

“There’s No Peace Here”: The Story of Bayside Cemetery

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They meet in a cemetery.

In the shadow of a boarded up mausoleum, three strangers stand in the feeble January sunshine. The weather is warm for a mid-winter afternoon, but damp seems to seep up from the muddy ground, cold bouncing back off acres and acres of marble stone. In the distance, the A subway train clatters across a steel overpass, and closer by, the raised voices of teenagers on the other side of the chain link fence.

They are an incongruous trio, the two men and one woman who stand at the entrance to Bayside Cemetery in Queens. Their meeting here cannot be accounted for in the complex algorithm of social interconnectivity, since they have neither religion, occupation nor socioeconomic background in common. And yet here they are, huddled in animated conversation, feet away from an old wooden gurney, the kind once used to take caskets where hearses couldn’t go.

“It moves, you know,” said the elderly woman, gesturing to the gurney. “When I used to come here, you’d see it here, there, all over the place. And it’s not being used for the purpose it was intended for.”

“They used that when they did the re-interments,” the bearded man adds. “A couple years ago, after they dragged the body out of the Katz mausoleum and set it on fire.”

The third man, older and with a yarmulke under his woollen cap, is eager to return to the business at hand.

“I just wanted to re-assure you that we’re here for good, not evil. We all have the same goal. We all want the same thing.”

That “goal,” that “thing” is Bayside itself, a 146-year-old Jewish cemetery located between Liberty and Pitkin Avenues in Ozone Park. Precisely what they want for Bayside, however, depends on which of the three people you speak to.

The older man is Barry Yood, a retiree who lives on the Upper East Side of Manhattan. He is at the cemetery today to mark the birthday of his great-grandfather, a distinguished rabbi who presided over the Eldridge St synagogue when the Lower East Side was a gathering place for Eastern Europe’s Jewish diaspora. In fact, as the afternoon passes,

three or four rabbis pick their way across the cemetery to the plot marked “Yudelovitch”. There they linger, black-hatted heads bowed, side curls moving as their heads nod in silent prayer before a single lit candle at the tombstone’s base.

The magnificent irony of this, of course, is that they say these “yeshiva,” sacred prayers of remembrance, at a grave that until recently, would have been nearly unreachable. The six-foot high piles of brush piled on either side of the plot actually covered the area, weeds and saplings that grew indiscriminately on gravestone and path alike. You see, along with being one of the oldest Jewish cemeteries in New York, Bayside has another, less welcome distinction. As far back as the 1950’s, the cemetery has been a byword in neglect. One expert in cemetery management describes it as “easily the worst I have ever seen.”

The other man in the group, Anthony Pisciotta, is intimately familiar with the desecration at Bayside. He has walked nearly every inch of this cemetery, and has an almost photographic recollection of the place, able to rattle off the names on entire rows of monuments. For nearly ten years, he has been the unlikely guardian angel of Bayside Cemetery.

Pisciotta, a 40 year-old bridge-and-tunnel worker, travels from the Bronx every few weeks, armed with a weed whacker and a grim sense of determination. When he sets to work uprighting toppled head stones, repainting rusted metal work, and clearing years’ worth of weeds to uncover hidden transcriptions, he remembers his own father’s grave.

“I lost him when I was seven. As an adolescent, I used to go to where he was buried, and I’d feel a sense of closeness with him, this amazing solace. If he was buried here, I couldn’t do that. There’s no peace here,” said Pisciotta.

Indeed, it would be hard to imagine any soul resting peacefully in a cemetery where 90 percent of the mausoleums have been vandalised. Until recently, the majority of these acres was inaccessible, the paths between plots barred by a tangle of overgrown plant life and piles of dumped rubbish. As he does his rounds, Pisciotta frequently finds beer bottles atop gravestones, left by teenagers “drinking in there on dares, probably” - the most innocuous of the damage done to the cemetery on a regular basis, which runs the gamut of desecration (not to mention criminality) – from grave markers stolen for their scrap brass value to voodoo to the habitation of mausoleums by vagrants. Just this last weekend, Pisciotta discovered that someone had cut through the chain securing a set of metal

mausoleum doors, taking one. He is certain the thieves will be back for the other in the near future.

