

An Open Letter to the Worldwide Jewish Community About the Desecration of Bayside Cemetery, Ozone Park, NY Perpetrated By Congregation Shaare Zedek

Bayside Cemetery Litigation

<http://www.baysidecemeterylitigation.com>



The Perpetual Care Graves of Harry & Ruth Lucker at Bayside Cemetery – Photos Taken October 2009

The definition of “desecration” – to treat with sacrilege or profanity, to defile, to dishonor, blasphemy

Jewish tradition is very clear... *Kavod Hamet*... Respect for the dead is a sacrosanct tenet of the Jewish faith.

In this open letter to all Jewish people worldwide, I am providing information about an issue that needs to be more widely discussed and remedied - because a great shame has fallen on the New York City Jewish community at a time when other disgraceful events have occurred and been widely publicized. Yet this shanda is one that the community can fix.

My grandparents, Harry & Ruth Lucker (and many more unrelated decedents), paid for and signed perpetual care and annual care contracts with Congregation Shaare Zedek in Manhattan for their graves at Bayside Cemetery – contracts which Congregation Shaare Zedek has admitted to the New York State Attorney General it breached by invading cemetery trust monies and improperly using the monies for their own synagogue. As a direct and proximate result, Congregation Shaare Zedek has not been maintaining the cemetery claiming that they have no funds. Bayside Cemetery is 13+ acres with 34,000 graves. The cemetery looks like a rainforest yet it is right in the center of Queens, in New York City, the home of the second largest Jewish population in the world.

In September 2007 I filed a class action lawsuit in US federal court naming Congregation Shaare Zedek at 212 West 93rd Street in Manhattan and their Bayside Cemetery in Ozone Park, Queens as defendants. After 2 years, the case was dismissed on jurisdictional grounds as the federal court believes this matter properly belongs in state court. In October 2009, I re-filed my lawsuit in the Supreme Court of New York State and named the Community Association for Jewish At-Risk Cemeteries (CAJAC) as an additional defendant.

I am suing the synagogue for the horrendous and disrespectful desecration of Bayside Cemetery, their non-performance of their contractual obligations, and for the statements they have publicly made admitting to co-mingling the cemetery’s funds with those of the synagogue and subsequently using the cemetery’s funds for the benefit of the congregation in violation of trust and fiduciary law. I seek no personal gain from this lawsuit; rather I have been left with no alternative because of the lack of any viable response, action and long-term plan from the synagogue. I simply want the synagogue to honor its commitments, both contractual and moral, to those who are interred in the cemetery, to their families and to the greater Jewish community.

As a result of the synagogue’s unlawful conduct, Bayside Cemetery has fallen into complete and total disrepair with wild vegetation, grave desecration, recurring vandalism of graves and mausoleums, exposed human remains, and endless excuses from the congregation for why they have allowed the cemetery to disintegrate. There has been little or no effort by the synagogue to repair or return these gravesites to their original or even a broadly acceptable state. Rather, there has been a long, meandering effort by the synagogue to alternatively deny responsibility and delay any efforts to correct this horrendous wrong.

The details of my lawsuit, along with significant information about the situation at Bayside Cemetery, a library of genealogical records for many thousands of people buried at the cemetery and hundreds of pictures of the horrific and disrespectful condition of Bayside Cemetery can be found at <http://www.baysidecemeterylitigation.com>.

But the purpose of this letter is not to detail or rehash the 2+ years of legal proceedings pertaining to my case as I have faith that the legal system will provide justice in due course. Rather I feel compelled to ask some of the following questions:

Why is the NYC Jewish Community turning a blind-eye to Congregation Shaare Zedek's theft of perpetual care monies which has resulted in the desecration of 34,000 graves?

Why are we unwilling to fully enforce one of our primary commandments "thou shall not steal" within our own community and what message will it send that we refuse to self-police within our own community?

How can the UJA Federation of New York, the Jewish Community Relations Council of New York and other Jewish Organizations condone Congregation Shaare Zedek's conduct, prevent full disclosure concerning the stolen monies and seek to protect Congregation Shaare Zedek from full scrutiny for its actions?

How can the rabbi and members of Congregation Shaare Zedek daven under a roof that has been maintained using stolen monies? How can they recite the mourners Kaddish at Sabbath services and pay homage to the deceased when their synagogue so severely disrespects those at their cemetery (including deceased members of Congregation Shaare Zedek)?

Have recent scandals and events in the Jewish community made us so numb that we are no longer surprised by anything including the theft of monies by a synagogue from its own cemetery?



Vandalized & exposed graves that were not reinterred for months or years at Bayside Cemetery

These are only a few of the questions that need to be asked and answered. But the only way that the wrongs at Bayside Cemetery can be righted, and this shame on the Jewish Community lifted, is if everyone who learns about this situation gets involved and speaks out.

So please go to <http://www.baysidecemeterylitigation.com> to learn more. And then email, write and/or call every New York City Jewish organization, synagogue, newspaper, magazine, TV/radio station, national TV news show, rabbi, UJA official, politician, government official, the NY State Attorney General, Social Justice Director or anyone or any group you can think of to let them know that you think that Bayside Cemetery is a complete disgrace and that Congregation Shaare Zedek needs to fully disclose its wrong doing, conduct a formal forensic accounting for the cemetery's former and current monies, clean-up the cemetery and fund the cemetery for permanent perpetual care which is what the thousands of people buried there paid for.

Please get involved. You can make Congregation Shaare Zedek accountable for their moral, ethical and legal violations and compel them to restore and maintain their cemetery now and in the future.

The Jewish Community must hold its own people accountable when wrongs are committed. This is a wrong that must be righted – because *Kavod Hamet* is what we all must do. If we do not respect our ancestors, our most sacred duty, what is our legacy as a people and a community? Won't you please join me in this worthy endeavor?

With Deep Respect,

John Lucker, Plaintiff, Simsbury, CT – www.baysidecemeterylitigation.com

Lucker et al vs. Congregation Shaare Zedek, Bayside Cemetery, and Community Association for Jewish At-Risk Cemeteries