



JCRC Statement Endorsing an Eruv in Palo Alto

August 31, 1998

Passed by the South Peninsula JCRC Regional Committee

The Jewish Community Relations Council endorses the efforts of the Palo Alto Community Eruv Corporation to build an Eruv in Palo Alto. Successful completion of the Eruv Project will enable a significant and growing segment of the Palo Alto Jewish Community to fully express their religious commitment.

An Eruv (literally, “mixture” in Hebrew) is a sequence of boundary indicators that in Jewish Law encompass a single domain. Within that domain, traditionally observant Jews may carry outside the home on the Sabbath, an activity otherwise prohibited.

The Eruv is a standard feature of Jewish communities throughout the world, both in small towns and in large urban centers. In 1990, President Bush praised the work of the District of Columbia Eruv Committee for creating a inconspicuous Eruv that includes Capital Hill and the White House, thereby permitting Orthodox Jews, including several Members of Congress, to attend meetings on the Sabbath. Over 100 cities and municipalities in the US and Canada have an Eruv today.

The JCRC is fully committed to the separation of church and state ([see below](#)) and therefore believe it fully appropriate that the Palo Alto Eruv Corporation fund the Eruv construction and upkeep entirely from private funds.

By endorsing an Eruv for Palo Alto, we endorse the values that make this area a special place to live: pride in its shared heritage; strength in its diversity; and civic responsibility based on compassion and respect. As the Jewish community here grows, it reinforces these values and reflects them back to the community at large. In endorsing the goals and efforts of the Palo Alto Community Eruv Corporation, the Jewish Community Relations Council looks forward to a successful completion of this important milestone for the Palo Alto Jewish Community.

Background Information on the Church-State Implications of the Eruv

To date there are two decisions both of which determined that an eruv does not violate the Establishment Clause, but rather are religious accommodations by the government.

The two relevant cases are *Smith v. Community Bd.* No. 14 491 NYS2d 584, 128 Misc2d 944 (S.Ct. Queens County, 1985) and *ACLU of New Jersey v. City of Long Branch*, 670 F. Supp 1293 (D.N.J. 1987) In the *Long Branch* case, the court held that the eruv did not violate the Establishment Clause because:

- There was a secular purpose for the eruv, which was to “allow a large group of citizens access to public properties.”
- The eruv was not a religious symbol that was being erected on public property. Eruvs are not worshipped objects, the opinion stated, “nor do they play any theological role in the observances of the Sabbath.” Rather they are devices that permit observant Jews to engage in secular activities on the Sabbath.
- The cost of erecting the eruv was assumed by the Jewish community, not the government.
- The government was not endorsing or promoting religion by allowing the eruv to be erected. (“By permitting the synagogue to use its own funds to create an almost invisible boundary in which its members may engage in secular activities on the Sabbath, the City of Long Branch is not putting its imprimatur on any public manifestation of religion, such as moments of prayer in public schools or the posting of the ten commandments on classroom walls... The eruv sends no religious message to the rest of the community.”
- There is no excessive entanglement of government with religion, if the city doesn’t pay for the eruv or maintain it. Erecting the eruv will therefore not change the nature of the relationship between the government and religious organizations.