

# REINING IN ABUSE

No religion is immune from clergy sex abuse. That includes Judaism, which has been buffeted over the past few years by horror stories of rabbis and other communal figures betraying their sacred trust. Now that the problem is out of the Jewish closet, JTA investigated to see what's being done to stamp it out.

**A JTA INVESTIGATIVE SERIES BY EUGENE L. MEYER AND RICHARD GREENBERG**



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# Clergy sexual misconduct: What's being done to squelch it?

By EUGENE L. MEYER and RICHARD GREENBERG

**N**EW YORK (JTA) — The rabbi in a mid-sized Pennsylvania city was eager to share his congregation's wrenching experience — but no names, please.

It's been nearly five years since the synagogue's cantor pleaded guilty to sexually molesting two girls he was preparing for their bat mitzvahs. He was sentenced to 15 to 30 months in prison and is now on Pennsylvania's sexual offender list.

Still, the rabbi wanted the name of his synagogue and of the abuser, whose crimes are a matter of public record, kept confidential.

"We are mindful of not causing additional trauma to those who suffered here," he wrote in an e-mail.

But the rabbi wanted it known that measures have been instituted to guard against a repeat occurrence. For example, the synagogue now requires that another adult be present during private religious instruction.

In that respect, this synagogue typifies many Jewish institutions, which over the past several years have adopted new policies — or beefed up existing ones — aimed at cracking down on rogue rabbis and others in positions of trust who sexually exploit congregants, students or others.

The issue of clergy sexual abuse has gained increased attention in the 10 years since it was first investigated by JTA.

That earlier investigation, which focused primarily on rabbis who sexually coerce adult congregants, indicated that the problem was more widespread than had been assumed — and that the Jewish establishment was beginning to grapple with it, but not always effectively.

For example, formal denominational policies governing rabbinic conduct were sometimes slow to develop. Although behavioral guidelines are now the norm, some other systemic problems uncovered in that earlier JTA series still persist.

Since that original investigation was published, the Catholic Church has been rocked by a massive pedophilia scandal, while the Jewish community has been buffeted by high-profile cases of sexual impropriety involving rabbis and other authority figures.

The list of offenders includes Orthodox youth leader

Rabbi Baruch Lanner, a former regional director of the National Conference of Synagogue Youth, who is now serving a seven-year prison sentence for abusing teenage girls while he was principal of a New Jersey yeshiva. The scandal set off a storm in the Orthodox world stemming from allegations that rabbinic leaders and others had long been negligent in supervising Lanner.

More recently, David Kaye, a prominent 56-year-old Conservative rabbi from Maryland, was ensnared in a nationally televised pedophile sting operation. Kaye, the former vice president for programs of Panim: The Institute for Jewish Leadership and Values, was sentenced Dec. 1 to 6 1/2 years in prison for trying to solicit sex last year from someone posing

on the Internet as a 13-year-old boy, a case that was featured on the network television show "Dateline NBC."

Virtually all denominations, except segments of fervent Orthodoxy, now have formal codes on the books that outline unacceptable clergy behavior and mandate precisely how complaints of sexual impropriety are to be investigated and

adjudicated by in-house ethics panels.

In a three-month-long investigation, JTA examined those policies with the help of mental health providers, victims' advocates, rabbis and others whose assessments reflected a mix of encouragement and skepticism. Among the findings of this six-part series:

- The anti-abuse guidelines represent a well-intentioned yet sporadically flawed attempt to address a problem that had once been neglected entirely. One evaluator gave the policies a C-plus grade, another a C-minus.
- The system, according to critics, suffers from an institutional fear of lawsuits and excessive secrecy — both byproducts of an ethical quandary faced by decision-makers. They must balance an individual's right to privacy against the obligation to protect the public from a potential sexual predator.
- A symbol of that ethical push-pull is the Awareness Center, a private, 5-year-old Baltimore-based Jewish organization that is devoted to protecting the public from abusers. The center has been both criticized and praised for its policy of identifying rabbis and other sexual predators on its Web site, whether or not they have been tried in court.

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• Perhaps the most serious impediment to controlling clergy abuse is what Chicago psychologist and psychoanalyst Vivian Skolnick calls “the plague of silence” — the continuing reluctance of victims to report transgressions. “People are afraid of being ostracized if they come forward,” said David Framowitz, 49, who has alleged in a recently filed federal lawsuit that he was abused decades ago by a Brooklyn rabbi.

Like most of the observers contributing to the JTA analysis, anti-abuse activist and author Drorah Setel, a rabbi at a Reform congregation in Niagara Falls, N.Y., lauded the denominational rule-makers for taking steps to undo decades of inaction and denial—but she faulted their specific policies nonetheless.

“They are really well-intentioned, but they just don’t understand the process and the issues involved in sex abuse cases,” said Setel, who has written extensively on the topic of clergy sexual misconduct.

The notion of image-conscious, liability-minded and often male-dominated rabbinic ethics boards policing their own members, she added, is like “the fox guarding the henhouse.”

### Secrecy vs. privacy

Although Judaism’s get-tough policies may have their flaws, conclusive proof of their effectiveness — or ineffectiveness — is elusive. One reason is that the pool of sex abuse complaints that have been processed by ethics panels over the past several years is minuscule.

It is an open question, however, whether the low volume of cases indicates that the problem of sexual misdeeds among rabbis and other Jewish clergy is minimal, as some claim, or is simply underreported, as Skolnick and several others contend.

In addition, the administrative proceedings aimed at meting out justice are typically cloaked in what critics call excessive secrecy and advocates of the system maintain is an environment of prudent and compassionate privacy. The denominational hearings are generally closed to the public, and in some cases, public access to the results of those hearings is severely limited.

