, for the gre increased walki bus stop and the

Based on th disheartening to

Owner

To the Editor:

As owner of H should like to th loyal customers o It was just 32 year that Bob Hamle Hardware. His des area with his kn ware business. S 1961, Stanley Kap services Bob start

I wish to th Kapica, Tony, Lee the other young m at the store so ver years.

We think it customers to know go on serving ther come. However, v that choice. We we representative of Co. that our lease

More to

To the Editor:

I am a former re and I have returne the years to visi retaining

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 Falkenberg and Beatrice Underweiser. Voting to approve the Creche Committee's request were Trustees Martin Bowen, William Glendon 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 the wire services and reported on in papers throughout the country.

After the meeting, many of the approximately 80 citizens in attendance were clearly unhappy with the trustees' decision.

One man charged that the board "had chickened out." A woman said, "I've seen that creche for 30 years and I'm not taking it lying down."

Another resident said that, while he was not very religious himself, he felt that the vote reflected the "disintegration 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 are all allowed to demonstrate. I don't see why they (the Creche Committee) shouldn't be permitted." He added that he believed the trustees are "afraid of the cost of a lawsuit."

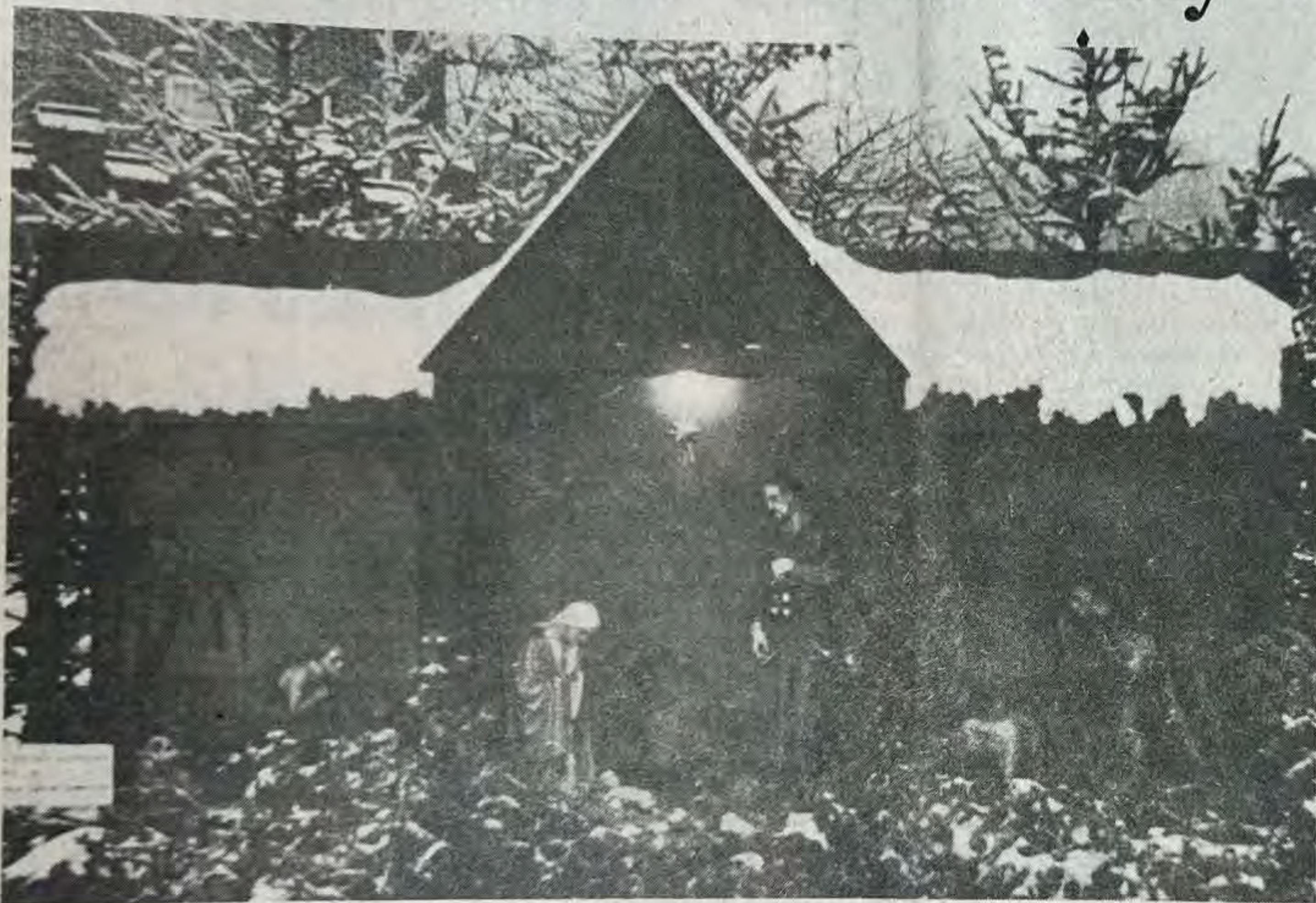
Patricia Curran, chairman of the Creche Committee, had no comment on the board's decision. Saying that the committee had "no plans beyond 8:15 tonight," she told The Inquirer that she did not know if the committee would display the creche at another site.

Last year when use of Boniface Circle 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. Ronald Durning, who owns the property, has again this year said that the site is available for display of the wood-carved Nativity scene.

Leonard Rubin, the Scarsdale resident and Civil Liberties Union attorney who had said that his organization might sue the village for violation of the First Amendment if the creche were permitted to be displayed on public property, said that he was "pleased" by this week's decision and he urged the village to pass legislation establishing what is permitted use of public parks. Rubin said that he had received a number of anonymous calls and letters attacking him, but that he had not been threatened, as he has in past years.

Before the vote, Trustee Joseph Ullman, chairman of the Law Committee, reported that because there was

(Continued on page 16)



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 PFEIFFER

An expanded Hutchinson River Parkway loomed closer this week, as Richard Burns, chairman of the Westchester Parkway Commission, announced Tuesday that the three-member advisory commission had voted unanimously to recommend that the State Department of Transportation (DOT) reconstruct the plan for

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 publicly known after a meeting in October, attended by County Executive Alfred

the association oppose 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 its position, "while not helpful, is not a crushing

Buses to continue using Fox Meadow

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GS BANK

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EASTCHESTER

White Plains Rd 10853

VALLEY COTTAGE

15 Lake Ridge Plaza 10989

Robert S. Asher of Scarsdale, executive director of the Division of Professional Conduct of the New York State Education Department since 1975, has resigned his position with the state to enter the private practice of law.

Creche turned down

(Continued from Page 1)

disagreement among its three members about the constitutional issues involved 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 Proper 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 five to three to recommend that

law.

He will be a partner with Ivan Dochter in a new law firm, Dochter Asher, with offices at 220 E. 42nd New York City.

the Village Board say yes to the Creche Committee.

In reaching its decision, the board reviewed several legal memoranda. Except for Glendon's, which was summarized in last week's Inquirer, the others found that the village is at least permitted, if not required, under the First Amendment to deny the Creche Committee's application.

Trustee Beatrice Underweiser, the third member of the Law Committee, wrote that relevant federal court decisions did not support Glendon's "novel position" that it would be an infringement of the Creche Committee's First Amendment rights to deny use of Boniface Circle. She stated, "The courts do not regard the symbolic expression 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 following the argument of a 1982 U.S. Circuit Court decision (Donnelly v. Lynch), 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 three basic criteria established by the U.S. Supreme Court (Lemon v. Kurtzman) in 1971 to determine whether a government action violates the religious establishment prohibition of the First Amendment.

In concluding that the board should deny the request, Mrs. Underweiser stated, "When it is on public land...and when this board has to approve this placement, it understandable that a large segment of the community feel that the government is approving and sponsoring 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 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.

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Days of Christmas" and oth...
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Gerald Marshall, trumpet;...
Webb, trombone; and Thor...

Winter con

The Manhattanville Co...
open its 1982-83 concert sea...
Wednesday, Dec. 8, at 8 p...
ziger Building. Admission...
Works to be performed

395 Central Avenue
White Plains, N.Y.
914-761-4336
914-761-4362

WHITEPLAINS

HARTSDALE

433 Knollwood Road
Hartsdale, N.Y. 10601
914-946-2780
914-948-9182



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SCARSDALE PUBLIC LIBRARY
SCARSDALE, N.Y. 10583

The Scarsdale Inquirer

Established in 1901

The Official Newspaper of the Town and
Village of Scarsdale,
Scarsdale Union Free School District and
Edgemont School District

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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

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membership concerning the 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.

'Black day' in Scarsdale history

To the Editor:

Wednesday, Dec. 1 is a black day in the history of Scarsdale.

In disallowing the Creche Committee the use of Boniface Circle, the trustees have lost sight of the day we celebrate. Christmas day, Dec. 25, is the anniversary of the birth of Christ, a legal holiday throughout our nation. The creche is nothing more than a symbol of the day we are celebrating.

It is difficult, if not impossible, to understand the logic used in connection with arriving at the board's decision. Will the Village Board, using this same logic, now disallow all the symbols of this holiday? Will all decorations be removed or disallowed on public property? Will the singing of Christmas carols on public property be disallowed or subject the participants to civil penalties?

Perhaps the Village Board will want to pursue its reasoning even further and eliminate the holiday as a legal one in Scarsdale and keep open Village Hall

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. Trumper.

offices and provide all village services as on any other day.

Trustee Glendon clearly answered any legal objection to the Creche Committee's use of Boniface Circle. If the trustees take exception to the legal precedents cited in Mr. Glendon's report, the courts are the proper forum for the exception.

In further answer to any religious conflict I would point out again, the trustees lose sight of the fact that Christmas is the anniversary of the birth of Christ. It is not the anniversary of the establishment of the Christian faith. The true anniversary of the Christian religion is Easter Sunday when Christ rose from death after being crucified.

If a group applied to the village to erect a cross, the symbol of Christianity on Boniface Circle at Easter time the question of religion would be proper subject matter to be debated.

Happy Christmas!

RAYMOND F. HENZE JR.
50 Woods Lane

Shorter work week advised

To the Editor:

The proposed five cents a gallon addition to the gasoline tax will give little help in putting men back to work in

the work week has shrunk from six days a week and 12 hours a day to 40 hours a week. The quality of life improved correspondingly.

erature discussion series is
 open to the public, but
 on is required. To register
 call the Scarsdale Library at

e housing

onal meetings on alternative
 housing in Scarsdale for
 smaller households.
 members will examine the
 cons of using existing
 for accessory apartments
 possible conversion of larger
 to condominium units.

NOTICE

absentee and why the said
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 ministrators during the
 pendency of this pro-
 ceeding or for such shorter
 period as the said Sur-
 rogate's Court may direct.

Dated, Attested and Seal-
 ed, Nov. 16, 1982

HON. LAWRENCE
 N. MARTIN, JR.
 Acting Judge of
 Surrogate's Court

PHILIP E. PUGSLEY
 Chief Clerk

ATTORNEYS

Name of Attorneys: Mar-
 cus and Marcus; Tel. No
 (212) 838-7554. Address of
 Attorneys: 110 East 59
 Street, New York, N.Y.
 10022.

This citation is served
 upon you as required by
 law. You are not obliged to
 appear in person. If you fail
 it will be assum-



Creche decision

The Scarsdale Creche Committee will
 decide Friday afternoon whether to
 display the creche and, if so, where.
 The committee's request to use village-
 owned Boniface Circle was turned down
 by the Village Board last Wednesday
 night.