The third person present today is Florence Marmour, who stands gripping her walker, more in outrage, it seems, than frailty.

“There’s been a lot of changes here,” she said when she first arrived, slowly walking up the cracked asphalt past the ramshackle groundskeeper’s house.

“Something’s gone – there used to be monuments there. Those are gone now too, I suppose.”

Marmour can attest to the changes, since she is perhaps the person present today who has known Bayside the longest. Now in her seventies, she has been documenting the graves found at Bayside (and the two neighbouring Jewish cemeteries) since the 1970’s.

“Even after all this time, nothing about this place surprises me,” she said. “Even with everything going on, it’s always been such a beautiful place.”

Today is a red letter day, of sorts, for Marmour. She lives just five minutes away, but ill health has restricted her movements. Something about today – perhaps the bizarrely warm January weather, or “just a feeling that it was time” – brought her back here today, for the first time in ten years.

It also marks the first time she and Pisciotta have met person. These two incongruous allies have been corresponding by telephone and email for years. Marmour has boxes full of Bayside records – maps of the cemetery, lists of those buried and where – and Pisciotta has functioned as her “feet,” doing the legwork when they’re researching a particular set of grave, or responding to requests from out of towners who suspect they have a family member within the gates.

“Come here, I want to show you something,” said Pisciotta, once the expressions of mutual admiration had been exchanged, accompanied by enthusiastic hand shaking.

He led the way around the corner past the original cemetery manager’s house into a part of the cemetery nearest the road. Florence followed more slowly, her walker jouncing off the uneven asphalt surface.

“It’s the statue of that little girl I sent you pictures of,” he said, pointing past a recent looking black granite stone, to a small white monument in the shadow of the mausoleum next door.

“It’s not her,” Marmour said at once. “Look at the dates on it – this is from the 1920’s.”

The “her” that Marmour is looking for pre-dates the cemetery’s founding in 1866. She remembers the monument to a young child from her early visits to Bayside, part of a number of re-burials made when it became illegal to bury human remains in Manhattan.

“If you hadn’t sent me looking for her, I’d never have found her,” said Pisciotta. “The statue was in three pieces, under a couple inches of dirt.”

He pointed to the barely noticeable joins in the white marble, holding the bowed angel face to the torso, and the legs to the smock dress.

“But we put her back together, as best we could,” he said. “But we couldn’t find the arm.”

Marmour looked at it for a moment, and then whispered:

“The bastards.”

Walking around Bayside is a curious experience. Having been primed by conversations and photographs to expect something that has been compared to the desecration of Jewish cemeteries in Nazi-occupied Poland, one arrives with trepidation – and if one is honest, a measure of ghoulish curiosity.

The immediate impression in walking through the chain link gate, marked by a small sign saying “Bayside Cemetery” (placed there by Pisciotta), is to be underwhelmed. Not because the monuments – obelisks and urns ten feet high – are unimpressive, but because it is not the overgrown jungle of three or four years ago one was expecting. In fact, after walking past Mokom Sholom, the cemetery next door, where the entire back section looks sunk in a swamp of weed, it really doesn’t look that bad at all.

Make no mistake - it is certainly no green carpeted, bright white tombstoned model show room of a cemetery. The main path, which runs like a concrete spine down the cemetery’s middle, disappearing over a gentle slope, is cracked but clear. The pathways between the grave rows are passable, albeit covered in fallen leaves. There are trees everywhere at Bayside, growing parallel to headstones. There is also a commensurate amount of wood chip, scattered in piles along the paths. A chipping machine stands idle by the Yudelovich plot, near a pile of black garbage bags full of brush.

The reasons behind this transformation are complex, and vary depending on whom you speak with. The cemetery has received media attention over the years, and some credit that negative publicity with the cemetery's recent hiring of a landscaping company to undertake maintenance. The presence of a lawsuit against the synagogue that owns Bayside is also suggested as a motivating force. Some of the clean up work is also credited to volunteer groups that have come through the cemetery, under the auspices of a group called CAJAC – the Community Association for At Risk Jewish Cemeteries.