Proponents of this approach say it is warranted to avoid unnecessarily tainting the reputation of the accused while sparing the accuser additional shame and embarrassment.

“It’s not easy for someone to institute an ethics complaint; it’s frightening,” said Rabbi Rosalind Gold, chair of the ethics committee of the Reform movement’s Central Conference of American Rabbis. “There are repercussions in the community, and people are not stupid about that.”

Victims are typically traumatized by the fear of being

ostracized if they publicly challenge a respected, and often charismatic, communal authority figure such as a rabbi, according to Skolnick and others.

That fear is not always illusory. As this JTA investigation demonstrates, victims are indeed sometimes shunned and even harassed by fellow congregants. Consequently, other victims fail to report transgressions.

Despite encouraging inroads in the area of reporting sexual abuse, the reticence of victims to come forward continues to be a major problem across all denominations. However, anecdotal evidence suggests that underreporting may be more

prevalent in the fervently Orthodox community—the type of neighborhood where denial runs rampant regarding clergy sexual misconduct, according to Framowitz.

“Growing up in that frum world, it was thought that things like this couldn’t be; it was too much of a black mark on the community,” explained Framowitz,

who was raised in part in the Flatbush and Borough Park neighborhoods of Brooklyn, which are described in his lawsuit as “tight-knit Orthodox Jewish” communities.

Framowitz, who now lives in Israel, told JTA that even his parents did not initially believe that he had been repeatedly sexually abused. “For several years,” he said, “nobody protected me.”

When asked by JTA about that episode, Framowitz’s mother, Naomi Framowitz, said: “I was too naive to understand that such a thing could happen. I lived in my own little world. At that time, it wasn’t spoken about like it is today.”

The denominational policies examined by JTA, which were developed by both the congregational and rabbinic wings of the major religious movements, have several similarities. For example, they address a vast range of prohibited deeds, from criminal acts such as rape and child molestation to sexually charged conduct that is exploitive but not necessarily criminal. That includes sexual harassment, adultery and other forms of “seductive” or coercive behavior that is grouped under the broad heading of “boundary violations.”

In many instances, boundary violations are an outgrowth of pastoral counseling that rabbis and other clergymen are often called on to provide for congregants who, for example, are grieving, undergoing religious conversion or experiencing personal problems, such as marital crises. Explicitly banning even sexually suggestive behavior, most of the denominational guidelines recognize that the inherent power imbalance between clergyman and congregant makes otherwise consensual sexual contact unacceptable.

The codes of professional conduct promulgated by both the Conservative and Reconstructionist movements go as far as to warn of possible pitfalls that may arise when an unmar-

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Rabbi Rosalind Gold

ried rabbi dates a congregant.

Some regulations aim to foster gender balance among those who investigate or rule on sex abuse cases — an important consideration in these matters, according to several sources.

Other provisions are geared to raising the level of expertise and independence among denominational investigators and adjudicators.

For example, the Rabbinical Council of America, a primarily modern Orthodox organization, specifies that whoever initially assesses complaints not be a member of the RCA, that the organization's fact-finding team include one mental health professional and that all members of that team "have appropriate training in the area of sexual abuse."

The CCAR guidelines, meanwhile, require that its three-member fact-gathering team include a lay person in addition to two rabbis.

### Limiting mobility

Another key provision of the denominational codes focuses on an issue that gained prominence during the child-molestation scandal in the Catholic Church. That is, the problem of sexual predators who escape apprehension by relocating to another institution or community where they repeat their conduct.

In the case of the church, pedophile priests were aided by superiors who routinely shuttled them from one parish to another where they continually had access to children.

"This is an area of great concern in the Jewish community as well," said Alison Iser, director of The Jewish Program at the FaithTrust Institute, a Seattle-based nonprofit devoted to combating sexual and domestic violence. "The Jewish community has viewed with disdain that sort of behavior elsewhere, and as a result, has felt a sort of smugness that it was not happening here."

Whether segments of the Jewish community do in fact have a "Catholic-priest problem" is debatable. And yet Yosef Blau, a modern Orthodox rabbi, focused on a similar concern in the July 2003 issue of *Nefesh News*, the journal of the International Network of Orthodox Mental Health Professionals.

"Even when the pattern of abuse is clear," Blau wrote, referring to the situation in the Orthodox community, "the question remains how to effectively deal with the abuser in a way that at least limits his ability to move elsewhere and continue to abuse new people."

If progress has been made on that front, it is in part because of denominational regulations that govern how much

background information about a clergyman is to be divulged to interested parties, including prospective employers. The guidelines generally place a premium on confidentiality, but they vary in terms of how much discretion movement officials have to release personnel information. For example:

- Declaring that "confidentiality is crucial," the Reconstructionist Rabbinical Association guidelines — which predate Blau's article by nearly four years and are now being revised — say the chair of the association's Ethics Committee may only disclose that a member is under investigation, the

investigation "has been resolved but is confidential," or that the member has been suspended or expelled. "No other details are to be revealed." Rabbi Richard Hirsh, executive director of the association, elaborated: "In the abstract, the default position would be that the more serious the violation, the more imperative it is to disclose as much in-

formation as possible."

- News of a rabbi's expulsion from the RCA, the modern Orthodox organization, must be disseminated throughout the RCA, and the rabbi's current employer must also be notified. Beyond that, though, RCA officials shall determine "who else, if anyone," is to be informed that such an action took place. The RCA's executive vice president, Rabbi Basil Herring, said that policy enables officials to consider relevant factors such as the seriousness of the offense as well as possible complications posed by pending lawsuits.

