

# THE JEWISH VOICE

## AND OPINION

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### Abuse in the Orthodox Community and the *Beit Din*

Attorney and investigative reporter Michael Leshner is not ready to call the issue of Orthodox Jews being accused of sex offenses “an epidemic,” and others who have examined this issue recognize that there might also be a ground-swell of Orthodox Jews who are being falsely accused, especially via anonymous blogs on the Internet.

Nevertheless, Mr. Leshner, a member of the Passaic Orthodox community who has been examining this issue since the late 1990s, does say there is reason to begin raising “disturbing questions, if the community wants to deal as fairly as possible with a genuine problem.”

“Whether or not a given charge turns out to be substantiated to the extent required by the courts, it’s clear that there has to be a properly functioning system for airing, trying, and disposing of such accusations—like any others. If the system isn’t working—or if it is actually prevented from working—that’s a problem,”

he says.

#### Fugitive from Justice

One of Mr. Leshner’s current clients is a New Jersey-based Orthodox Jew who claims to have been abused 22 years ago by a man who represented himself to the accuser’s Brooklyn yeshiva as a rabbi and psychologist.

Over 21 years ago, Avrohom Mondrowitz, who may or may not be a rabbi and/or psychologist (neither Mr. Leshner nor others who have covered this story have any evidence that he ever obtained *smicha*), fled to Israel to escape prosecution for having allegedly sexually abused and sodomized boys he had “counseled” as part of his popular child psychology practice in fervently Orthodox Borough Park.

Mr. Mondrowitz—who, according to the police detective who investigated the case, may have abused as many as hundreds of children—was never brought to trial, and now lives openly in Jerusalem, where he works as a teacher and claims to have the support of prominent *rabbonim*.

In 2003, he was visited

by a *Newsday* reporter who said he is teaching business administration at the Jerusalem College of Engineering.

#### Will Not Go Away

On June 7 of this year, Mr. Leshner’s client stepped forward for the first time because he saw Mr. Mondrowitz’s name in a recent article published by *New York* magazine. The client, who has asked for anonymity, sought out Mr. Leshner because the attorney’s name popped up on an Internet search.

Mr. Leshner acknowledges that he has made bringing Mr. Mondrowitz to justice “a personal mission.” The goal of his client is similar: to bring Mr. Mondrowitz back to New York to face charges.

“The Mondrowitz case will not go away. The ability of this fugitive to escape prosecution has been a stain on the local criminal justice system for a long time. But Mondrowitz can still be tried for the heinous crimes of which he stands accused. And if victims like my client continue to come forward and demand his return, he will

be,” says Mr. Leshner.

#### Extradition

According to Mr. Leshner, the issue of statute of limitations will not affect the DA’s ability to prosecute Mr. Mondrowitz on the original charges against him, including first-degree sodomy and first-degree sexual abuse, made in early 1985. It is less clear, however, whether the statute of limitations will bar new prosecutions naming additional victims, such as Mr. Leshner’s client.

However, said Mr. Leshner, public outrage over the case can help secure the return of Mr. Mondrowitz from Israel to stand trial in New York—at least for the crimes of which he was originally charged.

While Brooklyn DA spokesman Jerry Schmetterer insisted that the current extradition treaty between Israel and the US would not allow the DA’s office to begin extradition proceedings against Mr. Mondrowitz, Mr. Leshner said the DA’s office has not taken into consideration the fact that, in 1988,

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Israel changed its sex code to make homosexual rape equivalent to heterosexual rape.

“The extradition treaty, which names ‘rape’ as an extraditable offense, now covers acts against boys, and this is what Mondrowitz has been accused of,” says Mr. Leshner.

According to Dr. Amy Neustein, a sociologist who is a frequent co-author with Mr. Leshner, the gender-neutral change in Israeli law means Mr. Mondrowitz’s extradition has been available to Brooklyn DA Charles (“Joe”) Hynes for 18 years.

“It is deeply upsetting to me that Hynes would not seize the opportunity to attempt extradition, or even deportation, of Mondrowitz, whose case clearly represents an unresolved Class B felony inherited from the prior District Attorney’s administration,” says Dr. Neustein.

### “Troubled” Children

By the time Mr. Leshner’s client first came into contact with Mr. Mondrowitz, in 1984, the Brooklyn-based “rabbi and counselor” had been operating a counseling service in Borough Park for several years. He specialized in referrals

for “troubled” children from Brooklyn’s Orthodox population, and was popular with the community, local yeshivah, and the Brooklyn-based, Orthodox-run Ohel foster care agency.

Many people in the community still remember him as “friendly,” “smiling,” and “sensitive,” and his image was enhanced when he became the host of a local radio program on which he interviewed popular personalities including the late Shlomo Carlebach, z”l, and Mordechai Ben-David.