“I go to Bayside as often as I go to the supermarket,” laughed Andrew Schultz in a telephone interview.

Schultz is the executive director of CAJAC, a non-profit whose largest benefactor is the United Jewish Appeal of New York.

“Bayside has seen significant decay and distress, but it's just symptomatic of a more universal issue. Cemeteries have finite sources of income, and if a fund for afterward is not set up, or unintentionally mismanaged, it is at risk.”

According to Schultz, CAJAC does not exist to be the friend of one specific cemetery, and prefers to think of it as a “matchmaking organisation”, that identifies at risk cemeteries, and raises grass roots awareness (and funding) for them.

Over the past two years, several groups of CAJAC sponsored volunteers have come to Bayside, Boy Scouts and retirees alike, all raking leaves, clearing brush and collecting garbage.

“People who do this often find they have a cathartic moment, an epiphany of ‘This could be my grave in 50 years’, and something about this tugs at the heartstrings,” said Schultz.

He does acknowledge, however, the futility of these volunteer efforts, however well intentioned, as a lasting solution for cemetery management.

“Cemetery clean up makes headlines, but we need advocacy. We also won't go into a cemetery without a maintenance plan for the future. We refuse to squander charitable dollars,” said Schultz.

And it is certainly possible to spend a significant amount of dollars on a cemetery. An average sized cemetery, say 30 to 40 acres, costs about \$250,000 dollars a year to maintain, the majority of that going towards labour. Maintaining a cemetery is not dissimilar to manicuring a golf course, requiring the same sort of mowing, weeding, and pruning.

“‘Horticulture with dignity’ is what I like to call it,” said Bob Roberts, an expert in cemetery operation. His business involves consulting with cemeteries and their owners, many of them facing the same set of problems as Bayside – aging infrastructure and owners with empty coffers.

“We worked on a historical cemetery in Sante Fe, where the tumbleweed was four and a half feet tall. We went in first with weed eaters, and then defoliants to really eradicate the plants. It took five of us, working 8 hours a day, three weeks to clear it,” he said.

And Bayside poses a greater challenge still. Roberts has not visited the cemetery, but after viewing aerial maps and pictures, he estimated that it would take a crew of 40 men several months to get the cemetery back to “some kind of dignity”.

More than overgrowth, Roberts is concerned about a decidedly nineteenth century sounding criminal activity: grave robbing.

“It started in the south east, robbing cemeteries for scrap metal. Sometimes they just steal the iron gates, or the doors off mausoleums. In the very worst cases, they actually go into the caskets themselves – for fun, or looking for jewellery, or who knows what,” said Roberts.

It is a desecration that Anthon Pisciotta has witnessed firsthand. Glimpsed beneath the slab of marble, the black holes of Charles Jacobs’ eyes are arresting, accusing. They hold your gaze until you can no longer fight the revulsion, then draw you back for another look in grisly fascination. ‘Abomination’ is the first thing that springs to mind. It’s the only word that seems fitting to describe the sight of this man, his body, dead a hundred and fifty years, exposed in a shattered coffin inside a mausoleum.

“His brother Julius is buried next to him. They haven’t gotten to his tomb yet, as far as I know,” said Pisciotta. “Both Civil War veterans, you know.”

He is referring to pictures he took last July, when his son Nicholas discovered that yet another of the mausoleums had been broken into. Ironically, the mausoleum is adjacent to one of the infrequent new burials that occur at Bayside, the soil at the grave site still freshly turned when news crews arrived several days later. The story was featured in a number of local papers and nightly broadcasts. Several weeks later, Pisciotta returned to find that the entrance to the mausoleum had been cemented over.

On the Sunday of our visit, Pisciotta stands in front of another mausoleum, one that he makes a point of looking in on at every visit. It belongs to the family of a woman who emailed him, named Helen Katz.

“In 1983, it was broken into, and her mother’s body was dragged out and left on the street. In 1997, they took her uncle’s body and burned it in front of the mausoleum,” said Pisciotta.