There appear to be at least three
 possible sites to choose from. Ronald
 Durning, who owns the commercial
 property across Chase Road from
 Boniface Circle, has told the Creche
 Committee that his land is available
 again this year. In 1981, the first year
 that the trustees denied the committee
 use of public property for the wood-
 carved Nativity scene, the display was
 erected at the front of Durning's pro-
 perty, which was the site of the Frog
 Prince Proper Restaruant and will soon
 be used for another restaurant.

Scarsdale Community Baptist
 Church, which is at the corner of
 Popham and Autenrieth Roads, and
 Scarsdale Congregational Church,
 whose property overlooks the Post-
 Heathcote-Drake-Crane Roads in-
 tersection, have also invited the com-
 mittee to place the creche on their pro-
 perties. In extending his church's in-
 vitation to Patricia Curran, chairman
 of the Creche Committee, R. David
 Kimble, moderator of the Congrega-
 tional Church, said it was offered "in
 the interest of helping to heal this com-
 munity by providing a privately-owned,
 publicly-convenient vantage point on
 which the creche display may celebrate
 the birth of Christ and the brother-and-
 sisterhood of humankind every Advent
 Season from now on."

Commuter suits

The Scarsdale League of Wor-
 Voters and the Parent-Teacher Cou-
 will sponsor an Education Town M-
 ing on Thursday, Dec. 16 at 8:15 p.m.
 the Heathcote School.

At the meeting, State Senator Jos-
 Pisani and State Assemblyman Go-
 Burrows will address the follow-
 questions:

- 1) How has the legislature reacted
 to the Levittown decision?
- 2) What changes do you foresee
 in the 1983-84 education state aid form?
- 3) What will be the long-range ef-
 fect of the Levittown decision on p-
 ublic education in New York State?
- 4) What is the future of tuition
 credit legislation?

A question and answer period
 will follow this program. The pub-
 lic is cordially invited to attend.

This is the second in a series
 of meetings on public education spon-
 sored by PT Council and the League of W-
 Voters. Last January Albert Sha-
 president of the American Feder-
 of Teachers, addressed the comm-
 on public education.

SCHOOL BOARD MEETS MONDAY

The Scarsdale Board of Ed-
 ucation will hold its regular Decem-
 ber meeting at Fox Meadow Schoo-
 Monday, Dec. 13 at 8:15 p.m.
 The Education Report will be con-
 sidered with the Orff approach to m-
 usic instruction. Music teachers C-
 Rybak of Fox Meadow and T-
 Moses of Greenacres Schoo-
 will explain the methods used
 and demonstrate.

Viewpoint

By SARA BLOOM

The cross-section of opinion
 expressed at Monday afternoon's Vi-
 ewpoint program on housing pointe

However, while the organization cannot survive without considerable financial support. It must buy supplies, pay for insurance, maintain its headquarters and vehicles and keep its ambulances and other equipment current and in top operating condition.

This month, as the Scarsdale Volunteer Ambulance Corps is conducting its annual fund raising drive, we urge residents to respond generously. And, remember, when you give to the SVAC, it's a contribution to your health.

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.

WHAT'S AHEAD

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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 Moon'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:

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Glendon clearly answered objection to the Creche Com- e of Boniface Circle. If the ke exception to the legal cited in Mr. Glendon's re- orts are the proper forum eption.

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p applied to the village to s, the symbol of Christianity e Circle at Easter time the religion would be proper tter to be debated.

RAYMOND F. HENZE JR.
50 Woods Lane

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he years since the first man- ur week of the Big Depres- ere has been major al progress in virtually erican industry. A shorter for wage earners appears

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eciprocity in new hiring in State were extended to f other states with similar uld lead to the grass-roots, th leadership needed to s cyclical problem plaguing

LESTER A. BLUMNER
25 Edgemont Road

opinion, sect or group to have equal access- ity.

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

'Town divided cannot stand'

To the Editor:

There was an editorial in the Reporter Dispatch on Nov. 22, 1982. The editor, Mr. Ron Patafio, stated that "he applauded the decision of the Creche Committee."

If Mr. Patafio welcomes a decision like that his judgment leaves much to be desired. That was one of the worst decisions made in Scarsdale.

Mayor Stone cast the deciding vote, which was very sad. The Bible says that a house divided cannot stand. Well, my friends, a town divided cannot stand either.

If it wasn't for the Old Testament (the Jews) there would never be the New Testament (Christianity). I know many people of the Jewish faith in Scarsdale that respect the Christians and their beliefs, and the Christians in

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 votes 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 re-

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

turn admire the Jews for their traditions and faith.

It is my opinion that instead of dividing a town, the Christians and Jews of Scarsdale will unite and fight for their religious freedom which they cherish dearly.

Because I was curious to find out if Mr. Ron Patafio were a Scarsdale taxpayer, I checked the Westchester Putnam 1982 telephone book. There is only one Ron Patafio listed and he lives in Hartsdale. Very interesting!

It seems to me, that people outside of Scarsdale are perpetuating a problem that does not concern them. Let's not let people like Ron Patafio divide us.

Great towns are made by great people—let's keep Scarsdale that way.

FLORENCE DELANEY
21 Barry Road

fusing either of these events from taking place.

When Pope John Paul visited Philadelphia a platform and altar were erected on the parkway which runs from the arts museum to the city hall. The mass celebrated there was attended by hundreds of thousands of all faiths.

The other event was the placement of a 30-foot tall menorah at Independence National Historical Park in center-city Philadelphia.

I hope that bringing these events to your attention might be of some help towards a start in promoting tolerance and good will in Scarsdale. Surely no one can possibly construe the placing of a creche in a public place as a step towards the establishment of a state religion.

T.G. BYRNE
Wayne, Pennsylvania

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Scarsdale High School band members Kitsuka, Kerri Albano and Joanne Christnacht; out candy canes Sunday at the conclusion Julie Leonzio; Dr. Joe Albright, SHS will lead the sing; and John Hawkins, Club's Special Events Committee, which

Bernice Jones photo

Creary argued that "the constitutional guarantee of religious freedom is pre-eminent in this case and should be given precedence" over the section of the First Amendment prohibiting government establishment of religion. She concluded by urging the board to

(Continued on page 6)

Committee says it won't display creche

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 Episcopalian church.

Town Club urges 4% limit on tax hike

The Town Club has called on the board to limit the tax hike to 4%.

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still close public schools for long
holidays? Is this still the Year of Our
Lord 1982? Tell me do we really

'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 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

THOMAS SOMMANTICO
74 Sprague Road

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 rights, 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 interpretation 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

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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 majority 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?

Do we now have two factions in Scarsdale? I was appalled at the conclusion of the meeting, Wednesday, Dec. 1st, when after the vote was taken, there were handshakes, kisses and hugs by the trustees and mayor as though they were celebrating some sort of victory. Is it now a case of them against the people of Scarsdale? I sincerely hope not!

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
an additional \$1,155. Smoke
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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 a
private monitoring company and finally to police
headquarters was dismissed by Wiener as insignifi-
cant.

(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, representative and is identified with Scarsdale and the people of Scarsdale. Since many Scarsdale citizens do not identify with the creche, it seems inappropriate to play 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 business

sors is included in our Parent and Board 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 Edgemont Children's Center is giving possible

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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 businesses, corporations, and individuals who gave contributions to help offset the start-up costs of our after-school child care program.

Such items as zoning and building permit fees, fire protection equipment, telephone installation, bookshelves, record and tape players, athletic equipment, games, art supplies, blocks, and woodworking tools were financed by community donations. The list of spon-

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 the Edgemont Children's Center will begin discussions concerning possible modifications in our program. Community members who would like to voice their suggestions and help in future program planning are encouraged to call Peggy Levin, 472-2569, or Jean Mitrakos, 723-3439.

PEGGY LEVIN, President
Board of Directors
Edgemont Children's Center

Report from central casting

To the Editor:

Although it is not widely known, there is, in addition to the Creche Committee, 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 to be type-cast.

The bit part candidates considered were quite interesting. Nominated, though losing, were three major trustees for the parts of the wise men. The four remaining trustees drew substantial yet insufficient support from residents of Bethlehem who rejected temporary lodging for the Holy Family. Unanimously elected (but later vetoed by the L.M.C.C. board) was the legal-beagle with the flashing lawsuit to play the ass that bore Mary and the soon to be born Christ into this undeserving town.

ARTHUR G. MESSENGER
224 Nelson Road

Bus raccoons out

legislators for their steadfast advocacy of a four-lane plan; the village staff who worked so hard to provide the hard evidence the elected officials needed to prove to the state that an expanded parkway would be damaging to the surrounding area; the county executive for devising and working for a compromise plan acceptable to local residents and to the state; and to the state government, for the open process it followed in reaching its decision.

Above all, however, praise is due Jeff Stein and the other Scarsdale, Eastchester and New Rochelle citizens on the Association to Preserve the Hutch for the organization, skill and thoroughness with which they set out to achieve their goal. Theirs was a textbook example of how effective citizen action can be.

Silver lining

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.

Creche

(Continued from Page 1)

"resolve the doubt in favor of those who wish to exercise their right of freedom

religion and establishment clauses of the First Amendment, he said that, when no "compelling state purpose" is

The Scarsdale Inquirer

Founded In 1901

THURSDAY, DECEMBER 16, 1982

Second class postage paid at Scarsdale, N.Y.

THIRTY-FIVE CENTS

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 permit 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 pre-eminent in this case and should be given precedence" over the section of the First Amendment prohibiting government establishment of religion. She concluded by urging the board to

(Continued on page 6)



They'll be at the circle on Sunday

The sounds of the season will be heard Sunday, Dec. 19 at 3 p.m. at Boniface Circle in the heart of Scarsdale's downtown when the Town Club sponsors its annual Christmas carol sing. Everyone is invited to join in the traditional event, which is being moved to Boniface Circle after many years at Village Hall. Among those who will be participating are those pictured here in photo taken at the circle.

They are, from left, Scarsdale High School band members Kitsuka Watanabe, Timothy Clear, Kerri Albano and Joanne Christnacht; Santa, who will be handing out candy canes Sunday at the conclusion of the sing; 3½-year-old Julie Leonzio; Dr. Joe Albright, SHS band conductor, who will lead the sing; and John Hawkins, chairman of the Town Club's Special Events Committee, which is organizing the carol sing.

Bernice Jones photo

**STORES HERE
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More than 30 stores will be open

Committee says it won't display creche

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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 is 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.

because of combined Christmas, ... and has never regretted sharing 38 birthday celebrations with Jesus Christ. "For me, it's a halo for the day." (Continued on page 12)

When Santa pops down the chimney, the phenomenon of happy day celebrants as well as Christmas revelers. Happy to many, the phenomenon is a double blessing.

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 this lost symbol 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? I would 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 had 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 dissension among the residents of Scarsdale in this, the season of peace and goodwill.

Such a bigoted outlook is disappointing, 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 MOTTA
165 Mamaroneck Road

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 religious belief which prompts my inward probings, but rather the cultural manifestations of religious tradition. As one who was fortunate enough to be born in America, the rituals and symbols of Christmas have always been a premise of winter. As sure as the earth would turn, Santa Claus, Christmas trees, and Nat King Cole would permeate my daily existence. Subtly, almost beyond my recognition or volition, these symbols have come to mean a great deal to me. They symbolize a celebration of life; a heroic conquest of the human mind against the spiritual darkness and the hollow crack of winter's ice.

