

# Speaking With Their Silence

*A troubling child sex abuse case in Orthodox community raises the question, Where are our leaders?*

In the Oct. 1 issue of *The Village Voice*, Adam Fifield and I detailed how political pressure has blocked investigation into the custody case of Sherry Neustein, a 6-year-old girl removed from her divorced mother in 1986 — and later transferred to her Orthodox Jewish father's custody — despite statements by her grandmother, a child psychologist and the girl herself that her father had sexually abused her.

Why you may wonder, must the story be repeated here?

Because — unfortunately — this is a Jewish story, especially for Orthodox Jews like me. The Neustein family's Orthodox Jewish community seems to have had a hand in tearing this mother and daughter apart. And the political skullduggery that has trailed their case for 10 years reveals how little some of its power brokers have learned from their mistakes.

Many facts in this tortuous story are contested, but here are a few that aren't: When Sherry Neustein was 6 years old, her grandmother — an Orthodox rabbi's wife — accused the girl's divorced father, Dr. Ozzie Orbach, of molesting her during a visit.

This report was corroborated by the girl herself. Dr. Anne Meltzer, a child psychologist, stated after interviewing Sherry a "strong reason to believe" that Sherry's father had sexually abused her "on more than one occasion." And a representative of the Brooklyn Society for the Prevention of Cruelty to Children (BSPCC), then under city contract to investigate child abuse claims, testified under oath that Sherry exhibited symptoms of an abused child.

But without ever fully investigating the charge, BSPCC dropped its proceeding against Orbach. Instead it prosecuted a "neglect" charge against Sherry's mother, Dr. Amy Neustein. The stated basis for this turnaround? According to BSPCC, if Sherry's father had, indeed, abused her — an allegation it never probed to conclusion — then Amy Neustein, as the mother, was legally negligent for failing to protect her. And if the charge of sexual abuse by the father against Sherry was false? Then, said BSPCC, Sherry's mother was guilty of making a false abuse charge. (This, of course, ignored the fact that it was Sherry's grandmother who reported the abuse allegation.)

Ultimately, Amy Neustein was accused of having "brainwashed" her young daughter into believing she had been abused. And the eventual result was an award of permanent custody to the accused father while a family court judge labeled Dr. Neustein "delusional" — for believing in the abuse he would not allow her to prove.

Bizarre as this may sound, informed sources told my cowriter and me that such Kafkaesque twists are actually not uncommon — particularly against Orthodox Jewish mothers in Brooklyn. Jeremiah McKenna, former counsel to New York State's Select Committee on Crime, reported to the committee in 1987 that BSPCC was "known for assisting divorced Orthodox Jew-



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ish fathers" in custody proceedings.

Even family lawyers hired by women to represent them in such cases are often not on their side. One of these, Saul Edelstein, an experienced family lawyer, told us in an interview that "many" Jewish mothers make false accusations against their husbands, justifying what he acknowledged was BSPCC's tendency to put them on trial. In a separate conversation with a prospective female client, Edelstein openly disparaged the case of a woman he himself was representing in an abuse case.

If this is beginning to sound like legal persecution of Orthodox women — the "mainstay of our homes," according to Jewish tradition — don't expect a protest from Orthodox Rabbi Moshe Faskowitz. Orbach's former rabbi and "one of New York's most prominent Jewish rabbinic leaders," according to *The Jewish Press*, instead told us, "Orthodox Jewish women have a history of being in your face. Saying, 'I'll get you.'"

Or from Rabbi Morris Shmidman, executive director of the Council of Jewish Organizations of Borough Park. Dr. Neustein's parents both claim Rabbi

Shmidman responded to their daughter's personal appeals by calling her a "mental case" (though he cited no evidence). And Jeremiah McKenna, who has tracked the case since 1987 and has called Dr. Neustein "the victim of a criminal conspiracy," says that Rabbi Shmidman actually arranged a meeting between BSPCC representatives and State Sen. Christopher Mega (to whom McKenna reported) to explain "why the court was right."

And don't expect any help from Orthodox Assemblyman Dov Hikind, either. According to State Sen. David Paterson, who has twice held hearings that delved into the Neustein case, he received a "stern warning" from Hikind not to pursue it in 1993; he has also claimed that he was told by City Councilwoman Una Clarke that if he persisted, "the Orthodox Jewish and chasidic community would be coming after me" to ensure his electoral defeat.

Meanwhile, in her father's custody, Sherry Neustein has suffered anorexia nervosa severe enough for one pediatrician, Dr. Jeffrey Birnbaum, to call her "the worst case of emaciation I have ever seen." When Dr. Neustein saw her daughter during a visitation period and took her to an emergency room in 1989 — an act Dr. Birnbaum says may have saved the girl's life — Family Court punished Dr. Neustein by cutting off her visitation rights, since she had sought treatment without her ex-husband's consent.

"If this child dies," Assemblyman (now Rep.) Jerrold Nadler declared in a broadside against child welfare officials in November 1992, "you will all be guilty of accessory to murder."

But despite Sherry's frightening decline — and despite another unresolved abuse report that surfaced while Sherry was in foster care under the supervision of Orthodox-run Ohel Children's Home — Dr. Neustein hasn't broken the quiet stranglehold her own religious community has placed on her case.

"The others are afraid," a rare rabbinic supporter of Dr. Neustein told me. "The opposition frightened them."

Thaddeus Owens Jr., a community activist who attempted to mediate between blacks and Jews after the Crown Heights riot, has perhaps the most ominous words of all about the Neustein case. He testified at one of Sen. Paterson's hearings that the rabbis he spoke to about Sherry Neustein suggested that her mother was a "self-hating Jew" because of arguably inflammatory appearances she has made on black radio stations, and that her daughter's death "would only be justice."

If that is not Orthodox officialdom's view of "justice," then where is their voice calling for unbiased resolution of this case? And if their silence is indeed, their position, where are Orthodox Jews like Dr. Neustein — or me, for that matter, to turn when our children are in danger? □

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