

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EAST END ERUV ASSOCIATION, INC.,  
MARVIN TENZER, MORRIS TUCHMAN,  
CLINTON GREENBAUM, ALAN H.  
SCHECHTER, and CAROL SCHECHTER

Plaintiffs,

-against-

THE VILLAGE OF WESTHAMPTON BEACH,  
CONRAD TELLER, individually and in his official  
capacity as Mayor of the Village of Westhampton  
Beach, TONI-JO BIRK, LEOLA FARRELL,  
JOAN S. LEVAN, HANK TUCKER, each  
individually and in their official capacities as  
Trustees of the Village of Westhampton Beach,  
THE VILLAGE OF QUOGUE, PETER  
SARTORIUS, individually and in his official  
capacity as Mayor of the Village of Quogue,  
RANDY CARDO, JEANETTE OBSER,  
KIMBERLEY PAYNE, and TED  
NECARSULMER, each individually and in their  
official capacities as Trustees of the Village of  
Quogue, THE TOWN OF SOUTHAMPTON,  
ANNA THRONE-HOLST, individually and in her  
official capacity as Supervisor of the Town of  
Southampton, NANCY S. GRABOSKI,  
CHRISTOPHER R. NUZZI, JAMES W.  
MALONE, BRIDGET FLEMING, each  
individually and in their official capacities as  
members of the Town Council of the Town of  
Southampton

Defendants.

Index No. CV 11-0213

Hon. Leonard D. Wexler

**DECLARATION OF RABBI PERETZ STEINBERG PURSUANT TO 28 U.S.C. § 1746  
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Peretz Steinberg, hereby declare under penalty of perjury:

1. I have served as rabbi and spiritual leader of the Young Israel of Queens Valley,  
an Orthodox synagogue in Kew Gardens Hills, Queens, for nearly fifty years. I am a past

president of the *Vaad Harabonim* (“Board of Rabbis”) of Queens, which is among the largest and most prestigious kosher food certification agencies and is the seat of a world-renowned *beit din* (court of Jewish law). I worked to establish the eruv in Kew Gardens Hills (which is the oldest active eruv in Queens) and I have advised that community and others in connection with the establishment and maintenance of eruvin. In that capacity, I have published numerous *teshuvot* (responsa, or Jewish legal opinions), including collaborative work with Rabbi Moshe Feinstein, one of the most highly-regarded and influential Orthodox rabbis of the twentieth century. In connection with those efforts and with my ongoing supervision of the Kew Gardens Hills eruv, I have developed an expertise in the Jewish laws associated with the establishment and maintenance of eruvin.

2. The institution of the eruv has been practiced by Jewish people for over 2,000 years. It is based on principles derived from the Bible, as subsequently developed and interpreted by the sages of the Talmud, and as codified and further interpreted in subsequent codes of Jewish law.

3. The eruv defines an area within which one may “carry” items from place to place, an activity which is forbidden outside the home on Shabbat and Yom Kippur. Included in this definition of carrying is the use of wheelchairs and strollers outside the home.

4. Establishment of an eruv in a community is a commandment upon Jews in that it fosters observance of the Jewish Sabbath. The Shulchan Arukh (the central code of Jewish law) provides that it is a “mitzvah” (a commandment) to establish an eruv. Indeed, the blessing recited on establishing an eruv ends with the words “. . . who commanded us to do the mitzvah of establishing an eruv.”

5. Without an eruv, those with young children (who cannot walk on their own), as well as disabled and elderly persons confined to wheelchairs, cannot attend synagogue services on Shabbat and Yom Kippur, and are therefore denied the opportunity fully to practice their religion.

6. More particularly, certain portions of the prayer service, including the Torah reading and the Mourner's Kaddish, can only be done in a group and not alone in private prayer or even in small groups. As a result, those who cannot be in synagogue cannot participate in these important rituals. Further, various celebratory and commemorative events, such as *b'nai mitzvah*, *auf ruf* (pre-wedding celebration), baby-namings, circumcisions, and *yizkor* (a communal mourning observance), may also fall on Shabbat or Yom Kippur. Those confined to their homes are unable to participate in these public observances and are therefore deprived of meaningful and significant enhancements of Jewish observance.

7. The eruv also enables observant Jews to carry other items outside their homes. The ability to carry identification, food, games, toys, books, spare pairs of shoes, a raincoat, and other items create a safer environment and permit observant Jews to mingle more freely with their neighbors, thereby facilitating the friendship, camaraderie, and community that is so central to the Jewish and American traditions.

8. An eruv may be established in a number of ways. One of the most common forms, which the East End Eruv Association proposes to use, involves the attachment of small wooden strips to telephone poles or utility poles. These strips, called lechis, are 1"x4"x40" or even smaller and may be painted to match the poles to which they are attached. They are typically unobtrusive and unnoticeable to a casual observer.

9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13, 2011

  

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**RABBI PERETZ STEINBERG**