But distinction between cultural and

theology are important, and must be made. As a resident of Scarsdale, I must commend Mayor Stone and the Creche Committee for denying the display of the creche on public land. Clearly, the celebration of the birth of Christ as Savior moves beyond culture into the realm of theology. Clearly, it is a violation of the separation of church and state which we must preserve as Americans. But as a human being, and as a Jew, I am grateful for the Christmas trees and for the wreaths, for the songs, the art, and the literature, and for the magnanimity of spirit which suffuse these dark December days with anticipatory smiles. These are not my symbols, these are not THE symbols, but they are beautiful and have enriched my life.

SUSAN HERTO
57 Old Orchard Lane

'Let your voices be heard'

To the Editor:

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

To all Citizens of Scarsdale:

Are we 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

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 letters read on this issue. The sadness of this particular story cuts even deeper when it occurs during the holiday season.

TIM COLLINS
143 Bradley Road

'Ground for compromise'

To the Editor:

It is stultifying to perpetuate the creche issue as a religious one. Christmas is a national United States holiday—just like the Fourth of July, Washington's Birthday and Columbus Day. If we permit a parade on our streets on the Fourth of July; if we would not object to a statue of Washington in our government buildings or of Simon Bolivar in Central Park, then there is not a person in Scarsdale who has a right to deny a public tribute—at least on December 25th—to Jesus Christ, a person who existed and who is honored for his accomplishments by the government of the United States on that day.

Those who oppose the creche on

religious grounds have a strong argument. At best it's an important constitutional issue. And all an attempt at compromise by suggesting a Menorah at Boniface Circle during Chanukah is hogwash. That would strictly be a religious observance. Chanukah is simply not a national United States holiday entitled to public commemoration. Christmas, the birthday of a public figure, is.

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

NEIL SULLIVAN
64 Taunton Road

Board praised on creche

To the Editor:

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

Ours is a pluralistic community where, as a matter of simple propriety and concern for the feelings of one's neighbors, public property should not

be used for religious displays of any kind.

May the peace and joy of the Christmas season prevail.

CHARLES CUNNINGHAM
21 Murray Hill Road
ESTHER AND ROBERT SEAL
2 Obry Drive

'Kind and caring person'

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) addressed to the Scarsdale Historical Society containing an order and check

for grapefruit and mailed it just before Thanksgiving.

Many thanks again and happy holidays to you.

EDNA SAALFRANK
7 Winding Lane

Where is the creche?

To the Editor:

Where is the creche this Christmas,
Where will one find the Child,
Where will one go to find the crib,
Where will He rest a while?
How far to walk this Christmas
And what will be the cost
To find a simple place to rest
When wise men seem so lost?
But those who do not understand
And call this search a sin
Believe, with such conviction
That the circle's not an inn.

My Jesus is the Prince of Peace
Of a kingdom from within
And there I must prepare a place
To rest His Presence in.
I wonder, friend, when losses come
If we can understand
The lives we live are witnessing
To the value of His land.
This Christmas comes with questions
That I ask you - as though me
Will people know your Jesus Christ
By the way you choose to be?

For me the real discovery,
For those who would pursue,
Is finding space within your life
To place the creche in you.
And should I not spend time this year
With symbols that are true
Becoming more the creche of Christ
In victories that renew.
And should I not be spending time
Proclaiming God's own Son
Until I speak to Father God
With words "Thy Kingdom Come."
THOMAS R. FARRELL
144 Madison Road

They speak of private places
Where obscenity has no name
The public land, we're told, is not
The Sovereign Lord's domain.
They ask me - "Try to understand
The logic of the words..."
But after all the words are said
It is anger that I've heard,
And though my heart is sad, indeed,
I know I must confess
The Child needs no public place
To claim what I profess.

...ation, said that individuals from all over the village have also sent checks.

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.



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zen 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, when the Village Board last year denied requests to erect a creche on Boniface Circle.

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 graduating from A. J.

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Creche suit

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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 summonses, 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 deSousa.

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.

LEGAL NOTICE

LEGAL NOTICE
PUBLIC HEARING
BOARD OF APPEALS
VILLAGE OF
SCARSDALE

LEGAL NOTICE

District, and identified on the Tax Map of the Village of Scarsdale as Section 17, Block 1, Lot 6E. This application was held over from last

LEGAL NOTICE

party line. The application of Dr. & Mrs. Robert Kadanoff for a special permit to conduct music classes in a

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THIRTY-FIVE CENTS

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)

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She was awarded an honorary degree
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Board of Trustees.

Creche

(Continued from Page 1)

That position is directly opposite that taken by Kathleen McCreary 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.



JOHN MORLEY

Sacred Heart

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.

PROFESSIONAL

ACCOUNTANTS

Richard L. Block
Certified Public Accountant &
Tax Attorney
24 East Parkway, Scarsdale 725-0555
Tax Planning, Preparation & Tax Shelter
Accounting for Business & Individuals

ART SERVICES

Aileen Ryan
Harwood
Scarsdale



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. Arey photo

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)

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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 though 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

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reaches all the way to Long Island Sound, includes the home of two Democratic incumbents—Audrey Hochberg of Scarsdale and Ronald Tocci of New Rochelle.

The district which would be predominantly Democratic in registra-

legislative map, would be combined with part of Yonkers.

The Democratic plan would pit Hochberg against Andrew Albanese (R-C-Eastchester) in a district with about 10,000 more of her present constituents than his. Party registration in

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 vio-

lated 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 leg

A New York State appeals court has dismissed convictions for zoning code violations against Dorothy Silverstone

adjacent property, which Mrs. Silverstone sold in 1962.

The three-judge appeals court

Appellate T clearly estab property and

Robert Harrison (left), Charles Greebel and his son, Robert, exult after Village Board approved restoration of the Junior High tennis courts. Sheehy/Marks photo

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 Scarsdale 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 pre-trial 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, a senior partner in the firm of Sullivan & Cromwell, argued that the case was primarily one of government denial of the plaintiffs' right of free speech protected by the First Amendment. He contended that in 1981 and 1982, when the Scarsdale Creche Committee applied for a permit to display the creche, it was seeking to use Boniface Circle as a public forum where it could convey its symbolic message.

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

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."

Widmar v. Vincent

The governing precedent in the case, Schwartz stated, is the U.S. 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 to meet on campus could not be denied by a group simply because it was religious. The court held that the fact that the plaintiffs' intended use of a state university facility was religious in nature did not make that use 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 case, 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 that 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 some reason 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 law 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

advocates.

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 McCreary. 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.

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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, called 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.

Three labor contract

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



Perfect combin

Ice cream and summer are a... would surely agree. For a sur... turn to page six.

this year and \$300 next. The total additional cost to the villa... of the settlement will be about \$29,000

nis court bids

village has asked for new bids to... the Junior High School tennis... in accordance with the financ... plan for the project worked out... this month by Village Hall and... Committee for the Preservation... Restoration of the Junior High Ten... Courts.

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the financing side of the tennis... project, Robert Harrison, leader... campaign to save the courts, said... ay that he has collected about... of the \$25,000 pledged to the... ge-Scarsdale chapter, which Har... established. About 50 people have... Junior Tennis League, whose ad... in Scarsdale is Harrison's home... Murray Hill

Second class postage paid at Scarsdale, N.Y.

THIRTY-FIVE CENTS

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*.

Train station to get repairs

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 Warnken 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.

Arey photo

Appeal expected on creche

By DAVID KIRKWOOD

Both plaintiffs in the creche suit said this week that they expect to appeal the Dec. 8 decision of U.S. District Court Judge Charles E. Stewart Jr. that bars the creche from Boniface Circle on grounds that display of a religious symbol on public property is a violation of the Establishment Clause of the First Amendment.

Patricia Curran, chairman of the Scarsdale Creche Committee, said that she was "disappointed" by the ruling in favor of the village, but "delighted that many of the facts were found in our favor." Among these facts are that, according to the 43-page decision, Boniface Circle is a "public forum," as the plaintiffs contended.

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

Kathleen McCreary, 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 U.S. Circuit Court of Appeals. Mrs. McCreary, 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. She noted that judges in other U.S. district courts in Houston, Miami and Denver have all ruled during the past year that displays of creches on public property

in those cities were legal.

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 Circuit 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 speech and symbolic 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 there on display.

Stewart's decision received praise this week from defendants in the suit. Jean Stone, who was mayor in 1981 and 1982 and cast the final no vote in the four-to-three rejections of the creche

(Continued on Page 6)

Judge rules creche promotes religion

By DAVID KIRKWOOD

The basic issue determined by Judge Charles Stewart in the creche case was which part of the First Amendment prevailed. Were the plaintiffs correct that the village, in denying their applications to display the creche on Boniface Circle, had wrongly denied their Constitutional rights of free speech and free exercise of religion?

Or was the position of the village correct—that the Establishment Clause of the First Amendment made it necessary for it to forbid the display of a religious symbol on public land? The Establishment Clause forbids Congress, and, by extension, any government body in the United States, to pass a law "respecting an establishment of religion."

In reaching his decision that the village was required to deny the display of the creche, Judge Stewart applied the three-prong test of *Lemon v. Kurtzman*, the 1971 U.S. Supreme Court decision generally used by the courts in determining whether a government policy violates the Establishment Clause.

In *Lemon*, the Supreme Court held

that a governmental policy does not violate the Establishment clause if that policy, a) has "a secular legislative purpose"; b) in its "principal or primary" effect...neither advances nor inhibits religion, and c) does "not foster an excessive government entanglement with religion."

Advances religion

In this case, the District Court judge found that permitting the creche display passed two of the *Lemon* requirements (a and c), but not the prohibition against advancement of religion. He stated, "we find that allowing plaintiffs' creche to stand for 10 or so days at Boniface Circle would have the direct and immediate effect of advancing religion in two related ways."

It would do so, Stewart found, even though permitting people access to a public park to take part personally in a religious activity does not. (Another often cited Supreme Court case, *Widmar v. Vincent*, ruled that it was proper for the University of Missouri, a public institution, to permit a group of students to hold a religious assembly in a university classroom).

(Continued on Page 6)

Abe Simon dies; led Antiques

Abe Simon, a longtime local resident and founder of the Scarsdale Antiques running club, died Sunday, Dec. 11, of cancer at Mount Sinai Hospital in Manhattan. He was 59 years old.

Simon, who lived in Scarsdale for 25 years, took up running at the age of 44 after developing heart trouble. In 1969, with Nicholas Deak, Stanley Newhouse, Dick Rothschild and Bob Patterson, he

(Continued on Page 19)

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.

Judge's opinion

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By SGT.

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Ready to play up a storm

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By DAVID KIRKWOOD

The basic issue determined by Judge Charles Stewart in the creche case was which part of the First Amendment prevailed. Were the plaintiffs correct that the village, in denying their applications to display the creche on Boniface Circle, had wrongly denied their Constitutional rights of free speech and free exercise of religion?

Or was the position of the village correct—that the Establishment Clause of the First Amendment made it necessary for it to forbid the display of a religious symbol on public land? The Establishment Clause forbids Congress, and, by extension, any government body in the United States, to pass a law "respecting an establishment of religion."

In reaching his decision that the village was required to deny the display of the creche, Judge Stewart applied the three-prong test of *Lemon v. Kurtzman*, the 1971 U.S. Supreme Court decision generally used by the courts in determining whether a government policy violates the Establishment Clause.

In *Lemon*, the Supreme Court held

that a governmental policy does not violate the Establishment clause if that policy, a) has "a secular legislative purpose"; b) in its "principal or primary" effect...neither advances nor inhibits religion, and c) does "not foster an excessive government entanglement with religion."