“Obviously pious, with a growing family of his own, the bearded, 37-year-old Mondrowitz must have seemed the perfect choice to counsel Orthodox-Jewish boys who were experiencing problems in school or trouble within the family,” says Mr. Leshner.

### Pedophile

According to the Brooklyn DA’s office, what the children’s families and schools did not know was that Mr. Mondrowitz was also an out-of-control pedophile whose alleged activities with the young boys he counseled ranged from fondling to sodomy.

Sal Catalfumo, the detective who broke the case, once estimated that Mr. Mondrowitz’s victims may have numbered in the hundreds.

Somehow, at the end of 1984, when a few of the victims began to make hair-raising statements to the police, Mr. Mondrowitz was alerted that a warrant had been issued for his arrest. He fled the country and reappeared in Israel early the next year.

Nevertheless, in February 1985, Mr. Mondrowitz was indicted in Brooklyn on charges of first-degree child abuse and oral and anal sodomy perpetrated against boys aged 9 to 15.

The Brooklyn DA at the time, Elizabeth Holtzman, aggressively pursued Mr. Mondrowitz’s extradition or deportation from Israel, where he had sought refuge. But her efforts were frustrated by the Israel’s previous sex code laws.

Mr. Leshner, who has spent years collecting information on Mr. Mondrowitz, says it is frustrating that Mr. Hynes’s office either does not know or refuses to act on the fact that Israel’s new gender-free definition leaves Mr. Mondrowitz

open to extradition.

### No Determination

Using the federal Freedom of Information Act and its equivalent in New York, Mr. Leshner has been able to obtain previously unknown internal government documents on the Mondrowitz case. His work revealed that government officials in the US and Israel believed Mr. Mondrowitz could be forced back to New York to face his alleged victims and accusers.

“What seemed to be lacking was the determination of the new Brooklyn DA, Mr. Hynes, to make it happen,” he says.

Mr. Leshner says it took him more than two years to get the documents he needed to make his case.

“It was a battle at every step. I had to threaten lawsuits against the State and Justice Departments, and write legal memoranda, before they provided me with the record of what happened to this case after Joe Hynes took over as District Attorney,” he says.

According to Mr. Leshner, the documents established that, even after the change in Israel’s law that should have made extradition easier, Mr. Hynes, in contrast to Ms. Holtzman, showed no interest in pursuing Mr. Mondrowitz.

### Abandoned Case

According to Mr. Leshner, in September 1993, Mr. Hynes’s office quietly abandoned the effort to bring Mr. Mondrowitz back from Israel, informing the federal government, which was ultimately responsible for seeking the fugitive’s extradition, that the Brooklyn DA “would not be pursuing the case any further at this time” and would “consider pursuing the case” only if Mr. Mondrowitz were to return to the US.

“As a result, the State Department, which had felt steady pressure from Brooklyn while Ms. Holtzman was DA, closed its file,” says Mr. Leshner.

Although it is not clear what the DA’s current position is on the issue, in 2003, Mr. Schmetterer told *Newsday* that the DA’s office knew nothing about the State Department’s decision to close the file.

“We have nothing in our files to indicate we ever made that decision,” he told the paper.

### Won’t Come Back

While efforts to contact Mr. Mondrowitz in Israel were not successful, Mr. Leshner says the fugitive shows no signs of interest

in returning to New York voluntarily.

“He lives openly in Jerusalem, where he sometimes makes postings to Internet sites dealing with Orthodox Judaism,” says Mr. Leshner.

In an email provided by Mr. Leshner, Mr. Mondrowitz scoffed at his accusers, calling them “self-appointed spokesmen of G-d” who had made “a great deal of noise” but could not harm him. He also boasted that religious authorities have supported him. “I do have a *psak* from the Badatz of Yerushalayim; from Harav Aurbach, *z”l*, and from other respected rabbonim,” he wrote in an email to Mr. Leshner dated several years ago .

Mr. Leshner says he has no idea whether or not Mr. Mondrowitz actually has the support of Orthodox rabbis, but he knows these spiritual leaders could not have heard from Mr. Mondrowitz’s alleged victims who did speak to the police and DA’s office.

### Too Close Ties

What bothers Mr. Leshner, a *ba’al teshuva*, is that he believes neither the Orthodox community nor the Brooklyn DA’s office has demanded Mr. Mondrowitz’s return to face a criminal trial in New York. Mr. Leshner suggests the cause may lie in Mr. Hynes’s “close political relationship” with the Brooklyn hareidi community.

“These were some of the most horrible crimes that can be committed against children—and they were committed against *our* children. But what have we done about it? Mondrowitz seems sure that he’s safe, and, so far, we’ve been proving him right. If we and our rabbis were demanding the fugitive’s return, I believe Joe Hynes would be, too. Instead, we’ve been hearing silence—far too much of it,” says Mr. Leshner.