Katz cannot bear to visit the cemetery, so Pisciotta keeps an eye on the plot for her, making little repairs and keeping the area clean.

Not far from this spot is a pair of gates that Pisciotta and his son recently worked on, repainting the rusted metal, and re-attaching them to their posts, enabling them to perform their guardian function once more. This particular set of gates has the family name “Meyer Rosenberg” written in script across the top, above the wrought iron of an angel bowing before an urn. These are unusual images to find in a Jewish cemetery, particularly from a tradition that demands the utmost simplicity in death – a coffin made without nails, a period of mourning that lasts for a prescribed 30 days, never more.

The angels are not the only intriguing details to be found at Bayside. As with any cemetery, particularly one so old, there are notable characters who sleep in Bayside’s soil. One such is George Rosenshine, buried in a plot where the largest word on each stone is that person’s place in the family – Father, Mother, Sister. Rosenshine’s reads “Brother” and then “died 1912.” This detail – just the year, no day or month of death – is the only hint of the way that Rosenshine died. His body was pulled out of the frigid north Atlantic, one of the few corpses recovered from the ocean after the sinking of the Titanic on April 15th, 1912.

Just across the row is the mausoleum of the Witmark family, a family of publishers, who may well have printed the sheet music that George Rosenshine heard played by the ship’s band on his ill-fated voyage. The company was heavily involved in promoting the music of Tin Pan Alley, and was actually founded by two teenagers, too young to own the business, their father Marcus serving as a figurehead to satisfy regulators.

“This mausoleum is decimated on the inside. Right on the other side of this door is a casket laying on the ground, open, with a few bones in it. There were probably ten or fifteen people buried in there, but that’s all that’s left.”

And therein lies the rub with the Bayside of today. You are no longer confronted with an assaulting, obvious mess of weeds, trees and garbage. Instead, the devil, as it were, is

in the details – the iron railing marking the space where tombstones once stood, the missing brass doors on mausoleums, the tiled floor that marks the space where one tomb was razed entirely.

Another such detail is the bench belonging to the Bergman plot. Pisciotta came here with descendants of the family, one of whom was particularly distraught by the destruction of the marble seat, lying flipped over and in pieces. Pisciotta and his son Nicholas took it upon themselves to restore it.

“We dug it up, and luckily all the pieces were there. Then put it back together, and cleaned it with ammonia, which kills all the living organisms, like moss,” said Pisciotta.

The graves in the Bergman plot are fairly new for Bayside, the most recent an aunt buried in the 1980’s. The majority of the burials in Bayside were made in the latter end of the 19th century and the first thirty years of the 20th. It is believed that the ashes of someone killed in the Holocaust are buried in the Stein plot, although quite who it is how, or how precisely those remains might have been recovered is unclear.

Walking through Bayside, the sheer number of graves becomes a sort of emotional overload. There are 15,000 people buried here, each name on a stone representing a life lived, each “in memory” a story of accomplishment, triumph and endurance. Scattered through the cemetery are monuments in the shape of tree trunks, symbols of lives literally cut short, a testament to our tenuous grip on physical life. There are certain points where that feeling becomes even more visceral, as with the plots of tiny white stones, each with a tiny lamb. Time has eroded the engraving, but sometimes it is possible to make out a name – “Rachel” or “Aaron.”

“These are all children. Each of the burial societies had a plot just for babies,” said Pisciotta.

“The stone that they’re made out of just wasn’t very good quality, and as time goes on they’re just going to disappear.”

Burial societies, like the ones that arranged graves for the thousands of infants lost to immigrant families, are integral to understanding Bayside.

The phenomenon of the burial society is almost unique to the eastern coast of the United States, and was used almost exclusively by Jewish immigrants. They were often

smaller arms of larger social organisations that supported newly arrived Jews during the waves of immigration that transformed America in the late 19th and early 20th century. To the desperately poor Eastern Europeans who congregated in Manhattan's Lower East Side, these societies provided a way of clinging to the familiar in a land where neither the language, the religion, nor the customs were theirs.