- The CCAR, the Reform rabbinic arm, mandates that a prospective employer be provided with a fairly detailed report of disciplinary action taken against a CCAR member. But "after an extended period of time," a single non-criminal infraction doesn't have to be reported at all. Attorney Anne Underwood, who helped write the CCAR code, noted that before the decision is made to withhold information, it must first be reviewed by several senior CCAR officials in conjunction with the organization's legal counsel. "I don't like secrecy," Underwood added, "but there is a difference between secrecy and privacy, and this provision honors that."

Not everyone views that distinction in precisely the same way. As a result, the proper role of transparency in the adjudicative process is a controversial topic, highlighting the tension between maintaining the public's right to know and enabling an individual to keep his or her reputation intact — especially in the absence of criminal charges or civil allegations.

"If you act on a false accusation, you're killing a guy and his family; the responsibility is awesome," said Rabbi Abraham Twerski, medical director emeritus of the Gateway Rehabilitation Center in Pittsburgh. "Plus, you can be sued for defamation of character. And boy does that ever hamper the system."

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**Rabbi Abraham Twerski**

Concern over litigation “causes people to get very frightened,” added David Pelcovitz, a suburban New York psychologist who has treated many victims of sexual abuse. “It certainly tests the limits of their idealism.”

Some victims’ advocates are transparency absolutists, insisting on full disclosure of virtually all details of sex-abuse cases involving religious authority figures that have been ruled on by denominational ethics panels. They feel that such information should be released not only to prospective employers but to the public at large to protect the maximum number of people.

“There has been so much secrecy for so long that victims are rightfully distrustful,” said rabbinic activist Setel of Niagara Falls. “They have a desire to overcompensate and I can totally understand that.”

Responding to those who advocate maximum transparency, Rabbi Joel Meyers, executive vice president of the Conservative movement’s Rabbinical Assembly, said: “They’re not crazy and they’re not wrong. It’s a dilemma we struggle with. The question is how high up do you put that billboard?”

The underlying issue, added Meyers, who said the R.A. has not been influenced by fear of lawsuits, is “what do you do in these cases to restore equilibrium between the rabbi, the victim and the community? That is really the Jewish challenge.”

Due in part to concerns over civil liability, the RCA generally limits the public release of details regarding sex abuse cases, even those that have resulted in a rabbi’s expulsion from the organization, said Herring.

“The threat of liability hangs over you,” he added. “The chill factor is significant.”

The RCA guidelines, however, do have an emergency clause that recommends informing a wide range of individuals, including neighbors and civil authorities, if a rabbi might pose an immediate danger to “alleged or potential victims.”

Sources within the other movements said that regardless of official policy, an expansive disclosure stance would likely apply in similar circumstances.

The ethics panel of the Reform movement’s CCAR does not ordinarily publicize its findings, even in expulsion cases, according to Gold of the CCAR ethics committee.

“I don’t know for sure why,” she said. “I’m not sure that question has ever been discussed as that question. It’s not a desire to keep things secret. It might be an interesting thing to discuss.”

Commenting on the transparency issue, Minneapolis psychologist Gary Schoener, whose office has consulted on hundreds of clergy sex abuse cases, both Jewish and non-Jewish, said there is such a thing as “hurtful honesty” that can needlessly trash the perpetrator — who might be a good risk for recovery — while inadvertently exposing the identity of the victim. Otherwise, Schoener added, full disclosure is always the best policy when responding to inquiries from would-be employers.

Due in part to extensive First Amendment protections enjoyed by religious organizations, the keepers of clergy personnel records have “lots of leeway” in terms of what information they can release without being successfully sued, Schoener said.

Simple morality and common sense are usually effective decision-making guides in these situations, he said.

“Let’s say you’re hiring a rabbi,” Schoener explained, “and he had done something wrong, and somebody later finds out about his history. How would the congregation feel if he goes out and does it again?”

“The issue here is knowing the truth. It does set everyone free. The prospective employer should know both the good and the bad,” he said. “There should be an accurate description of the full person, including his recovery plan and how it is being monitored.

“The idea is to know exactly what kind of situation we’re dealing with.” ■

# Wayward clergy by the numbers: Is it rampant or an aberration?

By EUGENE L. MEYER and RICHARD GREENBERG

**N**EW YORK (JTA) — How extensive is the problem of clergy sex abuse in the Jewish community? It depends which criteria are used as a yardstick.

One possible gauge is the volume of abuse complaints that have been adjudicated by the ethics panels of the major religious denominations.

Judging by the tiny caseload, the problem appears to be negligible — unless, of course, wrongdoing by rabbis and other clergymen is underreported, as some observers maintain.

Rabbi Richard Hirsh, executive vice president of the Reconstructionist Rabbinical Association, counted three or four investigations into rabbinic sexual misconduct since the 300-member organization adopted a new code of ethics in 1999. The code is again being revised.

Hirsh would identify neither the transgressions nor the transgressors.

“We’re not allowed to discuss any details,” he explained, although in one instance, he added, the association’s ethics committee merely admonished the accused rabbi to “be careful next time.”

Rabbi Joel Meyers, executive vice president of the Conservative movement’s 1,600-member Rabbinical Assembly, said in the 17 years he has held his current post, only three rabbis have been asked to leave the R.A. or left on their own due to “inappropriate behavior” of a sexual nature. This year, one rabbi was expelled.

In addition, the R.A. insisted that “several” other rabbis found to have engaged in “seductive behavior” undergo therapy.

Rabbi Basil Herring, executive vice president of the Rabbinical Council of America, a primarily modern Orthodox organization, said the RCA has ruled on so few sexual misconduct complaints over the past 10 years that the number is not statistically significant.

The Union for Reform Judaism, which has 900 member congregations, sees no “particular need” to keep records on the numbers or dispositions of sexual misconduct cases, according to its president, Rabbi Eric Yoffie.