Mr. Leshner is hoping that articles such as the piece that appeared in *New York* magazine that prompted his client to come forward, will motivate others to do so, too.

### Other Allegations

The May 22nd issue of *New York* featured an article describing a lawsuit recently filed in federal court in Brooklyn which arose from the same Orthodox community that once housed Mr. Mondrowitz.

In the new case, the plaintiffs, now grown men, allege that, decades ago, they were sexually abused by an Orthodox rabbi at one of Brooklyn’s most revered

yeshivoth.

The article, written by Robert Kolker, underlined the extra-legal and societal difficulties faced by anyone charging an Orthodox rabbi in Brooklyn with child abuse. Most specifically, Mr. Kolker reported on critics’ complaints that Mr. Hynes’s office has been reluctant to pursue accused sex abusers in the Orthodox community, a charge that Mr. Schmetterer, the spokesman for Mr. Hynes, vehemently denies.

“We treat the Orthodox community in the same manner we treat everyone else. Every case that comes to us, we investigate, and, if there is reason, we pursue it. Period,”

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he says.

Nevertheless, in his article, Mr. Kolker specifically mentioned the stalled case against Mr. Mondrowitz.

### **“An Explosion”**

When Mr. Leshner's client, now in his 30s, saw the article and, specifically, Mr. Mondrowitz's name, he says he was “startled as if by an explosion from the past.”

“Suddenly, among the uncomfortable memories, was the exact name I remembered. I had never told anyone about it, but the way this other Jewish guy in Brooklyn was abused, was almost exactly what Mondrowitz had done to me,” he told Mr. Leshner.

After reading the article, the young man says he felt “compelled to do what I had never done in over 20 years—to speak out.”

### **Google Search**

He searched for Mr. Mondrowitz's name through Google, and discovered Mr. Leshner's devotion to the case. He then emailed Mr. Leshner.

“I had never even told my parents or my wife about

this,” he told Mr. Leshner.

He hopes his statements to prosecutors will help build pressure to have Mr. Mondrowitz brought to justice in New York.

Calling his client “brave,” Mr. Leshner says they are acting on a public promise made by Mr. Hynes's office in the *New York* article: that the DA's office is still committed to prosecuting Mr. Mondrowitz.

In the article, Rhonnie Jaus, head of Mr. Hynes's Sex Crimes Bureau, denied that there was lack of interest in bringing Mr. Mondrowitz to justice. Ms. Jaus is quoted as saying, “Our position has always been that were Mondrowitz to return to the US, we would prosecute him for his heinous crimes.”

### **Not Receptive**

Mr. Leshner says, his client's reception by the Brooklyn DA's office was “far less enthusiastic than Ms. Jaus's comments would suggest.”

“It took us about an hour to get to speak to anyone in the Sex Crimes Bureau,” says Mr. Leshner. “At first, we were

told to go to a police precinct. I wouldn't accept that—what good would that have done? Then we had to negotiate for someone who would take a statement from the accuser, my client. Even when they met with us, they wouldn't write out a formal charge sheet, and wouldn't give us a copy of the written notes they took.”

At one point, Mr. Leshner's client was told to get “some counseling.”

“But that's not why he went to the Brooklyn DA. The best therapy for this man is to see law enforcement do something to prosecute Mondrowitz—just as Ms. Jaus said they intend to do,” says Mr. Leshner.

### **No Statute of Limitations**

Although more than 20 years have passed since the felonies with which Mr. Mondrowitz was originally charged occurred, Mr. Leshner maintains the case against him can still be prosecuted.

“By remaining in Israel, beyond the reach of the New York authorities, Mr. Mondrowitz has waived the time limits that would otherwise govern the Brooklyn DA's right to put him on trial,” says Mr. Leshner.

Ms. Jaus herself assured *New York's* Mr. Kolker that, no matter how far back in time new charges, such as the ones brought by Mr. Leshner's client, go, the Brooklyn DA's office will take them seriously.

“We look into cases all the time that are beyond the statute of limitations to see if there are cases that fall within the statute,” says Ms. Jaus.

### **A Pattern**

Mr. Leshner's client's accusations against Mr. Mondrowitz trace a pattern very similar to many of the charges in the 20-year-old indictment against

the fugitive. Using graphic and specific details, the client, seems to remember precisely what Mr. Mondrowitz did to him, and where, although he was only eight years old.

He does not, however, remember clearly what Mr. Mondrowitz said to him at the time. “He must have told me, in some form, not to tell anyone else what was happening,” he told Mr. Leshner.

He recalls one occasion when he spent the night at Mr. Mondrowitz's home. Although he had been under the impression that the entire Mondrowitz family would be present, it turned out only Mr. Mondrowitz was there.