“Earlier on especially, these societies were also a form of social control. If you didn't toe the line, you could be denied a grave in one of these plots, which usually curbed people's behaviour. The desire to be buried with people they knew was very powerful,” said Amy Koplow, executive director of the Hebrew Free Burial Association.

The Hebrew Free Burial Society owns a section of graves in Bayside, toward the back of the cemetery. The majority of those burials took place between 1888 and 1892, when the gravedigger's union boycotted Hebrew Free Burial's own cemetery in Queens. This particular society was an entirely charitable organisation, providing burial for those who could not even afford the modest fees taken by other societies. Burials of infants and children account for a significant percentage of Hebrew Free Burial's plots around this time. Many of these children died of malnutrition, so it naturally follows that such families would not have money to purchase a headstone when they couldn't even give the child enough food to survive. Incidentally, Hebrew Free Burial is still in operation today, serving Jewish New Yorkers who die without a will and the means to furnish a proper resting place.

At the height of their utility, there were 15,000 burial societies in the New York area. They usually didn't have extensive memberships – perhaps 40 or 50 people, generally with something in common.

“Eastern European Jews were very connected to the shtetl, to their particular town, and they were very particular about who they were buried with. If they were from Poland, they didn't want to be near people from Hungary, and if they were from town A in Poland, they didn't want to be mixed up with people from town B,” said Koplow.

Fraternal organisations and synagogues comprised the majority of the burial societies, although many accounted for other kinds of bonds – for instance, there are several Jewish performers' societies, and even a Benevolent Society of Bakers. These societies would generally purchase tracts of graves within a Jewish cemetery, and then sell their members specific plots, often drawing up maps and pencilling members into graves years before their deaths.

And then, suddenly the system hit a snag.

“By the time you got to the third generation born in America, the pull just wasn’t there. They had assimilated enough that they didn’t need to be Jewish and from Poland – it was enough that they were Jewish,” said Koplow.

Still, the graves purchased through burial societies were slowly filled, funded by the kitty of money accumulated by the societies in the heyday of their operation. By the 1980’s, few societies were adding new members, that money was running out, and the end result was that many of the burial societies ceased to exist – either liquidated by the state, taken over by the other organisations, or simply disappearing.

“And then some of these societies have dirty little secrets – like when the president of the society, looking to make a quick buck, sells some of the remaining graves to funeral directors, who then turn around and sell them for thousands more than they’re worth,” said Richard Fishman, the director of the New York State Division of Cemeteries. He is responsible for 1800 cemeteries and crematoriums, but said burial societies account for 40 percent of his time.

That’s because, although they are defunct organisations not popular for half a century, these societies are one of the biggest issues facing the cemetery business. For Fishman, Bayside represents the worst case scenario.

“It’s benign neglect at it’s worst. The synagogue has no connection to these graves, and says that the burial societies are responsible for their care. But since the burial societies do not exist anymore, that just leaves the cemetery with no one to take care of it,” said Fishman.

And while the cat’s away, the mice will play. One of the most significant ramifications of the collapse of burial societies is the black market in cemetery plots.

Since many of the burial societies were parochial in nature, the administration often consisting of a single person, their record keeping was generally informal and their operation fairly unregulated. This means that when it came time for the society to wrap up its affairs, the procedure generally involved the last society president handed over any remaining plots to a funeral director, who, in theory, would properly handle their disposal on behalf of the burial society.

In practice, however, this often translated into those excess graves being sold illegally for exponentially more than they are worth on the regulated market. State law requires that

any funeral director who has excess graves offer them back to the cemetery in which they are found, who then has the option to buy them back at the statutory price, calculated as the original purchase price at four percent simple interest.

“99 percent of the time, these funeral directors don’t offer them back. They look at it, and think ‘I could sell this grave to a Russian and he’ll pay me \$17,000 in cash,’” said Fishman.

“The Russians” come up fairly frequently in discussions about Jewish cemeteries, namely because they are the most recent wave of immigrants. According to Fishman, they are particularly vulnerable to exploitation.

