

EXHIBIT R

Editorial: Mahwah, Upper Saddle River double down on eruv

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(Photo: Michael Karas/Northjersey.com)

This month, two communities knee-deep in eruv opposition made strong statements. One was political and one was legal. Yet both towns remain focused on what's inside the eruv and not outside it. That's a costly mistake.

On Tuesday, voters in [Mahwah returned two incumbents](/story/news/bergen/mahwah/2017/11/10/mahwah-council-incumbents-emboldened-election-win-despite-lawsuits/851208001/) to the Township Council. It was a victory for the anti-eruv forces and a significant blow to Mahwah Mayor Bill Laforet, who was supporting their opponents. It may not bode well for Laforet, but on a practical level, it really can't get worse between the mayor and the council.

Laforet wants the entire council to resign; the council wants Laforet gone.

Whatever the outcome of this internecine war, there are several things out of their control. The [state attorney general already filed a nine-count complaint](/story/news/new-jersey/2017/10/24/nj-sues-mahwah-alleging-discriminatory-ordinance-against-orthodox-jews-over-eruv/792345001/) against the town. U.S. Sen. Cory Booker and Rep. Josh Gottheimer both have condemned what they see as a rise in anti-Semitism. And Phil Murphy, now governor-elect of New Jersey, wrote an op-ed piece for the Jewish Standard, also condemning the eruv battles of North Jersey.

OPINION: [Anti-Semitism has no home in New Jersey](/story/opinion/contributors/2017/11/03/opinion-anti-semitism-has-no-home-new-jersey/827372001/)

ERUV: [Upper Saddle River argues religious freedom doesn't trump local law](/story/news/bergen/upper-saddle-river/2017/11/09/eruv-upper-saddle-river-argues-religious-freedom-doesnt-trump-local-law/850522001/)

Doblin: [Mahwah's eruv, this year's Halloween costume](/story/opinion/columnists/alfred-doblin/2017/11/03/doblin-mahwahs-eruv-years-halloween-costume/830608001/)

So whether the people of Mahwah are united against the eruv matters less than whether they are united in paying for what will be a costly legal battle ahead.

That also will hold true for Upper Saddle River, where, as Staff Writer Tom Nobile reports, a lawyer representing the municipality has filed a legal motion arguing that religious freedom does not usurp local municipal ordinances with regard to signage on utility poles.

"No one – not charities, not the local fire department, and not the local family with a lost dog, has the right to put a sign on the poles without permission," lawyer Bruce Rosen wrote.

Yet, an eruv is not a sign for a lost dog or a sign directing people to a lodge hall or a house of worship. We just do not see a good legal outcome for either Upper Saddle River or Mahwah.

Residents are nervous about possible changes in their communities that could decrease property values, diminish funding to public schools and alter the character of their respective towns. Those concerns may be valid, but they cannot be manifested in ordinances based on religious intolerance. The Constitution trumps all.

The turnout for council incumbents in Mahwah should reassure Mahwah residents they have a voice in what happens in Mahwah. That's true now and it would be true if the feared incursion of Orthodox Jews were to actually happen. But no one in America can legislate discrimination and not face legal consequences.

The courts are religion neutral. We continue to urge local leaders in North Jersey towns to see the eruv for what it literally is — a nondescript boundary that allows Orthodox Jews to do some simple tasks outside their homes on the Sabbath and religious holidays. That's all it is. It is not an overt symbol of faith. In North Jersey, it's literally PVC piping.

Emotions are high and will continue to remain so. But Mahwah could lose millions of dollars in state funding because of a restrictive park ordinance. And both Mahwah and Upper Saddle River could rack up significant legal fees fighting a battle that should not be fought.

Mahwah voters supported anti-eruv candidates. But Murphy will be governor in January, Booker and Gottheimer will still be in Congress, and a new state attorney general is unlikely to let the nine-count complaint just go away.

Both communities may be united in their fights, but it will cost them in dollars and reputation. They will lose a lot of both.

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