Advances religion

In this case, the District Court judge found that permitting the creche display passed two of the *Lemon* requirements (a and c), but not the prohibition against advancement of religion. He stated, "we find that allowing plaintiffs' creche to stand for 10 or so days at Boniface Circle would have the direct and immediate effect of advancing religion in two related ways."

It would do so, Stewart found, even though permitting people access to a public park to take part personally in a religious activity does not. (Another often cited Supreme Court case, *Widmar v. Vincent*, ruled that it was proper for the University of Missouri, a public institution, to permit a group of students to hold a religious assembly in a university classroom).

(Continued on Page 6)

Abe Simon dies; led Antiques

Abe Simon, a longtime local resident and founder of the Scarsdale Antiques running club, died Sunday, Dec. 11, of cancer at Mount Sinai Hospital in Manhattan. He was 59 years old.

Simon, who lived in Scarsdale for 25 years, took up running at the age of 44 after developing heart trouble. In 1969, with Nicholas Deak, Stanley Newhouse, Dick Rothschild and Bob Patterson, he

(Continued on Page 19)

open-minded people'

including Edgemont, have agreed that Mr. Kornbluh is not the answer as far as political candidates are concerned. They, as well as I, agree that in our society a discussion of the issues is healthy and a respect for the other parties' stands is a must, so that we don't become a totalitarian dictatorship.

I can easily understand the closed-mindedness and absurd letters of Mr. Kornbluh, since he is a product of the Democratic Party leadership of Greenburgh which runs a totalitarian style government.

No, Mr. Kornbluh, there are many in Greenburgh who do not insist on pro-choice politicians, who always insist on good open responsible government. Your defeat is a victory for open-minded people and people who treasure democracy.

JOSEPH F. LIMONGELLI
Paret Lane
Hartsdale

fors and againsts'

might be a step in focusing, not on ourselves and our problems, but on others.

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 worth considering!

PAT REILLY
23 Grand Park Ave.

l in creche case

ected trustees, not the elected State legislature, not even the Congress, can because the judge with the of a pen has wrapped it in the tion. It would take the nation- process of an amendment to the onstitution to change this new ade local law.

aps the trustees can salve their ences by permitting the ent commercial display of tinsel ored lights.

meantime I hope the decision is ed. I believe it likely that the e Court would hold it a local for the Village Board to deal

WILLIAM WEMPLE
30 Cambridge Road

ve while complying with ale's policy of open space and appearance. At the same time it serve a much needed residential ommodation.

urge the Village Board to endorse ne Planning Board's recommendation in this matter.

OLGA TOLL
44 Huntington Ave.

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

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 the public land the land performs an added and enhanced function. No longer is the land just a place from which a message can be proclaimed; when a symbol is left on public land the land actually becomes the message bearer. This means that public resources are substituted for personal conduct as a way of generating the speech."

This finding by the judge distinguishes between the display of the creche on Boniface Circle and the use of that same property for the Town Club Christmas Carol Sing, which is scheduled for Sunday.

Stewart states also: "The second way in which permitting the creche for 10 days would advance religion is closely related. Because when a symbol is implanted on public land, that land uniquely becomes the message bearer, and because, concomitantly, there are no persons present to whom the receiver of the religious message can attribute the speech, the possibility that those receiving the message will assume it is supported by the state is particularly present."

Judge Stewart's decision points out that the same distinction between speech and installation of a physical symbol on Boniface Circle was drawn by Jean Stone, who, as mayor in 1981 and 1982, cast the seventh and deciding vote against permitting the creche to be displayed.

Former mayor quoted Stewart notes: "The mayor, a Christian, non-lawyer, and someone who maintains a creche in her own home...was persuaded to vote against allowing the creche when she began to consider that private property was available for symbolic religious displays and that there was a difference between a 'speaking use' of public property for the dissemination of religious ideas and the erection of symbols to effect such a purpose. In her words, the creche was different because 'the placement of the creche in the center of the village is more permanent, it is a solid seeable religious artifact...and you see it there in the heart of Scarsdale on village property like the village is supporting it.'"

While failing the "three-prong test of Lemon" on grounds that it "advanced religion," permitting the display of the creche on public land passes the two other criteria for constitutionality set down in Lemon, Stewart found.

Granting approval would have "a secular legislative purpose," he concluded, namely that of "providing equal access to the public forum."

Marvin Frankel, attorney for the

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.

village, and argued during the July trial that Boniface Circle "is not a public forum; it is a small piece of land reserved by the village for solemn commemorative occasions connected with the war memorial."

However, based on the history of Boniface Circle's use, Stewart rejected this argument, saying that its "status as a forum only for patriotic or solemn commemorative occasions was at best a sometimes thing." Instead, his ruling finds Boniface Circle to be a "traditional public forum" - one to which the plaintiffs were denied access because of the content of the message they wanted to convey. It was because the message was a religious one that the village denied the plaintiffs' application, Stewart determined.

In deciding whether it was proper for the village to deny the plaintiffs access to public land, Stewart then looked at the question of whether the denial "was necessary to serve a compelling state interest." He determined that it was because to have allowed the creche "would contravene the Establishment Clause."

On the third Lemon test—whether a government policy fosters "an excessive government entanglement with religion," Stewart ruled that permitting the creche would not do so. He wrote, "...while allowing the creche does generate some entanglement potential, this potential is not enough, in our opinion, to constitute an Establishment Clause violation."

Free exercise question While the plaintiffs' case rested primarily on their contention that they had been deprived of free speech by not being permitted access to Boniface Circle to express their religious views, they also claimed that their right to exercise their religion had been denied.

Stewart disposed of that contention briefly, calling it "without merit." Display of the creche is not a mandated or significant part of the plaintiffs' practice of religion, he noted, and, he pointed out also, people are free to display creches on private property in Scarsdale.

In summarizing the impact of his ruling, Judge Stewart stated, "The line we have drawn allows persons with religious views unfettered freedom to come onto public forum property to personally speak those views. We also think it would give them the unimpeded right, subject, of course, to reasonable time, place and manner restrictions, to bring religious symbols with them...Our holding leaves untouched the certain right, well practiced in Scarsdale, of persons with religious views to maintain symbols on private property around the clock and for as long as they wish. And, we think, it draws a boundary which does not question the right of religion to receive 'general (governmental) benefits,' but which does allow government not to be 'joined' in the promotion of religion."

crime rate... state-wide, and billions... is borne by every citizen: di... those victimized and indirect... remainder of the population... ed costs for products and serv... The sad part of this comm... that a good deal of these... crimes could have been preve... with a minimum of expense... convenience on the part of the... business owner. Crime preven... element of security is an app... self-defense for use by indivi... organization. What, then, a... homeowner or apartment dw... better secure his surrounding... The first step is to mai... awareness that your home c... well suffer a burglary. Many b... are perpetrated without forc... simply because people do not... locks and latches already inst...

Sgt. John Kapica knows w... speaks on the subject of cri... the commanding officer of t... burgh Police Department's C... vention Unit. He notes, "the... Greenburgh has 10 officer... in crime prevention techni... would be glad to arrange an... ment with any home or busin... within the Town of Green... discuss our security needs."

Secondly, there is no more i... aspect of home protection t... door and window security. forms of security only suppl... Good door locks are an absol... Most private homes today are... with a cylindrical (key-in-kn... This type of mechanism has... shortcomings. Since the cy... located inside the knob, there... ly no way of protecting it again... attack. Since most of these... equipped with a short bolt, th... easily defeated by separating... and frame with a pry bar.

"Deadbolt" locks, whether... tise or auxiliary type, should... secure all doors. These locks... used to supplement the ke... lock, not replace it. All mor... locks should employ a cylin... which should be tapered an... force is applied.

Auxiliary type locks, tho... mount against the door, s... mounted with carriage bolts... the entire door and employ... plate mounted in the same... Auxiliary locks should also b... bolts."

The strike plate of mortise t... bolt locks should be of solid... structured "Striker" plates on... locks, or vertical deadbolts, a... also called, should be moun... screws 2 to 2½ inches in lengt...

Another entry point that... some security problems ar... glassdoors. Usually, the locki... supplied with even the most e... door is easily defeated. Additi... tion is gained by the u... ratchet type device, equippe... lock which fits between the fra... sliding door and that wall.

Yet another alternative... "Charlie" bar is to "pin" the d... is done by drilling a slop...

some overlapping, so no more than three fields could be used at any one time. According to Assistant Village Manager Donald Newman, this is the

(Continued on Page 6)

CRECHE MAKES BRIEF APPEARANCE

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.



ner Recipients of Scarsdale Bowl with Betty Menke (Star...): J. Henry Neale, Burnham Finney, Eleanor Finney, M... Steyer, George Szabad. (Seated): Philip Carret, Betty Menke, ol Stix, John Thies.



(Front): Natalie Hofheimer. (Back): Jon Schandler (Exec. Dir. White Plains Hospital), Joe Hofheimer and Jackson Browning (Former Presidents of School Board), Armande Browning.



Jerry Feinberg, Rabbi Maurice Davis, Mimi Feinberg, Sternberg, Harry Sternberg.



Leonard Howard (Former School Board Member), Howard, Dot Gordon (Former School Board Member), Bill Miller (Former Pres. School Board), Frank Gordon (Former Village Board Member).



Looking at Crossway

In its continuing search to find a place for more playing fields, the village last week signed a contract with its planning consultant, David Portman of Frederic P. Clark Associates in Rye. Portman has been commissioned to make a study of alternative sites to the Winston property, as the first step in the preparation of the draft environmental impact statement that will be required if the village is to build fields on the Winston property. That 16-acre property on Griffen Ave. had been the village's apparent first choice for new fields, despite objections from neighbors. That changed when it appeared that the Boulder Brook property was available. But now, with the collapse of negotiations on that site, the village is looking at Winston again.

As the first part of his study of alternatives, expected to take six weeks, Portman will examine the Crossway recreation area and the adjacent leaf composting site. Except for the tennis courts, which are fixed in place, all the recreation facilities at Crossway could be rearranged if doing so would make space for an additional field or two.

Converting part or all of the leaf composting site to recreational use might help relieve the village and school district's shortage of fields. However, Village Manager Lowell Tooley said, even if all 4 1/2 acres were used for fields, that would still be much less space than the 10 acres proposed for use on Winston or the 11 acres that would have been available if the village had acquired Boulder Brook.

Also, Tooley said, getting rid of the composting would require the village to pay to have its leaves removed (an estimated \$250,000 a year), while moving it would mean finding another site. Relocating it on the Weinberg Nature Center, one possibility, would be trading one battle for another" in Tooley's view. Finally, he said, the composting area is very swampy.

One way that there might be enough space to handle all Scarsdale's organized athletic programs, is if room for one or two more fields was found at Crossway and combined with the front section of the Boulder Brook property, leaving the barn and riding club facilities intact. While this idea has not been proposed to the Village Board, Tooley said that it had been suggested in his office. He acknowledged that this approach poses problems, including negotiating out sale or lease terms with the current property owners and the riding club.

Further afield

While the village is seeking a long-range solution to the problem of few fields, those who run village school sports programs are trying to find a way to get through the spring season without either the Edgewood or Scarsdale High School fields. They are being rehabilitated and are therefore available for commission, until at least next year.