“You can tell the Russian graves in a Jewish cemetery because they have pictures on them, big portraits of the deceased, which is actually forbidden in Jewish law. But because the Russians were atheists for so long, they’ve lost that connection with their culture. You’ll also see them coming back to graves far more often than other Jews, because they don’t have as strong a belief in the after life. All they have is the body,” said Fishman.

In fact that presence of a ‘Russian’ monument in the middle of older graves is a red flag that there is a funerary funny business going on.

“You’ll see Russians in Romanian plots where the last burial was done thirty years ago, and say ‘How did they get into that society?’. By law, you have to have a connection to be buried in a society ground, and so these funeral directors will make these people members, and pocket the cash for the plot from the Russians,” said Fishman.

And while he is quick to emphasise that there are many honest, aboveboard funeral directors, Fishman is full of stories of the multitude of ways this system can be exploited. There is the woman, for instance, who went to her husband’s grave, only to find someone else buried in the plot next to him – which was meant to be reserved for her own burial. In another case, a woman needed to bury her mother, who had been paying society dues since 1968, only to be told by the funeral director that she needed to pay \$8000 dollars in ‘cemetery fees’.

“There’s no such thing,” said Fishman. “I called this guy and said ‘You’re a bullshit artist. I’m authorising this burial right now’. He threatened to sue me, and I told him to have a nice time doing that.”

The issue is exacerbated by the fact that “abandoned graves” left when a society disappears are suspended in a legal limbo, in which they can only be re-claimed by the cemetery after 75 years of no activity.

“These societies account for 95 percent of Jewish cemetery space. Graves are a cemetery’s only source of income, their only way of paying the bills, and it’s a bizarre situation when you have all of these graves that can’t be touched,” said Fishman.

For of course, money and cemeteries are inextricably linked. They are a sacred place of commerce, if you like. It is certainly at the heart of Bayside’s story, where money – or the lack thereof - is a central line in the tangled narrative of its decline.

“This is a story about desecrating the dead, but it’s also a story about theft. It’s a story about money and politics,” said John Lucker, speaking from his Connecticut home.

Lucker is the lead plaintiff in a class action lawsuit against Shaare Zedek synagogue, the congregation that has legal stewardship of Bayside Cemetery. At its most reductive, Lucker’s allegation is that the congregation wilfully misused the monies that had been paid to it for the care of the cemetery – abandoning their duty toward the dead “to build a new roof,” according to Lucker.

This is the first legal action the 51 year-old management consultant has ever been involved in, and one in which he only finds himself by accident. In 2006, after the deaths of both his parents in the space of a year, Lucker was feeling nostalgic. Looking through some of his mother’s papers, he came across correspondence between his grandmother and a burial society. On a whim, Lucker set off to Bayside to visit the grave of a grandmother he described as “the person who taught me what it is to be loving.”

With much difficulty, and growing horror, Lucker found the graves of his maternal grandparents, Ruth and Harry Lucker, buried in 1987 and 1971 respectively.

“I was outraged – especially because those papers said my grandmother had arranged for perpetual care. These were people who never had two nickels to rub together, and they had saved to pay for this – and this wasn’t in keeping with any type of care, let alone perpetual,” said Lucker.

He immediately called the synagogue, and received what he describes as a less than helpful answer to his questions.

“The guy was a real jerk. Very evasive, and basically just wanted to get off the phone,” said Lucker.

Visiting the cemetery on another occasion, he ran into another man attempting to clean up another of the plots. That man had twelve of his family buried at Bayside, and the two began talking, united in their anger at the synagogue’s perceived neglect.

“I told him I would be willing to hire a lawyer about this, and he said ‘Well, you just found one’,” said Lucker.

That man was Michael Buchman, an anti-trust and competition lawyer by day. He is working on the Bayside case pro bono. According to him, it is fairly straight forward – in a legal sense.

“This a clear breach of contract. It’s breach of fiduciary duty,” said Buchman, speaking from his office in a midtown Manhattan law firm.