“I don’t happen to believe there’s any evidence of an epidemic of rabbinic sexual abuse,” Yoffie said. “If you are asking, am I aware of there being some significant numbers of people, my answer is no. We have to keep it in perspective.”

The Awareness Center, a controversial Baltimore-based Jewish clearinghouse of clergy sex abuse information, lists on its Web site scores of Jewish clergy who are alleged to be sexual predators. Some of them have been convicted of

crimes, but some have not even been charged.

Although authoritative statistics quantifying the problem appear to be nonexistent, “some experts” estimate that “between 18 and 39 percent of Jewish clergy are involved in sexual harassment, sexual exploitation and/or sexual misconduct — the same percentage as non-Jewish clergy,”

according to the 2002 book “Sex, Lies, and Rabbis: Breaking a Sacred Trust” written by psychotherapist Charlotte Rolnick Schwab.

“All denominations are involved,” Schwab wrote.

In her book, she said quantitative data were drawn in part from a conversation with the Rev. Marie Fortune, director of the FaithTrust Institute, a Seattle-based nonprofit organization that fights sexual and domestic violence.

Schwab in her book added: “The large number of cases I, alone, have in my files bears out this estimate.”

Contacted later, Fortune said: “To my knowledge there are no definitive statistics in any of our faith groups that quantify the problem, and what we have instead are anecdotes and in some places numbers of complaints brought in that particular jurisdiction.”

Fortune said her “best guess, based on anecdote and experience,” is that 10-15 percent of all clergy have been involved in some form of sexual impropriety. ■

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# In jurisdictional jungle, where does the buck stop in misconduct cases?

By RICHARD GREENBERG

**W**EW YORK (JTA) — American Judaism is not a monolith, and that may have implications in the fight against clergy sexual abuse.

On one hand, the mainstream rabbinic organizations have established in-house panels to handle cases of suspected sexual misconduct and other ethics violations by their members. On the other hand, Judaism is highly decentralized, which means individual congregations are largely free to decide how to police themselves in this area.

Consequently there is no guarantee that misconduct cases arising at the synagogue level will find their way to the ethics committees' dockets.

Even so, several sources said they were confident that serious cases would probably be brought to the attention of denominational-level officials, or the police if necessary.

Whether or not that is actually the case, reactions varied widely to the notion of congregants deciding a sexual misconduct case involving their own rabbi.

That uncomfortable prospect was one of several examined by JTA in this three-month-long investigation of policies that have been drawn up over the past several years to rein in rogue rabbis and others who sexually exploit congregants, students or others.

Rabbi Joel Meyers, executive vice president of the Conservative movement's Rabbinical Assembly, said although shulgoers would probably be too lenient when asked to judge their own rabbi, "they generally understand what must be done."

Psychotherapist and author Charlotte Rolnick Schwab, who believes that most aspects of Judaism's internal adjudication system are dysfunctional, said the prospect of a congregation deciding a rabbi's professional fate is especially troubling.

"The problem of dealing with rabbi-perpetrators of sexual abuse is compounded by the fact that individual synagogues have sole power over hiring and firing their rabbis," Schwab wrote in her 2002 book "Sex, Lies, and Rabbis: Breaking a Sacred Trust."

The book continued: "The rabbinic organizations can suspend them from membership, can recommend that they resign. They can also recommend that the synagogues fire them for cause. It is shocking that many of these synagogues,

even in the face of several women accusing the rabbi, vote to keep him on."

That said, controversies stemming from allegations of rabbinic abuse are not always clear-cut. They are sometimes complex, shaded with ambiguities and subject to varying interpretations.

In one case, for example, the board of the largest Conservative synagogue in western New York, Buffalo's Temple Shaarey Zedek, voted conditionally in March 1999 to keep its rabbi, A. Charles Shalman, after several female congregants reported that he had touched them inappropriately and had

made sexually suggestive comments to them, according to press accounts.

Early the following month, the R.A.'s ethics committee, which had investigated the case, summarized its findings in a letter to Shalman that was obtained by the Forward. The

letter said in part: "It is painfully clear that you have violated several principles of rabbinic conduct which have caused harm to certain of the women counseled or taught by you."

The letter continued: "Normally, given the nature of the conduct, we would expect you to withdraw from your congregation." But the committee relented, the letter explained, after learning that the synagogue's board, in its March 1999 vote, had decided to permit Shalman to keep his post "under very strictly defined parameters."

The committee, echoing the board's decision, decided that as a condition of his continued employment at Shaarey Zedek, Shalman must undergo therapy with an R.A.-approved practitioner and report regularly to a rabbinical mentor. It also prohibited him from teaching or counseling women on an individual basis without the permission of the ethics committee.

On Aug. 19, 1999, four months after the R.A. decision was handed down, the membership of Temple Shaarey Zedek voted 232 to 87 to keep Shalman. The text of a motion issued in conjunction with the vote clearing Shalman to remain on the pulpit said in part, as reported in the media, that Shalman had been unjustly victimized by "anonymous allegations and subsequent rumors" after having tried to comfort those "in need of such assistance."

Contacted in late December by JTA, Meyers of the RA said Shalman had fulfilled all the requirements mandated by the organization's ethics committee. The case was declared

Controversies stemming from allegations of rabbinic abuse are not always clear-cut.

closed in July 2001 and Shalman was “restored to full rabbinic status in the Rabbinical Assembly,” according to an RA document provided by Shalman. He declined comment on his case.

### Not just rabbis

Rabbis are not the only religious authority figures who may be accused of victimizing congregants. Cantors, among others, have committed sexually abusive acts, as indicated by several cases, high-profile and otherwise.