According to Kennedy Batchelor, superintendent of recreation for the village, the field outlook for spring "is not bright that it squeaks." Almost every field will be used by high school teams until 6 p.m. weekdays. As a result, the recreation leagues will have to practice on Sundays for the first time. As for the spring soccer teams, Batchelor said, there is no room for them to practice anywhere in Scarsdale from Monday to Saturday. "It's very difficult to be very, very difficult to make makeups for games that are canceled out," he warned.

John Blitz, chairman of the village's Recreation Council on Parks and Recreation, has proposed a novel approach to the problem. In a letter to Mayor Seymour Sims, he urged the village to rent municipal or county fields outside the village to help it get through the spring. The school district and neighbors on the idea. School superintendent Thomas School... are invited to attend and

Creche returning to court

Plaintiffs in the Scarsdale creche case were scheduled to submit written arguments today (Feb. 23) to the Second U.S. Circuit Court in their appeal of Federal District Court Judge Charles Stewart's Dec. 8 decision barring the display of the Nativity scene in Boniface Circle.

Meanwhile, the long drawn out case took on a new wrinkle during the past week as the Anti-Defamation League (ADL) of B'nai B'rith received permission from the plaintiffs and from the village, which is the defendant, to file an amicus curiae ("friend of the court") brief with the three-judge Circuit Court of Appeals. The ADL will submit its own arguments supporting the village's position that display of a religious symbol on public property violates the Establishment Clause of the First Amendment.

The amicus curiae procedure enables an interested person or organization that is not party to a case to present additional information and arguments to the court.

The village's granting of the ADL's request has stirred some anger in Scarsdale, according to Mayor Seymour Sims. To people calling to complain, Mayor Sims pointed out that the village did not approve the ADL's request until after the plaintiff's had. The mayor added that approving an amicus request is routine, especially since the organization wishing to file can petition the court for permission if the parties turn it down.

However, Kathleen McCreary, one of the plaintiffs, insisted that the village should have discouraged the ADL from formally seeking permission to file. "It is to everybody's disservice for the ADL to enter the case," she said. The involvement of the Anti-Defamation League "sounds like an accusation of anti-semitism," which, she said, the plaintiffs have continually had to explain is not the case. Moreover, she said, participation by the ADL serves to escalate the case further.

Sims declined comment when asked whether or not the village had welcomed the ADL into the case.

Melanie Stern, state director of the ADL, said that members of the board of the organization were "very concerned about the community relations" question in deciding whether to enter the case. "We did not want to add to the divisiveness."

However, she said the board decided that people who would use the involvement of the league as a reason for viewing the issue as a Jewish-Christian conflict would be inclined to see it that in any case.

Ms. Stern said that her organization has a particular interest in supporting the constitutional separation of church and state. "When the government gives its imprimatur to one religion, the corollary is that it discriminates against all other religions," she said. Ms. Stern noted that the ADL is also an amicus in Donnelly v. Lynch, the Pawtucket, R.I. case now before the U.S. Supreme Court.

Leslie Shedlin, the ADL attorney who has until March 19 to file the amicus brief in the Scarsdale case, said that her organization is "very disturbed by the breakdown in church-state separation that is taking place in this country." She described the display of a religious symbol on public land as "state sponsorship of religion."

Ms. Shedlin added that a party filing an amicus brief has more freedom "to be creative and to follow a different

(Continued on Page 6)

Meeting Monday on budget

The public will get a preview of the 1984-85 village budget at a meeting of the Village Board Finance Committee, Monday, Feb. 27 at 8 p.m. in the third floor meeting room at Village Hall. Village Manager Lowell Tooley, Village Treasurer David Coldrick and Trustee Edward Falkenberg, chairman of the Finance Committee, will discuss the tentative tax rate and revenues and expenditures for the fiscal year beginning June 1.



Jimmy Wood tries for a tip-in, as teammate Gary Karetsky gets ready for a possible rebound in sectional play Wednesday night at Scarsdale High. The Raiders lost 50-48 to Yonkers, thus winding up their most successful season in four years. For a report on what the stars of the last outstanding SHS team are doing, see back page.

Are photo

Casting call notice attracts hundreds of would-be actors

By SARA BLOOM

If English teachers are still dredging up the old what-I-did-over-my-vacation theme, they might find a nice surprise in next week's crop of student compositions. Chances are good that among accounts of the usual midwinter ski trips and island getaways, one of their young men might turn in a real stunner—an adventure tale built around hopes and dreams, studded with suspense, a little comic relief and a cliffhanger finish.

The time: last Monday afternoon, between noon and 4 p.m. The place: the meeting room at Edgemont's Greenville Community Church. The topic: "The Day I Auditioned to Play Teri Garr's Son in a Major Motion Picture."

Of course, casting call notices are business-as-usual in publications like Variety. But, only pros or the deadly serious are going to trek to New York to compete for these parts. However, when the February stay-at-homers caught the little three-and-a-half-inch casting call ad that appeared in last week's Scarsdale Inquirer, they apparently found the invitation to fame right-at-home too much to resist.

By noon Monday, there was standing room only and a steady press in the hall outside the auditioning place. Scarsdale hopefuls found themselves shoulder to shoulder with other slender, good looking, 16-year-old, not-to-exceed-5'10"-or-160-pound boys dressed in their typical American jeans and crew neck best. There was an equal share of smart looking,

not-to-exceed-4'9"-10-year-olds in the company of eager mothers and fathers, some wriggling brothers and sisters and at least one whimpering babe-in-arms.

The little ad, it was soon learned, had appeared in 13 local newspapers and, in the four hours, nearly 300 would-be actors from New Jersey to Connecticut descended on centrally located Edgemont for the chance at stardom.

Precisely at noon came the first call for 10-year-olds from casting director Shirley Rich, who lined up the first 20, looked them over, and, one by one, briefly interviewed them along with film producer Stanley Jaffe and the director, Michael Apted. When they were done with the first lot, eight had passed muster.

"Right for the part"

Assistant to the casting director Mimi Obler, an Edgemont resident, tried fending off a persistent father who came with pictures of his son who was on a class trip to Florida, but who was "right for the part," as she gave the lucky ones a page of dialogue from the script.

"I'm sorry, sir," she said, ushering the father out and shunting off the somewhat wide-eyed and bewildered selectees to a nearby room.

Down the hall, she could be heard reciting, "This is a scene with your brother. His name is Jake. You're Brian. You're kidding around at breakfast. You get along, see. Read this over to yourself, and we'll be right with you."

Re giving mo

Two weeks responded to a from someone sters breaking Freightway G with three boys tion given by stopped it and The suspects, were released, ing a third me 17-year-old who one responsible Suspecting th away might retu of the break-in plain-clothes of Slattery, to s Freightway. Su p.m., the 17-ye youngster drove seeing one of th detector from the in. He arrested on While the other arrested a little police using in Scarsdale police h three boys whom t afternoon. The m seen were both



that any amicus brief is going to have any practical effect on the court's decision.

We can understand that the ADL wants to take a stand in support of church-state separation. But the value of taking this stand in this case does not seem to us worth the cost in increased inter-religious enmities in Scarsdale.

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.

WHAT'S AHEAD

Saturday, Feb. 25

Newspaper recycling—Area B

Sunday, Feb. 26

3 p.m.—Scarsdale Audubon Society

membership meeting. National security consensus meeting, 41 Olmsted Road.

7:30-9:30 p.m.—Sixth grade recreation night, Junior High School.

8 p.m.—AFS/GO coffee house. High School.

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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 Cir-

cuit 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 1981 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 Scarsdale 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 not unconstitutional for the city of Pawtucket to put up a municipally owned creche on private property in the downtown as part of a larger Christmas display. Dennis Lynch, a citizen of Pawtucket and others, had sued Mayor Danie Donnelly charging that the display

(Continued on Page 20)



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.

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 Tues-

work on the 1984-85 school budget.

The board will study Sobol kindergarten proposal and community response to it this month. It plans to announce its decision at the April meeting.

Jane Kelley dies; was LWV leader

The Scarsdale Journal

Founded in 1901

THURSDAY, MARCH 8, 1984

Second

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N.Y. 10583

Scarsdale, N.Y.

THIRTY-FIVE CENTS

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Patricia Curran, chairman of the Creche Committee, which placed the creche on Boniface Circle from 1956 until 1981 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 Scarsdale 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 not unconstitutional for the city of Pawtucket to put up a municipally owned creche on private property in the downtown as part of a larger Christmas display. Dennis Lynch, a citizen of Pawtucket, and others, had sued Mayor Daniel Donnelly charging that the 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

work on the 1984-85 school budget.

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.

Jane Kelley

High court decision could affect local creche case

(Continued from Page 1)

violated 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 not whether the creche display involved any involvement of the state with religion, but whether it was involvement to an unacceptable degree.

Lemon test

In making that determination, the court applied the traditional Lemon test, (derived from *Lemon v Kurtzman*, an earlier Supreme Court case). To be judged 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 Pawtucket case passed muster on all three criteria.

In the Scarsdale case, Judge Stewart found that the creche did serve impermissibly to advance religion. But in

this 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 establishments clause." ("Benefits and endorsements" referred to include public money being spent on books for and 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 over-reaction 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 very 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 contention that it was not constitutionally allowed to permit a creche display on Boniface Circle was only one of the questions in the case.

Indeed, until it was sued, the Village Board had never claimed that it could not legally permit the creche to be displayed. For 24 years it did permit the

display and, even after the Village Board switched positions, the majority seemed to be voting 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 perceiving the display as a village endorsement of Christianity, and inconsistent with 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 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.

Free speech question

Even if the Pawtucket decision refutes the village's position in *McCreary v Stone*, it will not necessarily affirm the position of the plaintiffs. They argue not only that the village can permit them to put up the creche in Boniface Circle, but that the village must give them permission, under the free speech clause of the First Amendment.

In arguing for this point at last July's District Court trial, the plaintiffs cited the Supreme Court case of *Widmar v Vincent*. In *Widmar* the court ruled that the University of Missouri could not bar a student religious group from access to facilities available to other student groups, simply on the basis of the religious content of their message. Similarly, the Scarsdale plaintiffs argued they were entitled to the same

access to Boniface Circle, which they described as a public forum, that other groups have.

Stewart agreed that Boniface Circle "is a traditional public forum" and, as such, open to First Amendment activities. Nevertheless, he found that the village's denial of the plaintiffs' free speech rights "was necessary to serve a compelling state interest, because to allow the erection of the creche on public property would violate the Establishment Clause of the First Amendment."

Now that the Supreme Court has ruled that the Pawtucket creche does not violate the Establishment Clause, the plaintiffs hope that the Circuit Court will conclude that there was no valid reason for the village's denying them access to Boniface Circle to exercise their free speech rights.

Is a symbol different?

While the *Lynch v Donnelly* and *Widmar v Vincent* cases may be sufficient for the Circuit Court to overturn Judge Stewart's decision, there is at least one significant element in that ruling not addressed in either Supreme Court case.

Stewart found that permitting a religious symbol to be placed on public land for 10 days has "the direct and immediate effect of advancing religion in two related ways...First, 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 added and enhanced function. No longer is the land just a place from which a message can be proclaimed; when a symbol is left on public land the land ac-

tually becomes the message bearer."

The Pawtucket case did not address the question of the impact of public land being used for a creche, since the creche in that case was placed on private land. In *Widmar*, free speech rights in a public forum were upheld, even when the content of the speech was religious. However, it did not deal with symbolic speech.

In his appeal brief, Gilmore dismisses Stewart's distinction regarding symbolic speech as "not constitutionally significant." He writes, "The

concept articulated by the District Court that the 'land becomes message bearer' is, to our knowledge, new to First Amendment jurisprudence."