“I remember very vividly that, during the night, he climbed into my bed and the same thing happened that used to happen at the counseling sessions,” he told Mr. Leshner.

### **Civil Suit**

Mr. Leshner's client is considering the possibility of filing a civil suit against Mr. Mondrowitz, but, as his attorney, Mr. Leshner says the first step is to secure the fugitive's return to New York to face his accusers.

“Every moral consideration says that Joe Hynes should be shouting from the rooftops to bring Mondrowitz back from Israel. Every legal consideration, too,” says Mr. Leshner.

Mr. Leshner's fear is that the DA's office may be more concerned with the political backlash from this case than legal responsibilities. As co-authors and reporters for a variety of publications, Mr. Leshner and Dr. Neustein have investigated other sex-abuse cases in the Orthodox community from which, they say, the Brooklyn DA's office backed away in the face of pressure from rabbis or other

religious authorities.

### Hopeful

Nevertheless, they are hopeful. "Attitudes about abuse accusations within the community are starting to change. And if enough of us keep demanding that our children get the same protection as our community's public image, we can move that much closer to seeing real justice for Mondrowitz's accusers," says Mr. Leshner.

He insists that it is "crucial" for people to come forward to tell the truth and that cases, such as Mr. Mondrowitz's, do not get swept under the rug. If they do, he says, the way is paved for more such cases.

The questions he asks are serious and frightening: Why didn't the schools that sent children to him investigate his background? Why didn't anyone ask the children if everything was all right? How could an agency, like Ohel, which is responsible for foster children, fail to supervise

Mondrowitz when sending children to him?

"If we in the Orthodox community have the courage to fight this case publicly, we make everybody in the community—schools, parents, foster care agencies—behave more carefully next time. That's why it's so important that my client has come forward to make this charge and demand justice. I only hope other people follow his example," says Mr. Leshner.

### Beit Din's Scope

Another case that Dr. Neustein and Mr. Leshner investigated, dating back to 2000, shows how important community pressure can be and how far some rabbis will go to keep the issue from reaching adjudication, especially if the DA's office kowtows to them. Others see this case, however, as an example of responsible Jewish leadership looking out not only for what they perceive as best for their community, but also for

justice.

While many Orthodox Jews rely on the *beit din* system to adjudicate civil matters, Mr. Leshner and Dr. Neustein question what, if any, role a *beit din* should play in criminal cases.

They say, all too often, when a *beit din* is involved, accusers are pressured not to alert the police or prosecutors.

### Charges Dropped

Dr. Neustein and Mr. Leshner maintain that, in 2000, Mr. Hynes dropped charges against Rabbi Solomon Hafner, a member of the hareidi Bobov community in Borough Park, after a *beit din* said he was innocent.

Asked about this case, Mr. Schmetterer said it was "nonsense." "We would not allow any outside group to dictate what our office does," he says.

Citing several of the rabbis who sat on the *beit din*, Dr. Neustein and Mr. Leshner say Mr. Schmetterer is wrong.

### 96-Count Complaint

In 2000, Mr. Hynes's office issued a 96-count child-abuse complaint against Rabbi Hafner, a popular tutor and camp administrator in the Bobov community. The complaint was supported by renowned medical experts and a police detective before it fizzled right in the middle of a Grand Jury investigation.

The case began when a Bobov family, whom Dr. Neustein and Mr. Leshner identified by the pseudonym "Abraham," believed their hearing-impaired child had been abused by Rabbi Hafner. The family now believes that members and supporters of the Bobov community, which numbers about 20,000 in Brooklyn alone, worked behind the scenes to suppress the charges made by their son.

Whether or not that is true depends on whom is telling the story. But the fact re-

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mains that barely two months after Rabbi Hafner's arrest, Mr. Hynes's office was visited by a member of an influential, ad hoc *beit din* and, almost immediately, announced that there was no longer evidence to support the charges, The Grand Jury that, until that point, had been hearing testimony in the case, was disbanded.

### "Back-Room Maneuvers"

In 2000, Dr. Neustein and Mr. Leshner drafted an unpublished account of the Hafner case while under contract from *New York* magazine—the same publication that published the story about alleged child sexual abuse in Borough Park this past May. In their draft, Dr. Neustein and Mr. Leshner maintain that the weeks preceding Mr. Hynes's

abandonment on the charges against Rabbi Hafner, were filled with "back-room maneuvers involving prosecutors and figures in the chassidic community."

These include, they say, a specially convened *beit din*, which stopped tape recording its proceedings when it appeared the DA might subpoena the tape; a meeting of DA officials with one of the *beit din*'s rabbis to consider second-hand "new evidence" privately relayed by the rabbis; and, allegedly, contacts between DA officials and NY Assembly Speaker Sheldon Silver, who reportedly stepped in to urge the DA's office to listen to what the rabbis had to say.