In one instance, a woman who was interviewed by JTA, reported being sexually assaulted by her cantor several years ago in a parking lot following a communal event. The woman, who asked that neither her name nor the name of her assailant be used, said she initially did not report the incident to the police after being advised by an acquaintance “to keep it quiet, and keep it in the community.”

But as word of the incident spread, the woman said she and her son were soon ostracized by members of the religious community that had once embraced them. They became the targets of a harassment campaign, according to the woman, that included pointed intimations that she and her son might not be Jewish.

“They destroyed my son spiritually,” said the woman, now in her mid-40s, her voice breaking. “They ripped the heart of Jerusalem from him and I had to watch it.”

Eventually the woman’s Jewish bona fides — and those of her son — were confirmed by an Orthodox beit din, a rabbinic court, sitting in New York, which also advised her to report the sexual assault to the police.

“They did everything right,” she said of the beit din.

Felony charges were filed against the cantor, who pleaded guilty to a misdemeanor count, according to authorities. He was given a one-year suspended sentence, three years probation and was ordered to undergo domestic violence counseling.

Although procedures for adjudicating sexual misconduct complaints against cantors differ from movement to movement, none of these cases are handled by the denominational rabbinic organizations — unless perhaps the cantor is also an ordained rabbi.

The Orthodox Union, which has approximately 450 member synagogues in North America, has behavioral standards covering hundreds of organizational employees, but it has no congregational ethics guidelines applying specifically to non-rabbinic clergymen, such as cantors.

“It’s a big gap; I can’t defend it,” said Rabbi Mark Dratch, who chairs the Task Force on Rabbinic Improprieties of the

O.U.’s companion organization, the Rabbinical Council of America.

Conceding that such a jurisdictional loophole does exist, Rabbi Tzvi Hersh Weinreb, executive vice president of the O.U., added in an e-mail that “the OU does not have ‘jurisdiction’ over cantors, or over non-rabbinic members of individual synagogues who may misbehave, but urges synagogue leadership to educate itself about such matters and bring breaches of sexual conduct to legal authorities when appropriate, or to appropriate mental health or social service agencies when necessary.”

If not the O.U. or the RCA, it was not immediately apparent which Orthodox organization would in fact have jurisdiction over a sexual misconduct complaint involving a cantor. Orthodox cantorial organizations do exist, but their representatives said they are not equipped to handle ethics complaints of this type.

As for the other denomina-

tions surveyed, the Reform and Conservative movements have cantorial associations that rule on ethics complaints against their members.

Over the past five years, five complaints alleging sexual misconduct have been filed with the Conservative movement’s Cantors Assembly, resulting in the expulsion of three cantors from the organization. The Reform movement’s American Conference of Cantors has received one complaint of sexual harassment since 2004. That complaint was investigated and found to be without merit.

The Reconstructionist movement does not yet have a full-fledged cantorial association and, as a result, most cantors working in that denomination’s synagogues belong to either the Conservative or Reform cantorial groups, according to a Reconstructionist spokesman.

### Justice delayed

Several of the denominational codes have specific deadlines for promptly dealing with accusations of misconduct, but they apparently are not always followed.

In fact, Rabbi Rosalind Gold, chair of the ethics committee of the Reform movement’s Central Conference of American Rabbis, identified procedural delays as one of the chief flaws in the system — a glitch in the CCAR mechanism that was evident when JTA first investigated rabbinic sexual abuse in 1996. The delays can penalize both victims of abuse and rabbis who are unjustly accused.

In one recent case, a woman maintained that she had waited six months before receiving word that her complaints against a rabbi would be investigated, despite what she characterized as a two-week reporting requirement mandated by the CCAR. The rabbi vigorously denied the allegations

One abuse victim said she was advised ‘to keep it quiet, and keep it in the community.’



against him.

“Things just take too long,” Gold said. “Trying to get nine rabbis together for a meeting is really hard. I’ve seen delays hurt both complainants and rabbis. It puts them through hell.”

In the woman’s case, the ethics committee—following its routine procedures—suspended its investigation after it learned that there was litigation involving the rabbi and the complainant.

“We don’t want our ethics process to be used as evidence in a court case,” Gold explained. “It’s not written in the code; it’s been the practice since the code was put into place” in 1991. “It doesn’t happen often, and usually it involves a divorcing couple with a rabbi spouse.”

Regardless of the rationale behind the rule, Jeff Anderson, a Minnesota attorney who has handled hundreds of sex abuse cases against religious organizations, including at least one Jewish institution, said it is simply bad policy.

“If to investigate and get to the bottom of it is the right thing to do at any given point in time, it’s the right thing to do at all points in time,” Anderson said. “To suspend it because of a civil suit makes it the wrong thing. There’s no right way to do the wrong thing.”

Still, Gold defended the work of her ethics committee.

“There is no glory in it and a lot of grief,” she said. “Our committee is really committed to finding rabbis who shouldn’t be practicing. Our process isn’t perfect, but there’s no old boys network anymore.”

But there is a potential downside to the climate of increased vigilance now emerging in the Jewish world.

“Sometimes, somebody doesn’t like the rabbi and makes something up to get the rabbi fired,” said Susan Grossman, a rabbi at Beth Shalom Congregation, a Conservative synagogue in Columbia, Md.

Grossman cited the instance of a colleague who “wound up getting hauled in and fired” after innocently applying suntan lotion to children.

To guard against such episodes, it is important for denominational decision-makers to be flexible and use common sense, said Meyers of the Rabbinical Assembly.

“You can’t always find that in written ethics guidelines,” he said, explaining that sexual misconduct “cannot be generalized.”

Activities that might disqualify a rabbi for the pulpit cover an enormous range in terms of severity.

“People keep looking for black-and-white solutions to these situations,” said Meyers, “and that’s not how human relations work. Each situation is different.”