Certainly there is no question any court considering the Scarsdale creche case will have to consider the decision in *Lynch v Donnelly*. However, until a court determines just what implications of that case are, no one can say for sure whether or not the creche will be back in Boniface Circle next Christmas.

Exhibition of modern works at Paper Work Gallery

An exhibition entitled "New York" will be presented at the Paper Work Gallery, 70 Wendt Ave., Larchmont from March 7 to 24. Cast paper work by Harriet Kline, Linda Nisselson's watercolors and Ray Holland's three-dimensional eight color etchings make up this show of modern works.

Ray Holland's work, colorful and free floating forms on hand made paper, has been shown to critical acclaim in major exhibits of modern work in this country and abroad.

Harriet Kline, a Scarsdale resident, has exhibited her work in the United

States, Europe and Israel. The Drexler Museum selected one of Ms. Kline's pieces as its first cast paper acquisition. These pieces involve sculptural use of pure rag pulp and are all-white, with form the primary focus, while others use dyed pulp to provide another dimension.

Linda Nisselson is an intuitive artist whose abstract paintings are in form and color. While Ms. Nisselson's watercolors are being shown at Paper Work Gallery, the Paper Work Gallery in Manhattan will present an exhibit of her acrylics and water-

LEGAL NOTICE

PUBLIC HEARING
BOARD OF APPEALS
VILLAGE OF
SCARSDALE
NOTICE IS HEREBY

GIVEN that a public hearing will be held by the Board of Appeals of the Village of Scarsdale at Rutherford Hall, in the Village Hall, located on the White Plains Post Road between Crane Road and Popham Road, on Wednesday, March 14, 1984 at 8:15 p.m. E.S.T., at which time and place the Board of Appeals will consider the following:

1. The Application of C.V.R. Realty Corp. for a special permit under the provisions of Section 12-17-4[1] of the Scarsdale

LEGAL NOTICE

identified on the Tax Map of the Village of Scarsdale as Section 12-1, Lot 308 to construct a swimming pool.

7. The application of Alexis Nichols for a special permit under the provisions of Section 12-17-4[1] of the Scarsdale Village Code, as amended, to premises situated at Hutchinson Avenue, Residence A-2, identified on the Tax Map of the Village of Scarsdale as Section 12-1, Lot 31 to construct a swimming pool.

SAY GOOD-BYE TO THE



and Joan and Robert Oppenheim
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Michael and Patty Cairo.



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.

W SUPP

Backers of a U.S. weapons freeze were Tuesday night's Village But, after all the argu made, the evening climax, as the trustees pone their decision on tion until April 24 wh that the full board w vote. Mayor Seymour easy after several day with an irregular hea sent this week and Bowen presided in his

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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 con-

vey 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)

School Board to hold budget hearing April 26

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or simply refuses to leave. The Darien group said everything has gone so smoothly there, Rosow added, that their biggest problem was one student who got sick in the back of the car. As a result, the Scarsdale group plans to include "sick bags" in each car.

Building student trust

Liz Mark, an adult volunteer who has

ordered pens to hand out in homerooms. Safe Rides members will be downtown on May 12, running a balloon sale and selling balloons and key rings. Anyone wishing to make a tax-deductible contribution should send a check payable to Explorer Post 200 -Safe Rides to Jana Portnow, 39 Cambridge Road, Scarsdale.

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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 overwhelming 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 attorneys, the three judges focused particularly 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 Boniface Circle or people singing Christmas carols. In those cases, it is clearly the people, and not the village, who are stating the message, he said.

Frankel also warned that if one symbolic display is allowed by the court to stand on public land, then the village could not deny even unpopular and inflammatory 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 anniversary of the Beer Hall Putsch as symbols that the village might have to tolerate.

But Schwartz argued that since Boniface Circle is a public forum where other symbols have been permitted to be displayed, the village had no 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 perceive it as a religious expression by the village, Schwartz answered yes. "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 the creche on public land, especially since when the creche was displayed there, it was accompanied by a sign stating that it was put up and maintained by the Scarsdale Creche Committee.

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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.

on private property and that it was part of a larger Christmas display including many non-religious symbols. However, the Circuit Court denied the

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By KATHI

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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."

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 reimbursement.
(Continued on Page 14)

Two high court rulings key to Scarsdale case

By DAVID KIRKWOOD

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." Thus, he found, permitting Boniface

(Continued on Page 6)

OFFICES CLOSED FOR THE FOURTH

Village Hall and the Scarsdale Public Library will be closed Wednesday, July 4 for Independence Day. There will be no collection of bulky trash next week.

The offices of *The Inquirer* will also be closed on the Fourth. As a result, the deadline for press releases and advertising in the July 5 edition is one day earlier than usual: Friday, June 29 at 5 p.m. for releases; Monday at 11 a.m. for classified advertising, and Monday at 4 p.m. for display advertising.

This Friday, June 29 will mark the start of summer hours at *The Inquirer*. From now through Labor Day, the offices will close weekdays at 4 p.m. instead of 5.

SCARSDALE PUBLIC LIBRARY
SCARSDALE, N. Y. 10583

emotion had they continued to post on 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.

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 *McCreary 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."

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...them and inhibit their taking full ad-
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Class president Jon Molot, in his
words of farewell, advised the class to
carry over into their college careers the
openmindedness and understanding
that had unified the amalgam of people
and interests evident in this class.

Beyond high school, the graduates
will be exposed to a broader range of
viewpoints, he said, pointing out the
rewards and "unlimited possibilities"
in listening to and learning from others.
He allowed that positive feelings about
Scarsdale would "last a lifetime." Said
Molot: "Scarsdale is a hard act to
follow."

Charles Freedman, vice president of
the class, presented a weather vane and
a skipper's hat to class advisor
Douglass, an avid sailor, and introduc-

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. 16, 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 "unneighborly" 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 Jean 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

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) to 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 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.

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 lawyers' 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-

(Continued on Page 14)

'prestige, power and influence of the

French class," "I was changing for gym," "I was in Cit Ed."

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 Stemer noted that the class of '84 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," Stemer said.

A common source of amusement for reunioneers was the embarrassment

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

Creche decision

(Continued from Page 1)

bursement from its insurance company, but it is not entirely certain that the cost of plaintiffs' attorneys is covered.

The case has already cost the village the \$25,000 it paid former District Court Judge Marvin Frankel to serve as special defense counsel. That payment covered his work through the District Court trial. Frankel's fee for handling the defense in the appeals process is being paid by the insurance company.

The Circuit Court decision is likely also to lead to passage by the village of rules and regulations regarding use of

local parks. The court stated, "Our ruling does not affect the ability of the village to establish reasonable time, place and manner restrictions regarding the use of its public properties."

Finally, it is likely that the Creche Committee will be required to place a larger sign next to the creche stating that the symbol has been erected by a private group. For, the Circuit Court states, "the sign heretofore displayed appears to us to be too small" and instructs the District Court "to enter an order concerning the size, visibility and message of an appropriate disclaimer sign or signs."

LEGAL NOTICE

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The People of the State
of New York,
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LEGAL NOTICE

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LEGAL NOTICE

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Supreme Court review sought in creche case

By LINDA LEAVITT

The Scarsdale Board of Trustees voted 6-0 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 McCreary sued then Mayor Jean Stone and the village trustees. In *McCreary 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)



The creche in Boniface Circle -- subject of an appeal to the United States Supreme Court.

Neil Berger photo

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 one-year terms.



County Board asks PSC to order Con Ed refund

Creche

(Continued from Page 1)

the 'what if's' 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 \$4-500,000, 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 Amend-

ment. *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.

Donors

To the Editor:

I'd like to thank who took time o schedules to sa Immaculate Hear

The Sunday of 24, 70 pints of blood was 116 percent Those 70 pints of health of hospita

Village

To the Editor:

It is ironic that creche case is lo After more than considerable ex Board not only fa courts to side banning the c succeeded in losin over Boniface Ci tiny piece of mun governed by decr prescribing the r uses, including th wording of the di forth, and pres legal hurdles regulations for i order to be valid that is too gloom recommend takin through the app decision.

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WHAT'S AHEAD

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THIRTY-FIVE CENTS

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 Commit-

tee 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 accor-

dance 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 ob-

viously 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

ishing interest and involvement of the Woman's Club in the Non-Partisan

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 its 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 *McCreevy 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 until after Christmas even if the Supreme Court had room 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.

Echoing Sims' and Glendon's sentiments, Mrs. Curran said of the latest development in the case, "The best part of it for both sides is that this will probably be the last decision. To that we can all say hallelujah and amen, whichever way it goes."

Atlantic City trip

The For Men Only group of the YM & YWHA of Mid-Westchester, 999 Wilmot 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.

More branches in Westchester than any other bank.

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...diken receives a carnation from Susan Bloom, Celebr...
 ...ely Place Principal Edward Kennedy looks on.



...olorful blue and white balloons, while magnific...
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Photos by Arey

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...of the case. The Milhorats have promised that if they are allowed to keep Thomas, they will build a fence around their yard and make sure that he is never able to attack anyone again. However the Wolframs want the dog to be removed from the village.

Interest in creche

All's 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.

Consultants downtown

The village's professional consultants 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 candidates

With less than a week to go before the Dec. 3 deadline, the School Board 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 Education who normally run unopposed.

In Unit A, where Diane Yarrow, Linda Pelaccio and Elizabeth ... have been nominated, at least one more candidate is needed. A fourth candidate is needed in Unit C, where Maureen Allegaert, Tama Seifer and William Miller will run. Unit D, ...