"In fact, so close were the communica-

tions between DA officials and the rabbis, whose court exonerated Hafner, that, according to one rabbinic court member, the DA's office 'officially' asked the rabbis not to publish the verdict until after the DA formally dropped the charges—just to dispel the appearance of a deal," say the authors.

### Better Methods

Rabbi Chaim Rottenberg of Monsey, one of the rabbinic judges on the *beit din* that "cleared" Rabbi Hafner is still convinced the rabbis with whom he worked were responsible for convincing the DA to drop the case.

"Our methods were better than theirs," he says.

When told that Mr. Schmetterer denies all allegations of any collusion between the DA's office and the *beit din*, Rabbi Rottenberg was not impressed. "If we didn't convince the DA, then why did Hynes drop the case so suddenly?" says Rabbi Rottenberg.

In 2002, Rabbi Hafner's attorney, Jack Litman, told the AP that Mr. Hynes "determined that the complaining witness and his family made up the charges," but that is not what Mr. Schmetterer says.

"I know the Grand Jury has a reputation for indicting a ham sandwich if requested by the DA, but it is not unusual for a case like this to be dropped, especially if the victim suddenly refuses to testify," he says.

### Pressure to Sign

In the Hafner case, despite the best efforts of the rabbis involved, the victim never refused to testify. According to the Abrahams, the DA's office just pulled the rug from under them.

"There was an injustice done, one million percent. The people within the community know that something wrong was done," says Mrs. Abraham, who worked as a high school history teacher.

According to Mr. Abraham's uncle, the rabbis on the *beit din* went so far as to write a statement for the family to sign to give to the DA, admitting that their son was "crazy." When the family refused, the rabbis used other means to get the case thrown out, says Dr. Neustein.

None of the contacted rabbis who sat on the *beit din* say they know anything about this letter.

### Seeking Mainstreaming

The charges against Rabbi Hafner date back to 1997 when the Abraham boy

was nine years old. His Bobov yeshiva believed that, with tutoring, he could be mainstreamed into regular classes, despite his hearing disability.

Rabbi Hafner, 38 at the time and the father of nine, had tutored “hundreds” of other children in the community for more than 18 years. The rabbi’s wife told Dr. Neustein that her husband and the Abraham family were well acquainted.

“I never fought with the [Abrahams],” Chaya Hafner told Dr. Neustein. Mrs. Hafner, whom Dr. Neustein described as “soft-spoken and earnest,” said she was “shocked” when her husband was charged with abuse.

“We were friendly, good friends, knew each other for years,” said Mrs. Hafner, according to Dr. Neustein.

### **Secluded**

According to Dr. Neustein and Mr. Leshner, the tutoring took place from 8 to 9 on weekday mornings in a converted house known as the Voydislaver Synagogue. The location was chosen, Mrs. Hafner told Dr. Neustein, because it was “secluded,” and, thus, suited to the boy’s special needs.

The boy’s parents maintain that, after 18 months of intensive tutoring from Rabbi Hafner, their son’s performance seemed to stagnate rather than improve.

His speech pathologist at school noticed it, too. “He was daydreaming, distracted,” Adele Markwitz told the writers. Ms. Markwitz told the writers she found this to be a significant change in the boy’s behavior because before his tutoring began, she had always found him to be “very intelligent and hardworking,” despite his hearing problem.

### **Bizarre Details**

Concerned about their son’s lack of progress, the Abrahams stopped the tutoring, and, months later, in 1998, the child

allegedly began to disclose bizarre details about his sessions with Rabbi Hafner.

Reluctant to allow these charges to become public, Mrs. Abraham reportedly spent more than eight months seeking a solution “within the community.”

When she got nowhere, she turned to “outside” help, finding two Orthodox-Jewish social workers, Dr. Meir Wikler and Moshe Wangrofsky, who reportedly believed the boy was telling the truth.

### **Expert Opinion**

State-mandated reporters (professionals ordered by state law to report any suspicions of child abuse), the social workers referred the child to Dr. Katherine Grimm, a Mount Sinai-based pediatrician who serves as director of the Children’s Advocacy Center of Manhattan. An assistant professor, she not only chairs a child-abuse clinical evaluation program, but also teaches doctors about child-abuse prevention and detection.

Dr. Grimm reported that the child revealed some sadistic details of his tutoring sessions, included pulling on his genitals and hitting his ear with the hearing aid. He also told Dr. Grimm that he had been threatened “with worse” if he told anyone about the abuse.

According to Dr. Grimm, these were “details that were very hard for a child to be coached to make up.”

“Nobody had anything to gain from this disclosure,” she said.