## Gauging the system

In general, policies on sexual impropriety reflect the intentions of “people of good character and integrity who seem to take the issue seriously,” Dratch said. “But sometimes even these people can mishandle cases.”

The guidelines, he adds, are “only as good as the people involved in that particular case, and that’s part of the problem. They’re often not aware of the policies or they’re not well trained in this area.”

Schwab, the psychotherapist author, said she recently conducted an informal poll of scores of congregants at Conservative and Reform synagogues in Palm Beach County, Fla., and found that none of them were aware of their congregations’ policies on sexual misconduct.

Yet even when all parties are well-informed and the system functions “optimally,” it does not always dispense justice, according to Reform Rabbi Drorah Setel, an anti-abuse scholar and activist. She argued that when sex abuse victims file complaints against revered communal figures, they always run the risk of

being vilified.

“To name the problem is to create the problem,” Setel explained. “That’s the mentality. Anger is directed at the victim rather than the perpetrator.”

The situation might improve, Setel added, if ethics panels had more lay people or more women, or if victims’ advocates played a more prominent role in the proceedings — anything to redirect the therapeutic focus away from the rabbis themselves. Several denominational policies, for example, encourage rabbis to seek moral rehabilitation through teshuvah, or heartfelt repentance.

“The policies are silent on teshuvah for the congregation,” Setel said. “What happens if the congregation shuns the victim? Does the congregation have to do teshuvah? There’s a whole process of reintegration into the community that is not even addressed.”

Ironically, the role of teshuvah in sexual misconduct cases was raised recently by prominent Reform Rabbi Sheldon Zimmerman, who himself had been found by the CCAR to be in violation of the organization’s guidelines on “sexual ethics and sexual boundaries.”

A former CCAR president, Zimmerman was suspended for two years by the CCAR in 2000. He then resigned as president of the Hebrew Union College-Jewish Institute of Religion, but went on to become executive vice president of Birthright Israel and then vice president for Renaissance and Renewal of United Jewish Communities.

Zimmerman’s post-suspension hires drew both criticism

‘Sometimes, somebody doesn’t like the rabbi and makes something up to get the rabbi fired.’

**Susan Grossman**

Rabbi, Beth Shalom Congregation

and praise. He no longer works for UJC.

The CCAR did not disclose full details of the case involving Zimmerman, but several sources interviewed around the time of his suspension said it is believed he had what was characterized by one publication as an “extramarital affair” with a congregant 15 years earlier while he was the rabbi of Central Synagogue in New York.

In 2005, Zimmerman published an article in the CCAR Journal in which he reflected on his case and on his efforts to rehabilitate himself with the help of CCAR-mandated teshuvah “mentors.” Praising some aspects of the teshuvah process and criticizing others, Zimmerman wrote that his family “needed and failed to receive communal and collegial care and support.”

Attempts to reach Zimmerman for comment were unsuccessful.

Despite these and other criticisms of the still-evolving mechanism for dealing with clergy sexual misconduct, several sources said they see evidence that concern over the problem is beginning to pay off.

Attorney Anne Underwood, for one, said she detects a change in the mind-set of institutional Judaism.

“What I don’t hear anymore,” said Underwood, who has helped various faith groups formulate ethics policies, “is ‘What do we do to legally cover our asses?’ What I’m hearing

now is, ‘What do we do to keep congregations safe and rabbis and cantors healthy?’ ”

On a more practical level, workshops addressing the issue are becoming more commonplace across the denominations. The O.U., for example, featured such a session at its recent biennial convention in Jerusalem. A special *beit din* has been created in Chicago to adjudicate cases of sexual abuse.

Meanwhile, denominational leaders are placing greater emphasis on education and prevention as effective tools in combating the problem of sexual misconduct among clergymen and other trusted figures. The Union for Reform Judaism, for example, in its May 2005 leadership briefing advised board members of its congregations to ensure the safety of congregants “and reduce your risk of liability” by considering rigorous background checks of employees.

In addition, several rabbinical school curriculums now include courses on sexual misconduct and how to steer clear of it. Yeshiva University is one such school.

“I’ve seen it work,” said psychologist David Pelcovitz, who teaches at Y.U. “I’ve had young rabbis in the field call me and tell me how they’ve been able to recognize situations they wouldn’t have known how to handle before. I’ve gotten several calls like that over the last couple years, and it felt great.” ■

# Inside the eruv: Are some Orthodox discreet or closing their eyes?

By EUGENE L. MEYER and RICHARD GREENBERG

**N**EW YORK (JTA) — Within Jewish circles, much of the focus on sexual predators has centered on the Orthodox community, particularly its more fervently religious precincts, where some contend that clergy sex abuse is more hidden — and possibly more widespread — than elsewhere.

Whether or not those contentions are true, the problem in that community was spotlighted by two recent episodes. They are among several incidents, emanating from across the denominational spectrum, that JTA examined in this six-part investigation of the Jewish community's response to clergy sex abuse.

The first of two episodes that JTA tracked in the fervent Orthodox, or haredi, community involved a fierce debate over remarks by a haredi rabbi who reportedly suggested that his community sweeps the issue "under the carpet." The second involved the arrest of a haredi rabbi and teacher, who was charged with sexual abuse and endangering the welfare of a minor.

On Thanksgiving, at the annual national convention of Agudath Israel of America, a haredi advocacy organization, Rabbi Matisyahu Salomon, a featured speaker, ignited a controversy with his discussion of the haredi response to clergy sex abuse.

Salomon, a dean of Beth Medrash Govoha in Lakewood, N.J., one of the world's largest yeshivas, said, according to an Agudath Israel spokesman, that haredim are indeed guilty of "sweeping things under the carpet."