According to Buchman, the synagogue entered into an agreement when it sold perpetual care plots. Specifically, it agreed that the money they were paid would be placed in a trust, the interest accrued on those monies to be used to care for the plots at Bayside cemetery. The capital amount was never to be touched – for perpetuity.

“Instead, they comingled it with general operating funds for the synagogue, and they admit it. But they don’t have the money to pay it back, and because realise they’re liable,” alleges Buchman, “they’re hoping to delay or prevent judgement.”

According to Lucker, one of the ways in which they’ve been able to stall the case is through the influence of what he calls “sinister forces at play”. He claims to have received several “deep throat style” phone calls, the gist of which appear to be suggestions of collusion between the United Jewish Appeal and the synagogue, working in tandem with influential members of the wealthy synagogue, to upset the course of justice.

“The amount at play here is 5 to 10 million dollars. The attorney general prosecutes cases about as little as ten thousand dollars. I mean, they arrested a woman in Brooklyn for panhandling impersonating as a nun, but it’s taken them seven years, and they’re still ‘investigating’ this?,”said Lucker.

His lawyer takes a more pragmatic view of the situation with the attorney general, acknowledging that his status as an elected official makes it an accepted fact that he’s not going to be a pillar of impartiality. While not willing to offer a decisive opinion, he does hint

that judicial incompetence may be the real cause of this lawsuit's rocky road – bounced from Federal to State court, and dismissed twice (a decision they are currently appealing).

“The judge’s dismissal this time was ridiculous – she dismissed the Lucker case based on the fact that he didn’t have legal standing to represent his grandmother’s estate, when in fact he had documents from the state of Connecticut saying exactly that. It’s like she didn’t see them,” said Buchman.

“Lawyers are meant to be methodical, detail oriented people. If it wasn’t intentional, it was just sloppy.”

Details, as with most legal battles, are at the heart of this suit. One of the defendant’s key arguments is that they are not, in fact, responsible for the maintenance of grave sites at Bayside in the first place – because they don’t actually belong to them. While the Congregation Shaare Zedek owns the cemetery as a whole, they argue, individual gravesites actually belong to the burial societies that bought large sections of plots in the late nineteenth century. According to the defendant, this accounted for 95 percent of Bayside’s plots.

According to Richard Fishman, this line of argument is often employed by organisations that lack the funds to maintain their cemeteries.

“A lot of Jewish operators viewed selling graves as selling land. They would say to a society that if you want us to clean your area, you have to pay us for it. But that’s just not the law – cemetery’s own the land, and they’re responsible for it,” said Fishman, who does not have jurisdiction over Bayside because it is a religious cemetery.

“In fact, when a burial society bought graves, 10 percent of that money went into a trust fund for the entire cemetery.”

The missing voice in this story, of course, is that of the synagogue that owns Bayside. Shaare Zedek, now located on the Upper West Side, has not responded to requests for comment. In nearly every conversation had about Bayside, they are the actor just off stage, their presence everywhere, down to a brass plaque at the cemetery’s entrance. Placed there at the cemetery’s opening, it lists the leadership of the synagogue at the time. Next to it on the brick wall is a small metal slot, labelled “charity”.

The administration of Shaare Zedek recently sent Anthony Pisciotta a letter, in which they asked him to limit his involvement with the cemetery to when CAJAC is doing its work.

“It’s basically a gag order. They don’t like that I’ve been talking to the media, and now they’re using safety and liability issues as an excuse to shut me up,” said Pisciotta.

He did not know it at the time, but the Saturday of our visit may have marked his last visit to Bayside. In an email a few weeks later, he said,

“You are supposed to feel good after helping people, not upset and fearful of retribution. I don’t know if I can or want to be involved in the drama at Bayside.”

He has not been back since.

Before she leaves Bayside, for what may be the last time, Florence Marmour pauses for a moment near the gates. She points to a tree growing near one of the front mausoleums, branches spread in stark splendour against the late afternoon sky.

“It gets the most beautiful purple flowers in the spring time. I loved that tree,” she said.

She lingers a moment longer, and then said, almost in triumph.

“After everything, it’s still there. It’s still here.”

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