

Grave markers spur court fight to define religion

By Douglas Belkin
Palm Beach Post Staff Writer

WEST PALM BEACH — The future of 400 grave markers in the Boca Raton Municipal Cemetery continued to put the definition of religion on trial Thursday in federal court, as an expert testified that the symbols are not sacred by religious laws.

Judeo-Christian texts and traditional practices do not require that a grave be marked with a vertical monument, said Daniel Pals, a former chair of the religious studies department of the University of Miami. Pals' testimony supported the city's position that their ban against the markers is lawful.

But American Civil Liberties Union attorney James Green, who is representing seven families opposing the city's ban, challenged Pals' assertion by asking: Which sacred religious texts?

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BRUCE ROGOW

Constitutional law expert

And whose traditional religious practices?

Is wearing a cross a dictated religious practice, Green asked. Serving meals to the homeless on Sunday? Wearing a yarmulke? Are certain biblical interpretations more correct than others?

"Is it your opinion that only a mainstream reading of the Book of Revelation should be protected by the Constitution?" Green asked during a 20-minute exchange.

Moments later: "Isn't it true that

Christianity has more than one center?"

"Yes and no" Pals answered.

The fight to define religion on the fourth floor of the U.S. District Court building on Clematis Street began Monday morning more than a year after the city of Boca Raton attempted to remove the vertical grave markers from the municipal cemetery.

The rules banning vertical grave markers have been ignored for at least 17 years, according to relatives who took the stand this week.

The city tried to enforce the rules in 1992 and again in 1996, after the markers made it difficult for gravediggers to get backhoes to other sites.

Even constitutional law expert Bruce Rogow, who is representing the city, acknowledged that the families' suit was strengthened last year when the Florida Legislature passed the Religious Freedom's Restoration Act. The Act states that only the most compelling interests of the state can outweigh the right to exercise religious freedom.

To uphold the cemetery prohibition and stay within the bounds of the Religious Freedom's Act, Rogow believes religion must be defined. Once that's accomplished, Rogow said, undue burden can be measured.

Without a working definition, "Religion trumps everything," Rogow said.

But defining religious practice cre-

ates a hierarchy, Green said. The result is that the practices of "high tradition" — male-oriented, technical and clerical — would be protected, and "low tradition" — female-oriented, verbal, and non-ordained, would be hung out to dry. Both lawyers believe it could be a precedent-setting case.

With the ACLU bringing testimony from religious historians to show the variety of religious interpretations, Rogow has countered with more contemporary practices, including prohibitions against vertical grave markers supported by the Archdiocese of Miami.

"History is of some interest to this," Rogow said. "But it's not decisive. There is no question you have to pay attention to some contemporary values."

Testimony for the non-jury trial before Judge Kenneth L. Ryskamp is expected to resume next week.

School nurses seek union help in negotiating wages, benefits

By Sanjay Bhatt
Palm Beach Post Staff Writer

Each day, 80 elementary schoolers walk into one school nurse's office. They throw up. They sneeze. They cry.

"I always wanted to be a school nurse," the nurse said. "It's the best job I ever had, as far as loving what I do. ... (but) it's probably the worst job I've had in terms of being treated unprofessionally."

She is upset because she works as many hours at school as the teachers, but gets paid less and doesn't get paid sick leave, personal leave, a pension or a cost-of-living increase.

And so the nurse, who declined to give her name for fear of losing her job, is joining other school nurses in asking a union to represent them in negotiating wages and benefits with her employer, the taxpayer-funded Palm Beach County Health Care District.

Local 3181 of the Communication Workers of America said it already has the 30 percent of the employee signatures required to hold an election on

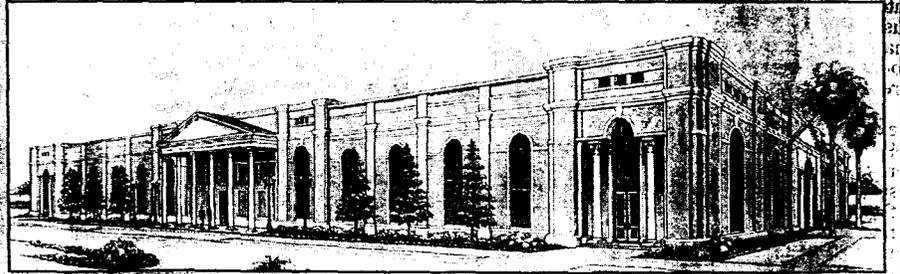
nize the district's workforce, from nurses to trauma pilots to clerical staff. The union represented employees at the county home until 1995, when Palm Beach County turned its management over to the district. The CWA lost an election thereafter.

District officials say the surplus shows they're doing a good job and say they haven't ignored the nurses. The district agreed in July 1997 to establish a school health system with the health department, school district and local hospitals. Putting a nurse in every school was the first step. District officials said their entry raised pay standards for existing school nurses.

Last fall, the district began giving school nurses benefits — including health, dental, disability and life insurance; tuition reimbursement; five days of paid leave at Christmas break; and pay increases based on experience and seniority.

"We don't want to fight union battles," district board chairman Harold Ostrow said Wednesday. "We want to provide good benefits to our employees and good care for the children."

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