

Jury Finds Town Violated Rights of Orthodox Jews

Group Sought to Build Synagogue in House

By JACQUES STEINBERG
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WHITE PLAINS, Dec. 13 — A Federal jury found today that a Rockland County village had violated the Constitutional and fair housing rights of a group of Orthodox Jews by opposing the group's efforts to build a small synagogue within a private home.

The verdict came in a civil suit that four Orthodox Jews and their neighborhood synagogue had filed against the village of Airmont, a municipality of about 8,000 that was incorporated within the town of Ramapo two and a half years ago.

Many of the Orthodox and Hasidim in Airmont have contended that the village was formed explicitly to keep them out. The village's founders had campaigned on a platform of zoning restrictions that included banning synagogues in private homes, they said.

The Orthodox have said they need such houses of worship because they are unable, under Jewish law, to travel by car on the Sabbath. But village leaders contended that the foot traffic and other activity generated by synagogues in homes would detract from the residential character of Airmont's neighborhoods.

Victory to Rabbi

The jury found that the village, by restricting the construction of home synagogues in Airmont, had violated the plaintiffs' Constitutional rights "to the free exercise of religion and free speech" and had also violated their rights to fair housing.

To Rabbi Yitzchok LeBlanc-Sternberg, whose frustrated attempts to build a home synagogue prompted him to file the suit, the jury's decision was a victory.

"We feel the village was incorporated to harm us," he said outside the Federal District Court here. He added that he hoped the verdict would lead to the adoption of rules that he said the Orthodox needed to practice their religion in Airmont.

But lawyers for the village and its founding officials also claimed they had triumphed. Dennis Lynch, who represented the village, said he was pleased that the jury had awarded no damages to the plaintiffs. And he said it was significant that the panel had also found that five village founders, whom the plaintiffs had also sued, had not violated the plaintiffs' rights when they tried to restrict home synagogues and spoke out against them.

Anti-Semitic Issue Rejected

The jury also rejected the plaintiffs' contention that a majority of village voters were motivated by discrimination against Orthodox and Hasidic Jews when they voted in 1989 to form Airmont, a municipality of about five square miles that sits between the Gov. Thomas E. Dewey Thruway and the New Jersey state line, about 30 miles northwest of midtown Manhattan. And the jury found that the village had not violated the civil rights of Orthodox and Hasidic Jews under a law dating to Reconstruction that protects the rights of minorities to hold property.

"I think it has put to rest the issue of why the village of Airmont was formed," Mr. Lynch said. "The efforts by the plaintiffs to make this a verdict on the issue of anti-Semitism were rejected."

Judge Gerard L. Goettel of Federal District Court was expected to rule on Tuesday on a companion Federal suit against the village that supported the claims of the Orthodox and Hasidic Jews of Airmont. He was then expected to decide what, if any, relief the plaintiffs were entitled to. While the plaintiffs had sought the dissolution of the village, the Government has asked that the Airmont zoning code be amended to ease the construction of home synagogues.

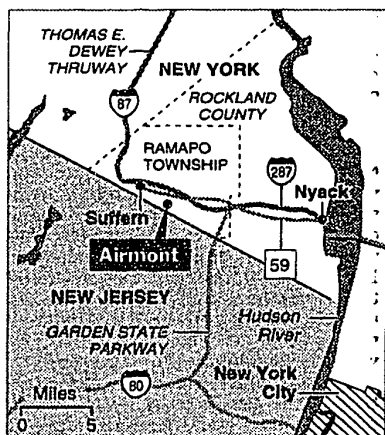
Given that the jury found in favor of the village officials themselves, but

against the village as a whole, Mr. Lynch said he thought the judge would reverse the jury's finding against the village. The judge himself seemed to fuel such speculation, saying in court here today that he saw "some inconsistencies" in the jury's decision.

The case, which has attracted national attention, has symbolized the cultural tensions that have sometimes flared as pockets of Orthodox Jews have left New York City for its suburbs. The dispute has mirrored other skirmishes that have occurred across the country as small, mostly conservative sects of many faiths have sought to establish themselves in less urban, and often less welcoming, settings.

Describe Intimidation

The plaintiffs, led by Rabbi LeBlanc-Sternberg, had charged that anti-Semitism was the primary factor in the drive to incorporate Airmont as a separate village within the town of Ramapo, a municipality of 94,000 people, nearly a quarter of them Orthodox and Hasidic. Such intentions, they said, were made clear by Robert Fletcher, a former village



The New York Times
The village of Airmont, with 8,000 residents, was formed in 1991.

trustee, who reportedly told a public hearing, "We all know that the purpose is to keep those Orthodox from Brooklyn out of here." Mr. Fletcher, who is Catholic, denied making the statement.

Rabbi LeBlanc-Sternberg, whose application for a home synagogue was opposed by village officials, was among several Orthodox and Hasidic Jews who described a pattern of intimidation that included painted swastikas, shouted epithets and surveillance of those entering local synagogues. Village officials eventually dropped their opposition to Rabbi LeBlanc-Sternberg's home synagogue, but he contended it was in response to the negative attention of his lawsuit. He said his remains the sole home synagogue in Airmont.

In his closing statement to the jury, Larry L. Crain, the lead lawyer for the plaintiffs, said, "You'd have to be deaf or blind not to know that in the village of Airmont, Orthodox Jews were simply not welcome."

But lawyers for the village and the founding officials — including Mr. Fletcher, another former trustee, two current trustees and Maureen Kendrick, a former mayor — argued throughout the seven-week trial that they had not sought to keep out Jews. Instead, the lawyers said, they were motivated to form a new municipality out of concerns about aesthetics, garbage collection and solid-waste removal, among other issues.

Mr. Lynch, the lawyer for the village and several of the officials, described the founders as "a group of average citizens" who "wanted to make their community better."