What he meant was open to interpretation. Salomon declined comment, but according to the Agudath Israel spokesman, Rabbi Avi Shafran, Salomon meant that rather than ignoring or covering up sexual misconduct, as detractors maintain, haredi officials deal with it discreetly to protect the dignity of the families of perpetrators and victims.

The response to Salomon's remarks was swift and often heated, with several Web site and blog contributors arguing that the rabbi's comments should be taken literally — that is, haredi officials often look the other way when clergy sex abuse takes place in their midst.

Shafran, who accused the online detractors of making glib and sweeping generalizations without corroborating evidence, termed the comments "abhorrent."

Other communities were criticized as well on one Web site.

"Denial, secrecy, and sweeping under the carpet are not unique to charedi, Orthodox, or Jewish institutions," wrote Nachum Klafter, a self-described "frum psychiatrist," in a Nov. 26 posting on the Web site haloscan.com. "They are typical reactions of well-intentioned, scandalized human beings to the horrible shock of childhood sexual abuse."

Eleven days after those remarks were posted, a haredi rabbi, Yehuda Kolko, was arrested and charged in connection

with the alleged molestation of a 9-year-old boy and a 31-year-old man, both former students of his during different eras at Brooklyn's Yeshiva-Mesivta Torah Temimah. Kolko, 60, had long served the yeshiva as a teacher and an assistant principal.

Kolko, meanwhile, is named in at least four civil suits filed over the past eight months by his alleged victims, including

the 9-year-old boy. The most recent litigation, which seeks \$10 million in damages from Torah Temimah, was filed in New York state court the day before Kolko was arrested. It alleges not only that Kolko molested the 9-year-old during the 2003-04 school year, but that the school administration covered up the rabbi's pedophilia for 25 years.

The suit charges that Rabbi Lipa Margulies, identified as the leader of Torah Temimah, knew of many "credible allegations of sexual abuse and pedophilia against Kolko," yet continued to employ him as an elementary school teacher "and give him unfettered access to young children."

Avi Moskowitz, the attorney representing Torah Temimah, said: "The yeshiva adamantly denies the allegations in the complaints and is sure that when the cases are over, the yeshiva will be vindicated."

Another one of the lawsuits brought against Torah Temimah was filed in May by David Framowitz, now 49 and living in Israel. In that \$10 million federal litigation Framowitz, who was joined by a co-plaintiff also seeking \$10 million, alleged that he was victimized by Kolko while he was a seventh- and eighth-grader at Torah Temimah.

'They are typical reactions of well-intentioned, scandalized human beings to the horrible shock of childhood sexual abuse.'

**Nachum Klafter**

Self-described 'frum psychiatrist'



Although the lawsuit, which named Kolko as a co-defendant, referred to Framowitz only as “John Doe No. 1,” he has since dropped his anonymity and gone public with his story.

“That’s the only way that people would believe that there’s actually a problem, if they knew that there’s a real person out there who was molested,” Framowitz told JTA in a recent telephone interview. “There are many other victims out there, and I want people to know that this really exists.”

Framowitz grew up in part in fervently Orthodox communities in Brooklyn where rabbinic sex abuse, he said, is rarely reported. And when it is reported, he added, rabbinic courts seldom have the expertise or the inclination to deal with it effectively.

After his own reports of abuse were met with disbelief and inaction, Framowitz said he chose to “deeply bury” his painful memories of the alleged incidents.

“I never really got over it,” he said, “but I was able to get on with my life.”

An accountant by trade, Framowitz made aliyah several years ago, and now lives in the West Bank community of Karnei Shomron with his wife and four adult children. They have one grandson.

Framowitz said he decided to speak out publicly about his experience after he learned through the Internet in the fall of 2005 that Kolko was still teaching young boys. He said he is relieved that Kolko has been arrested and charged, although in connection with reported incidents unrelated to his alleged victimization.

“It’s a relief knowing that the story is finally out there,” Framowitz said, “and that maybe Kolko will be prevented from being around other kids.”

JTA tried unsuccessfully to reach Kolko, who along with Framowitz was the focus of a May 15 New York magazine story that said “rabbi-on-child molestation,” according to several sources, “is a widespread problem in the ultra-Orthodox Jewish community and one that has been long covered up.”

Attorney Jeffrey Herman, who is representing the plaintiffs in the lawsuits stemming from Kolko’s alleged misconduct, was quoted in the New York magazine piece saying that the clergy abuse situation in the haredi community “reminds me of where the Catholic church was 15 or 20 years ago. What I see are some members of the community turning a blind eye to what’s going on in their backyards.”

### Sifting the evidence

Hard numbers are not available to determine if clergy sex abuse is more widespread in haredi communities than in other Jewish locales. However, several insiders said there is

anecdotal evidence that abuse often goes unreported there.

The reason, they said, is that many individuals in those communities, which are noted for their insularity, resistance to modernity and reverence for religious leaders, are loath to confront rabbis for fear of being publicly shunned.

Shafran said he doubts that clergy sex abuse is more prevalent in the fervently Orthodox world than elsewhere. Asked whether victims there are afraid to report abuse, he said, “I hope it’s not true. But it’s easy to see how someone would be reluctant to publicly report such an issue.”

He said modesty, which is prized by many haredim, might preclude the open discussion of matters “that are part of the average radio talk show agenda.”

In fact, Shafran acknowledged that “for a person whose whole life revolves around the community,” the ostracism that results from publicly confronting a leader of that community “can be worse than death.”

Others believe that under-reporting of clergy sexual misconduct may in fact facilitate abuse.

“Offenders have learned to hide behind” the reluctance of victims to speak out, said Brian Leggiere, an Orthodox Jew and a psychiatrist in Manhattan

who has treated both perpetrators and victims of sexual abuse. He added, though, “The situation is changing for the better, but very slowly. Each community is different, so it’s hard to generalize.”