### **Police**

Dr. Grimm referred the case to Detective Brenda Vincent Springer, an experienced professional with specific experience in the chassidic-Jewish community. According to Dr. Grimm, Ms. Springer found the boy’s story “credible.” Ms. Springer herself would not comment for the press.

Mrs. Abraham described Ms. Springer as “encouraging and helpful.”

“My son felt so secure with her, like she really understood him, and he wasn’t scared to tell her what actually happened,” she told Mr. Leshner, adding that the boy told the detective details he had not shared with his parents.

When Rabbi Hafner was arrested in January 2000, the reaction in the Bobov community against the Abrahams was “swift and angry,” according to Dr. Neustein and Mr. Leshner.

Kevin Davitt, then the director of public information of the Brooklyn DA’s office, acknowledged to them that some members of the Bobov community had called to complain that the DA was on a “witch hunt” against chassidim. Henna White, the DA’s social liaison to the Orthodox community, said she heard from “sources” that Rabbi Dovid Cohen, a prominent religious leader who had given his approval to the Abrahams to contact the secular authorities, had been “threatened.”

### **Who Called the Beit Din?**

One month later, after the Grand Jury investigation was already underway, a *beit din* was assembled to hear the case. The details of how and why the rabbis came together depend on who is telling the story.

According to Dr. Neustein and Mr. Leshner, the *beit din* was called “in response to Bobov community pressure to make its own ‘inside’ investigation of the charges against Rabbi Hafner.”

Rav Dovid Feinstein of the Lower East Side, in whose office the *beit din* was held, says the rabbinic court was called at the behest of the Abraham family who, somewhat belatedly, decided they wanted

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halachic approbation to call in the secular authorities.

In fact, according to Rabbi Feinstein, this was not the first *beit din* that was called to adjudicate the matter. He maintains that, before going to the police in the first place, the Abrahams had asked a *beit din* to decide what they should do.

“When the *beit din* ruled that the family should not go to the police, the family decided the *beit din* was biased against them, and allowed the secular courts to take over,” says Rav Feinstein, who did not participate in that first *beit din*.

### Personally Recruited

According to Rabbi Rottenberg, the second *beit din* consisted of five rabbis who were all personally recruited by Rabbi Cohen.

“He wanted to find the five best rabbis he could to sit on this *beit din*, because he wanted no arguments about the ruling,” says Rabbi Rottenberg, adding that when he hesitated to join, Rabbi Cohen called Rabbi Rottenberg’s parents to convince him to take part.

Speaking to Dr. Neustein, Rabbi Rottenberg indicated the *beit din* moved at a pace he described as an “emergency.”

“He seemed to imply that the rabbinic panel was a way to try to influence the official

legal proceedings,” says Dr. Neustein, who added that Rabbi Rottenberg told her he had warned other rabbis who were asked to join the panel that if they did not intervene “this case is going to stay by the DA until the DA’s decision.”

According to Rabbi Rottenberg, although Rabbi Cohen called for the rabbinic court on behalf of the Abrahams, he did so because Rabbi Hafner was furious that they had gone to the secular authorities without *beit din* approval.

“Rabbi Cohen wanted a *beit din* because the community was outraged that the family had conducted itself like that,” says Rabbi Rottenberg.

### “New Evidence”

By the first week in March 2000—before the *beit din* even officially handed down its judgment finding Rabbi Hafner innocent—the rabbis were prepared to visit the DA’s office, along with Mr. Littman, Rabbi Hafner’s attorney, to produce “new evidence” of Rabbi Hafner’s innocence.

Dr. Neustein says Rabbi Rottenberg told her that Assembly Speaker Silver, an Orthodox Jew who reportedly *davens* with Rabbi Feinstein, urged the DA’s office to listen to the rabbis.

“Shelly Silver said he’s not taking sides, but he does want the doors opened [at the

DA’s office] to listen to what we have to say,” Rabbi Rottenberg told Dr. Neustein.

Mr. Silver did not return repeated calls for comment.

### “Crucial” Meeting

The meeting between the prosecutors and the rabbis, which Dr. Neustein and Mr. Leshner describe as “crucial,” took place in mid-March 2000. A few days later, on March 20, the DA’s office issued a statement unequivocally exonerating Rabbi Hafner.

The DA’s office still offers no specifics to explain its action, and officials will not divulge details of the evidence of Rabbi Hafner’s innocence they supposedly received.

According to the *beit din* rabbis themselves, no witnesses to any of the “new evidence” in Rabbi Hafner’s favor ever met with the prosecutors.

Rabbi Moshe Farkas, a Brooklyn rabbi and allegedly the most active member of the *beit din* in its evidence-gathering stages, told Dr. Neustein that he alone presented Bobov’s case to members of the DA’s office, including Ms. Jaus.