RAMP UNDER REPAIR

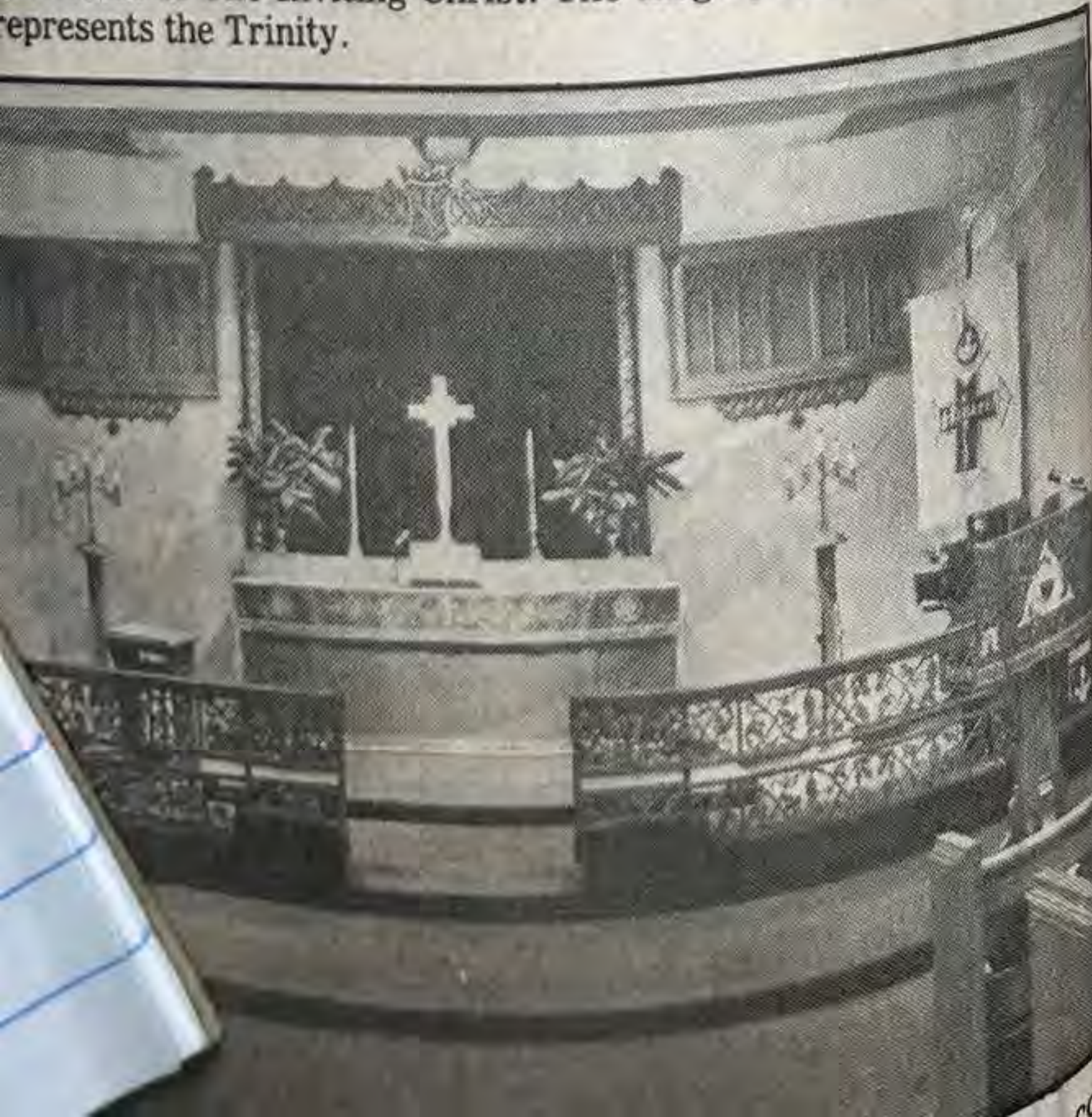
The village was scheduled to start today (Thursday) reconstruction of the wooden ramp leading from East Parkway to the east (northbound) side of railroad tracks. The ramp will remain open during the work, and is expected to take three weeks.



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THE GARDEN...in the pastoral setting of Trinity Lutheran Church,
ble statue of The Inviting Christ. The large pool with a fountain of
represents the Trinity.



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, calls 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 swastikas, 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

direction of downtown development.
Paul Buckhurst, partner in the planning and architectural firm of Buckhurst, Fish, Hutton, Katz, empha-



The James Fenimore Cooper M...
title character from "The Spy,"
one-time Scarsdale resident, was
morning at its new site near the
ument, which was given to the
to mark the centennial of th

Village c

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 screen
ing "to minimize...visibility from the
street and adjacent properties." The
proposal, modeled on legislation

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THIRTY-FIVE CENTS

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 committees, 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 determines that the village can, but need not, allow the creche to be displayed. "A lot would depend on the direction, if any, the Supreme Court gives," he said.

During Wednesday's arguments, the

principal issue was the balance between citizens' First Amendment right to use a public forum for symbolic speech and the municipality's authority to limit this form of expression. 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 intermural sports.

done in favor of the present plan when the village reached a purchase agreement with the owners of the Boulder Brook property. The village preferred Boulder Brook because it is next to or across the street from existing



Creche case heard

(Continued from Page 1)

religious symbol on public land was "unneighborly and offensive to a great number of citizens." The display of the creche "unattended" on village land effectively associates its religious message with the village, in a way that a message spoken by a speaker standing on public land does not, Frankel asserted.

Frankel added that the Court of Appeals' ruling that the village had denied the creche committees' freedom of speech rights would mean that, by the same token, a town could be compelled to permit someone to erect a sign saying "Support planned parenthood" or a swastika and that a village in Mississippi could not refuse to allow a sign that showed hooded figures and said, "Send blacks back to Africa and Jews back to Israel."

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 it 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."

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 AFS 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."

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PRE-PURIM AND PASSOVER

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

is the most densely populated school in Scarsdale, and enrollment projections do not promise much relief from

The overcrowding problem is not new to Edgewood. After enrollment reached an all-time high of 526 in

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Arey photo

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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. McCreary, 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 McCreary committee, and Marvin Schwartz, the Creche Committee's attorney, said there is no doubt that the decision means that

Stewart agreed in his December 1984 decision. But the Circuit Court, using the Pawtucket decision as a guideline, overturned Judge Stewart's decision. With the Establishment Clause no barrier to 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 their 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 a 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 that 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. Curran said, "I don't think that would be very wise." She added, "I have enough confidence in our trustees and our next mayor to feel that they are not going to play games."

In addition to permitting the creche to be displayed in Boniface Circle next Christmas, this week's Supreme Court decision very likely means that the plaintiffs' lawyers, who have been working pro bonum, will be paid. When plaintiffs prevail in a civil rights suit, 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's insurance company.

Talk on the arts

Kitty Carlisle Hart, chairman of the Society of the Arts and...

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25%

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It's now official: Creche to return this Christmas

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."

(Continued on Page 8)

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Innovations in textured lamb

The key elements of design are embodied in our cocoon jacket. It's boldly scaled in a rugged texture that adds additional interest to the silhouette. Crafted to our specifications in black, brown, cocoa, and khaki lamb. Sizes 6 to 14.

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Would sell elsewhere \$375



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(201) 732-1111

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126 Glen C...
(516) 334-1111

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, executive director





The creche went back in Boniface Circle yesterday for the first time since Christmas of 1980. Shown holding the newly repainted figure of the infant Jesus is Teresa Vohnout, a member of the Scarsdale Creche Committee. With her is Doris Adler, another member.

Bernice Jones photo

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)

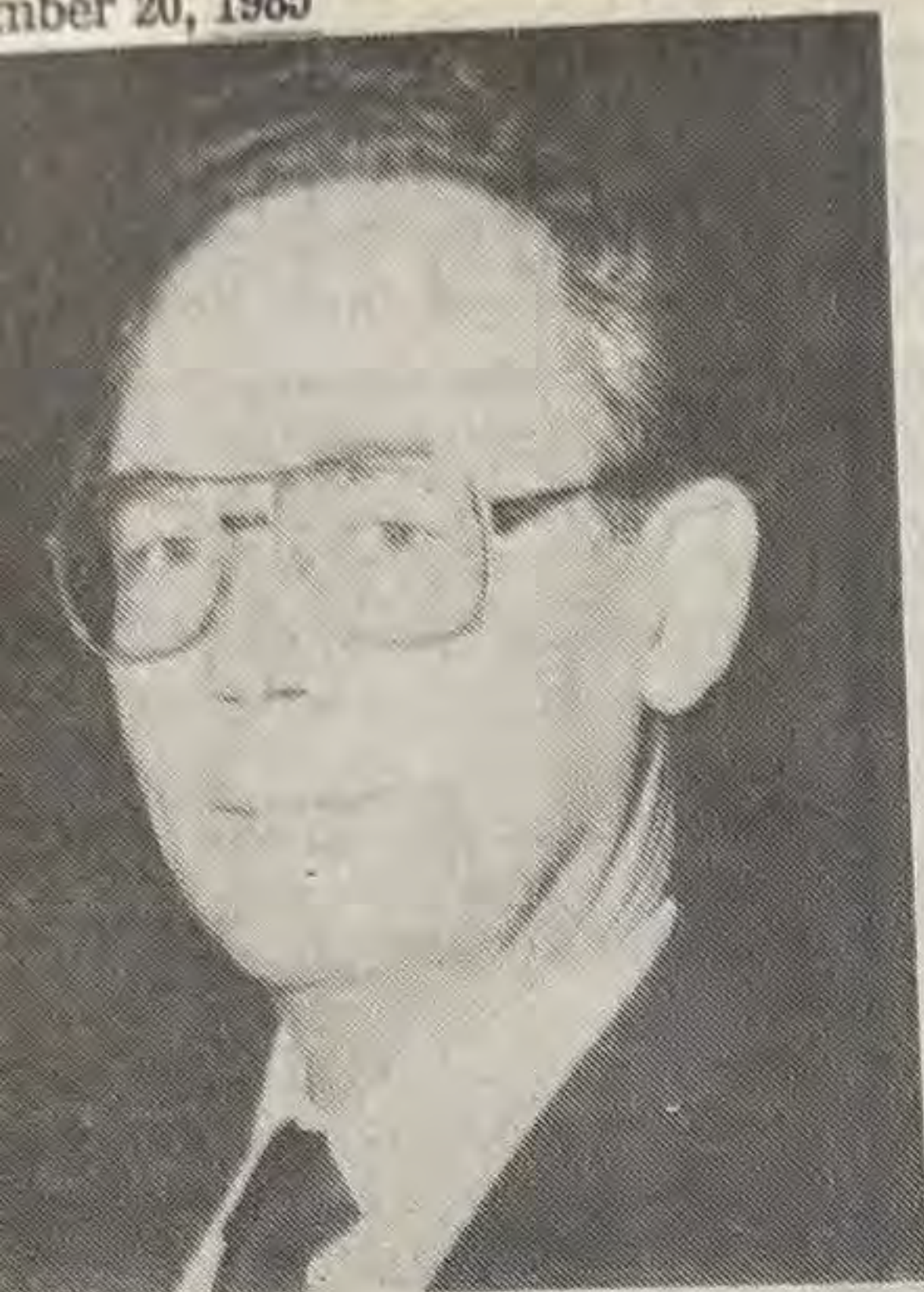
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NIEUWENHUIZEN

Nieuwenhuizen

The bride is a Ph.D. candidate in organizational psychology at the University of Utrecht, The Netherlands. Mr. Nieuwenhuizen is a business management consultant for Valvo Truck and Business Division in The Netherlands.

Although none of their family or friends could be with them, the couple chose to be married here, because they love the USA and feel at home in Scarsdale. After a month's travel in the USA, they will return to their home in Alphen aan den Rijn, The Netherlands.

Anybody?



Creche

(Continued from Page 1)

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 sign 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.

YMHA offers youth programs

IN TOUCH

IN TIME—If you simply have not got body and soul together totally today gifting—or, if—horror of horrors—forgotten a really important gift—worry. The fine department always talking about are standing by to serve the woebegone, with temptations and numerous to mention.

Here are just a few suggestions that are eternally welcome, and that



THE SCRUTABLE EAST——Shiseido's contribution to the good life—inimitable and packaged in sophisticated reusable containers. The prestigious, world-wide company's fragrances—Zen, Inoui and Murasaki—are in five, exclusively designed, limited lacquerware containers that are statements themselves. Shown here, from top to bottom: Muraski Music Box adorned with Art Deco styled butterflies and containing perfume spray and eau de parfum at \$45; Muraski Pleasures set in a rounded gold lacquer container containing Pure Mist eau de parfum and body lotion at \$26.50; Zen Fragrance Fan set with eau de perfume and solid perfume at \$18.50; Fragrances trio in a crimson box including Zen eau de perfume, Inoui eau de parfum and Muraski eau de perfume at \$19.50; and the Zen Fragrant Pleasures set in a black lacquer box with eau de cologne and body lotion at \$26.50.

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Scarsdale Inquirer

Founded in 1901

WEDNESDAY, DECEMBER 24, 1986

40 CENTS

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.

Arey photos

Demolition of house protested in vain

applicant acknowledged that Deme- in the back.

house at 12 Cooper. Robert Savelson



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.

Arey photo

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

good

have to keep these same kids' parents happy by not giving the kids police records so it won't interfere with them becoming doctors and lawyers.) The police deal with inebriated neighbors,

everyone living and working in this community.