Rabbi Rottenberg agrees, recalling that he and another member of the rabbinic panel tried to introduce community witnesses to prosecutors before

Rabbi Farkas’s visit (which was allegedly facilitated by Mr. Silver’s call), but “they didn’t let us in the door.”

According to Mr. Leshner, Mr. Litman said witnesses were “presented” to the DA officials, but he would not say who they were.

### Was It Secluded?

According to Mr. Leshner, Mr. Litman told him the rabbis had discovered that the boy claimed to have been sexually abused in a place which was actually “observable by dozens and dozens of people every single day.”

Rabbi Rottenberg says the small synagogue has “big huge half-wall windows, open to the street.” He further insists, “There are close to 100 people who have the combination if it would be locked. There are 20, 30, in and out daily. There’s a side door which everybody knows, it’s always open.”

But Dr. Neustein says Mrs. Hafner painted a different picture of the site where her husband tutored the boy. According to Dr. Neustein, Mrs. Hafner explained that the Abrahams had asked her husband to learn privately with the boy “in a very secluded place because he has a hearing aid and it will pick up any outside noise, so he must have a quiet place.”



According to Mrs. Hafner, when her husband tutored the boy “there was nobody there.”

### Site Visit

Curious, Mr. Leshner actually went to the site. He says he found all the doors locked. Through a small diamond-shaped pane in one of its three weather-beaten doors (not the main one), only a staircase leading up is dimly visible.

According to the reporters, Rabbi Moshe Rottenberg, a distant cousin of the rabbinic court judge, allegedly lived with his family upstairs.

“When a buzzer next to the door is pressed, a woman’s voice confirms that the synagogue is closed and that there are no prayers inside except on the Sabbath. No one enters or leaves the building between 8 and 9, the period during which Hafner tutored the Abraham boy,” wrote Dr. Neustein and Mr. Leshner.

### Made-Up Details

Mrs. Abraham told Mr. Leshner that some of Rabbi Hafner’s defenders simply fabricated the details. “They had somebody go to the yeshiva down the block and tell the kids the combination [to the front door lock], so they could say a hundred people had the combination,” she told Mr. Leshner.

Asked about this, Rabbi Chaim Rottenberg, the rabbinic judge, says it’s true that the synagogue is public, but, he says, it is also true that when Rabbi Hafner tutored the boy, “he took him to a quiet, secluded place when people were around.”

Asked if the rabbi might have used that opportunity to abuse the boy, Rabbi Rottenberg says the DA’s psychologist asked the same question. “So we asked the psychologist: Do you know what Rabbi Hafner does for a living? He did not. We asked: If someone has this

addiction to sex, would it not have made itself apparent over the years? The psychologist said it would. So we told the psychologist about Rabbi Hafner, and the case was dropped,” says Rabbi Rottenberg.

### Camp Guard

What the rabbis explained to the psychologist is that Rabbi Hafner worked as a “guard” at a camp “with 1,000 children.” According to Rabbi Rottenberg, Rabbi Hafner was in charge of the children at night and at the swimming pool.

“Can you think of any two places more likely for abuse to occur?” he asks.

To see if abuse had occurred at the camp, he says, the *beit din* rabbis asked the community to tell them what they knew about this matter. According to Rabbi Rottenberg, members of the community were asked to complain in writing, verbally, or even anonymously.

“We received not one complaint,” says Rabbi Rottenberg, adding that this information is what finally convinced the DA’s office.

### The Beit Din’s Case

According to Dr. Neustein and Mr. Leshner, at the time of the *beit din*, the rabbis called in two mental health professionals, but neither of them, including Dr. Sylvan Schaffer, an Orthodox psychologist and attorney who serves as clinical coordinator and director of education of the forensic psychiatry program at North Shore University Hospital, ever interviewed the Abraham boy.

According to Rabbi Rottenberg, Dr. Schaffer interviewed Rabbi Hafner and a “random” sample of six of Rabbi Hafner’s other students, for any evidence that they had been abused.

In finding Rabbi Hafner innocent, the *beit din* cast

aspersions on the boy’s motivation for suggesting the accusations in the first place. Dr. Neustein says Rabbi Farkas told her, “Because he’s hearing impaired, he always wants to get attention.”

Rabbi Rottenberg told Dr. Neustein, “The kid was bragging on and on, saying ‘I want to talk more, I have more to say, I want to talk.’ The child spoke for a couple of hours, begging us to listen to him more and more, just eating the attention with such appetite.”

### Ignoring Professionals

According to Dr. Neustein and Mr. Leshner, the rabbis did not pay much attention to the professionals who had examined the child and supported his charges. Neither Dr. Grimm nor Detective Springer was invited to testify and the Orthodox social workers were brushed aside.

Ms. Markwitz was also excluded because she had discussed the case on WNBC television news.

“Making a statement in public about a private, innocent person, that’s being low,” Rabbi Rottenberg told Dr. Neustein.

Ms. Markwitz told Dr. Neustein and Mr. Leshner that the rabbis said her willingness to discuss the case publicly proves “she hates Jews.”

### Tapes

According to Dr. Neustein, Rabbi Rottenberg told her the rabbinic court began by making tape recordings of their sessions, but stopped midway “because they [the DA] were going to subpoena it.” He explained, she says, that the rabbis did not want details of child-abuse allegations among chassidim heard by non-Jewish authorities.

By the time Rabbi Farkas met with the prosecutors, the *beit din* had already reached

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its innocent verdict, but, according to Dr. Neustein and Mr. Leshner, the prosecutors asked the rabbis “unofficially” not to publish their ruling until the DA’s office announced its own decision to drop charges.

“They didn’t want it to look like they bent under pressure,” Rabbi Rottenberg allegedly told Dr. Neustein.

### **Distraught Family**

According to Dr. Neustein, Rabbi Rottenberg told her Mrs. Abraham was “distraught” when she learned there would be no prosecution. He told Dr. Neustein Mrs. Abraham did not know how she would tell her son that the rabbis believed he was lying. Imitating her voice, Rabbi Rottenberg quoted her as saying, “I told him the rabbis are going to take care of Rabbi Hafner, they’re going to put him into jail, punish him, and now what?”

“She started to go wild, claiming the *beit din* was biased. She said, ‘Now our name is going to be ruined,’” Rabbi Rottenberg told Dr. Neustein.

Rabbi Rottenberg told Dr. Neustein that he personally informed the boy the rabbis were unwilling to “buy” his story. He told Dr. Neustein he recalled the child answering, “But that’s how it happened. It’s true.”

According to Dr. Neus-

tein, Rabbi Rottenberg regarded the fact that Rabbi Hafner was exonerated on March 21 as significant because it was also Purim. “In Bobov, they sang all of Purim and Shabbos after, a *niggun* to Rabbi Hafner’s favor and against the Abrahams in a shul of 3,000 people, the main Bobov shul. Everybody knew what that meant,” he told Dr. Neustein.

### **Relocated Family**

As a result of this case, the Abraham family relocated to Rockland County. According to a report in *Newsday*, before they left Brooklyn, the police felt it was necessary to assign 24-hour protection to the family because they had been threatened.

According to Mr. Leshner, Mrs. Abraham says the only people she still does not forgive are the other mothers “who hid their heads under the rug and kept quiet.”

“That’s why my son got hurt, because they were selfish,” she told him.

According to Dr. Neustein, that “selfishness” may actually be self-protection. Those who speak out, she says, can find themselves excoriated, run out of the community, or threatened with no marriage partners for themselves or their children.

### **Using the Beit Din**

Asked about the *beit din*, Rabbi Feinstein says he

agreed to be part of it only because Rabbi Cohen was so insistent. He says it convened in his office because he was the only rabbi on the panel who does not have a car.

He says that while he believes Rabbi Hafner was innocent, he knows nothing about members of the *beit din* interfering with the DA’s office and, he says, he has no idea why the DA’s office dismissed charges against Rabbi Hafner so soon after the *beit din* also absolved him.

In general, Rabbi Feinstein says, it is a good idea for would-be accusers in the Jewish community to take their charges to a *beit din* before going to the police.

“If the person is found guilty, the *beit din* would tell the accuser to go to the police; if the person is found not guilty, the *beit din* would tell the accuser to forget it,” he says.

Asked if he knows of any instances in which a *beit din* referred a case to the civil authorities, Rabbi Feinstein says he does not.

Rabbi Rottenberg, on the other hand, says he personally, not as part of a *beit din*, has often insisted that individuals take their criminal cases to the secular authorities.

### **Aftermath**

In 2000, when Dr. Neustein and Mr. Leshner tried to speak to

Rabbi Cohen, they say a close acquaintance told them he was “shell-shocked” by community criticism. Today, some say, he is afraid to speak because he has been threatened.

According to Dr. Neustein and Mr. Leshner, after the *beit din* handed down its verdict, Rabbi Cohen, under pressure from the rabbis, wrote an open letter in Hebrew, which appeared on community bulletin boards, apologizing to Rabbi Hafner for causing him “distress and humiliation,” while, nevertheless, stressing his own “good intentions.”

One month after exonerating Rabbi Hafner, the five members of the *beit din* met to issue him a “blessing,” declaring that the charges against him were “false and based on falsehood” and asking G-d to compensate him for any losses incurred through his involvement in the legal system. Posters appeared throughout the community, reminding Jews that they should not hesitate to employ Rabbi Hafner to tutor their children.

“After all, Rabbi Hafner has to marry off his children,” Dr. Neustein said Rabbi Rottenberg told her. S.L.R.