LOIS WEISS
11 Mayflower Road

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 had no complaints since the display has been restored.

"I know both the Jewish community and the Christian community, and there has been no mention of it. As far as most people are concerned, they're glad it's back to normal."

I am not altogether sure what she means is "back to normal," the presence of the creche on public property or the silence about its restoration. Suspecting as I do that she means the silence which makes the work of her committee untroublesome, let me now break that silence both on my own behalf as well as those in both the Jewish and Christian communities (neither of which is, incidentally, monolithic), as well as those non-Jewish and non-Christian citizens who are also unwilling to surrender their principled beliefs in the name of silence.

Silence is not the norm for behavior in a free and democratic society. Public debate and discourse are the "normal" ways of doing things in such a society. Shutting up and shutting down do not characterize an open society like ours.

Supreme Court decisions are not written in stone. Moreover, 4-4 decisions do not carry the force of precedence for future cases which will come to the High Court on appeal. However, the court decision in our Scarsdale case has the force of law in that the tied decision of the court upholds the inferior court's

determination that Scarsdale must give permission for the placement of the creche on public property. I respect the committee's present legal right to be accorded that permission by our Village Board.

But I certainly do not have to accept or agree to the proposition that the issue has been resolved for all time. I will 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 year to express the pained hurt which I feel when the Scarsdale Creche Committee just as routinely requests and receives permission to place on public property a religious symbol.

In another time in another social, economic and political climate, it may yet be that the law of the land will be interpreted differently from the way it was in *McCreary v. Scarsdale*. If not, I will bear with my pain, but I will not compromise my principles.

Do not, then, count on silence, good people.

IRVING SLOAN
Tompkins Road

No room in the garage

To the Editor:

My husband and I recently moved to the address [below]. Both of us work in

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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

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PUTO
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AREY PHOTO

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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 sectarian religious 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. In 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 circuit court 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 while 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.

"If nude dancing, flag burning and Nazi marches are symbolic speech worthy of constitutional protection so too is a Nativity scene at Christmas time in public park. But I submit that a creche on public property during a religious holiday has a religious and not a secular purpose," Sloan said, reading from a prepared statement.

"I am 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 Courts decision, Barshun said, cleared the way for her committee to return to its tradition. She described Boniface Circle as the perfect place for the creche and said the committee had looked at other spots for the display and rejected them for one reason on another.

"If you don't care to view it you can look another way," she said.

Sloan said he was not opposed simply to Christian symbols on public land but felt that no religious symbols should be permitted. He applauded this week's decision by White Plains

officials to deny Chabad-Lubavitch permission to erect a nine-foot high menorah in Tibbits Park.

In response to the Hasidic group's petition, the White Plains City Council passed a resolution that prohibits "fixed outdoor display(s) of religious or political symbols in the city's parks."

"That's a wonderful decision. . . I'm very happy with what happened there," he said.

Barshun said she 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 been 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.

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Hospitals plan health programs

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 at 7:30 pm in the WPHC board room. "Holiday Meal Planning" will be the topic of the meeting which will be led by the hospital's registered dietitians, Loretta Lawrence and Nancy Quinn. For more information, call Jane Seley, RN, CDE at 681-1229.

Heart Club on Tuesday, Dec. 10 at 7:30 pm in the board room. "Of Sound Mind and Body: Stress Management" will be the topic of December's meeting. For more information, call 681-

their partners. 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 Subin, 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.

Issues and Problems of Aging will be the topic of a lecture by Ruth Mendelowitz, MSW and Fran Thurston, MSW on Thursday, Dec. 12 from 6 to 8 pm in the Center Conference Room. For further information call 997-5905.

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Scarsdale, so the driver was used for other company projects as well. Allan said the weather was just right on Monday and Tuesday for the concrete to be poured, but now the pouring will be delayed again. "And it's the taxpayers in Scarsdale who suffer for it," he said.

The village is paying \$160,000 for the replacement of the bridge, a fifth of the \$800,000 cost. Federal money administered by the state covers the rest.

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 Crèche 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 Crèche 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

his own consulting firm, Peaceconsult. Now Greenes advises companies on mergers, acquisitions, and management decisions. He also prepares position papers for trade associates and maintains numerous professional affiliations. Currently he is president of the East Coast Energy Council.

Greenes has shared his professional expertise generously with the village, serving as village trustee from 1987 to 1991; as president of the Town Club

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 Crèche 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

proposed bulk volume law that sought to reduce the volume of new houses and additions relative to lot size, occupied much of 1990-91 and finally went down with the Board of Trustees split on the issue. Greenes said he was not "completely satisfied" with that outcome.

After he retired from the Village Board, Greenes brought his famous consensus-building talents to another emotional land-use issue when he was

Continued on page 23

court rulings, and agreed with Handelman that the Crèche Committee should rethink its position.

Mayor William McCreery 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 presstime.

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 13

Nativity scene approved for annual display

Continued from page 1

Wednesday's meeting. "It should be a fair process now," she said.

She said that Handelman's statement, and the other trustees' support of it, only served to perpetuate controversy. "I do not see why the trustees continue to exacerbate the issue," McCreary said. "The community has put it behind."

"We live in a pluralistic society," she added. "They're (the village) trying to privatize the expression of religion. It's my constitutional right to have equal access to a public forum to engage in speech including religious speech. That's the essence of the issue."

She stressed that the crèche will be in a public park, a traditional medium for public expression, not at Village Hall or a similar seat of government authority.

"It's ungracious and unnecessary to ask us to alter our longstanding religious 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 heralding 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.

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

Admission policy debated at Edgemont

Continued from page 12

...ential for academic success at Edgemont."

...n't create an artificial standard," Frank Keiman, who urged the board to raise academic levels

program, be it an honors or a modified class, she said.

"We're looking for students who can come into Edgemont schools and thrive," Conboy said.

The proposed policy will be revised to

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

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— 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 property "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

The erection of a creche or any other religious symbol on public premises contributes an added dimension and meaning that could never be achieved through any other strategy.

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 minimis," 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 minimis" — not worth fighting about. Protestants used to say "de minimis" 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 been held to be symbolic speech worthy of constitutional protection. On the face of it, there is a somewhat persuasive argument that if such offensive expressions have a protected right to use public premises, then why not a

nativity scene at Christmas time in a public park?

But the essential difference is a determining one. A creche on public property during a religious holiday, standing alone sans any secular figures or symbols, is a sacred symbol that has a religious purpose.

It is the purpose that the committee overlooks in making the argument that it is its "constitutional right to have equal access to a public forum to engage in speech including religious speech," as spokeswoman McCreary puts it.

My answer is that the purpose of the committee is to exploit public property for its private purpose. Mrs. McCreary objects to the Village Board's request "to privatize the expression of my religion." Why shouldn't the community through its governmental representatives make such a request?

One hopes that, in time, the President will appoint to the United States Supreme Court a justice who will cite an Irish Catholic justice's dissenting opinion (Justice William J. Brennan, the now-retired giant of judicial history) in the Pawtucket creche case where the 5-4 majority held the creche as non-sectarian, and therefore constitutionally protected. This great civil liberterian wrote "For Christians, the essential message of the nativity is that God became incarnate in the person of Christ." He lambasted the majority for their insensitivity toward the feelings of non-Christians.

It is this same insensitivity of the Scarsdale Creche Committee that will keep the creche on public premises alive, if not well, for some time to come. It will never be "behind us," Mrs. McCreary, so long as you and your committee persist in turning a well-meaning evocation into a poor-spirited provocation. Your message of Christianity and Christmas deserves better.



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.



De GROOT PHOTO

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 McCreery — 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.

But Handelman and McCreery are bound by the 1985 Supreme Court ruling. The only party who can do anything to soothe this annual angst is the Crèche Committee.

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.

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.

People show 'Happy holi

To the Editor:

Hi. My name is LI. The problem is that on TV, magazines and newspapers has more things like reefs [she means — ed.] and saying Merry more than Happy Hanukkah. All the people should celebrate all the holidays and do as much for Hanukkah as Christmas. Hanukkah things in the street 10 years old.

P.S. Thank you for helping

LI
Car

Scarsdale kids need to be ta world is impe

To the Editor:

In the few weeks before there's usually one big question children are asked. That question, of course, is "What do you want for the holidays?" And annual surveys are discouraged yet not the children are surprised at the repetitive answers. "I want a bicycle, clothes, a car." Are these replies natural, or are they the result of growing up in Scarsdale?

It's normal for kids to want to buy bought gifts, but in all the years I've read these responses I have never heard a child "ask Santa" for anything but materialistic items. Sadiq is not at all surprised. Should I be surprised not at all saying that when I was 10 I would have answered the question much differently, but I find it hard to believe that every child in America, even in New York, would answer the question this way.

It is common knowledge that Scarsdale is more privileged than most other communities, but I don't consider it a privilege to be brought up thinking that the world is perfect. I'm not suggesting that schools should scare kids about AIDS, homelessness, discrimination, or any other of our country's problems when they are 6, but I do think that Scarsdale should do a terrible job of dealing with these big issues until the children are older, and by that time, the damage is already done.

Among

The Scarsdale Inquirer

Founded in 1901

FRIDAY, JANUARY 2, 1998

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Downtown menorah, crèche 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 of the crèche at Boniface Circle were found broken Saturday morning, Dec. 20 — the first time in the 40-year history of the crèche it's ever been vandalized. Members of the Scarsdale Crèche 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 1995, when three branches on the left side were ripped off. In late November 1994, 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 kind 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 1-800 898-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 determined, 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 Det. Christopher Pelligrini, "but it may just be some people who are against anything that's put up in the village, or some kids, out of school on the break, hanging out and 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," Pellegrini said.

If a perpetrator is found — which law enforcement officials concede is unlikely since the acts were done under cover of darkness, there were no witnesses that anyone knows of, and there is little evidence to go by — the charge probably would be criminal mischief or other misdemeanor, Hebert said that the district attorney, Jeanine Pirro, has been pushing the state legislature to make such bias crimes a felony.

The Westchester Region of the American Jewish Congress, chaired by Greenburgh Supervisor Paul Feiner, is also calling on the legislature to toughen penalties for hate crimes.



IRA TOFF PHOTO



FILE PHOTO

Above, the Boniface Circle crèche. 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 Crèche 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 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 15-foot menorah in the 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 Lubavitcher spiritual leader] to always counter negativity with positive actions."

About a dozen people — and three television news crews — showed up in the rain in dimly lit Chase Park for the ceremony. Butman first lit the *shamas*, 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 Zaruski joined the rabbi at the ceremony.

Morgan said earlier in a statement, "We are outraged at this appalling act of disrespect in this season where 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 Crèche Committee, said she thought the crèche 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 crèche; 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 ILENE NECHAMKIN

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'll 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 superintendent of its schools, and former New York State commissioner of education, to describe the current con-

dition in New York County.

In 1995, the highest court, the Court of Appeals, issued a preliminary ruling, declaring that Article XI of the state constitution guaranteed every student an opportunity for a "sound basic education."

CFE had argued that the system of school funding effectively denied exactly that opportunity to thousands of the state's school children, especially students in property-poor districts and those with special needs. Michael Rebell, executive director and litigation of CFE, said that New York City stu-

dents would be guaranteed a "sound basic education" by the state. 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 up-to-date curricula, and a sufficient number of adequately trained personnel.

Supreme Court, New York County for a full trial — now set for 1988 — and requested public input on how best to define a sound basic education. The lower court's decision will change the state education financing formula.