In some neighborhoods, Leggiere pointed out, public safety is beginning to gain traction as an ideal worth defending, as is the notion that professional therapy or other forms of treatment for sex abuse victims, as well as for perpetrators, should not be stigmatized.

### Judging the judges

Among many Orthodox Jews, the preferred forum for adjudicating communal disputes is a *beit din*, a rabbinic court. But critics say such panels often try to dissuade sex abuse victims from pursuing their complaints, a charge vigorously denied by Shafran. But, he added, “In cases where there is some degree of doubt, the *beit din* has a responsibility to counsel against going to authorities until there is proven criminal activity.”

Mark Dratch, a modern Orthodox rabbi who chairs the Rabbinical Council of America’s Task Force on Rabbinic Improprieties, said that if the *beit din* “is used to make the community safer, that’s appropriate. If that relationship is used to bypass the justice system, I think that’s wrong, particularly in cases of suspected criminal activity.”

‘It’s a relief knowing that the story is finally out there, and that maybe Kolko will be prevented from being around other kids.’

**David Framowitz**

Alleged abuse victim

“The problem in the ultra-Orthodox community is people go to the *beit din* and not to civil authorities. There is a very complicated relationship between rabbis and civil authorities,” he said. “It doesn’t always work appropriately.”

Dratch, who now directs JSafe, a nonprofit organization addressing abuse in the Jewish community, said he has “pleaded with members of Agudah to expose the dangers of clerical and familial abuse. I said if you don’t expose, victims have no place to turn.”

Agudath Israel has not promulgated anti-abuse policies for its affiliated congregations, Shafran conceded, “nor have there been complaints” of sexual misconduct at Agudath Israel-affiliated congregations. But he added, “I wouldn’t rule out that one day there would be such guidelines. The Talmud teaches us that we should stay away from even the appearance of impropriety.”

Agudath Israel does have binding behavioral guidelines that apply to its youth groups and its five summer camps, which serve about 2,000 youngsters, according to Shafran.

Yehuda Kolko worked at one of those camps, Camp Agudah in Ferndale, N.Y., decades ago, according to Shafran, apparently long before the behavioral guidelines existed.

The federal lawsuit filed in May states that while Kolko was at Camp Agudah, he repeatedly molested Framowitz, who was a camper there in the summers following his seventh- and eighth-grade years at Torah Temimah.

Framowitz’s co-plaintiff — “John Doe No. 2,” an adult male living in the United States — alleged that he also was abused by Kolko, but only at Torah Temimah. The lawsuit contends that the administrations at both the camp and the school knew Kolko was a pedophile and did nothing about it.

Shafran declined comment on the litigation, which is being divided into two complaints, one for each plaintiff, according to the attorney Herman. The complaint initiated by Framowitz has been dismissed on the plaintiffs’ initiative but will be refiled, Framowitz and Herman said.

An attorney representing Kolko in the federal litigation declined comment on behalf of his client.

### Elsewhere in Orthodoxy

The modern Orthodox community was deeply scarred by the sex abuse scandal involving Rabbi Baruch Lanner, a former regional director of the National Conference of Synagogue Youth, a branch of the centrist Orthodox Union.

Lanner was sentenced in 2002 to seven years in prison for sexually abusing two female students during the 1990s while he was their principal at a yeshiva high school in New Jersey.

However, a 2000 report by a special O.U. commission found that Lanner had also sexually abused women and teenage girls, and physically abused boys and girls while he was a leader at NCSY. The case attracted widespread attention, in part, because the report said some O.U. and NCSY leaders had failed to take action for several years to halt Lanner’s misconduct.

Ultimately, according to organization insiders, O.U. Executive Vice President Rabbi Raphael Butler resigned under pressure in the wake of the scandal.

Both the O.U. and the NCSY have upgraded behavioral guidelines and enhanced anti-abuse training programs, according to officials at both organizations. The NCSY policies, which cover 17 pages and were revised most recently in October, are binding on at least 25,000 individuals, including

NCSY professionals, volunteers and program participants. The guidelines spell out prohibited conduct in detail, and include step-by-step instructions for filing an abuse complaint.

Both O.U. and NCSY officials said they are not aware of any complaints of sexual misconduct toward youths since the NCSY guidelines were upgraded a few years ago.

The Chabad-Lubavitch movement has no written conduct guidelines applying specifically to its estimated 4,000 global emissaries, known as *shluchim*, or its approximately 3,000 multi-use facilities that double as synagogues and are usually referred to as Chabad Houses.

However, many Chabad Houses have adopted behavioral policies originally formulated for the movement’s schools, according to movement spokesman Rabbi Zalman Shmotkin.

In addition, according to Shmotkin, *shluchim* must strictly abide by the *Shulchan Aruch*, the 16th-century code of Jewish law that prohibits non-married or unrelated adults of the opposite sex from being secluded with each other.

### On the school front

Some of the denominational policies examined by JTA are designed to guard against situations that could result in inappropriate contact with minors, regardless of their sex. They mandate, for example, that at least two adults be present when a child is receiving private religious instruction.

A non-seclusion requirement is among many anti-abuse provisions included in mandatory school behavioral policies adopted by Chabad about five years ago. The policies cover approximately 2,000 personnel at some 350 Chabad schools attended by about 24,000 students.

The policies also instruct school officials to consult two recognized rabbinic authorities — one Chabad-affiliated and

**T**he consensus of contemporary Jewish religious authorities is that reporting sex abuse is religiously mandatory.

**Rabbi Mark Dratch**

one not — regarding the centuries-old Jewish legal injunction known as mesirah, which in some instances prohibits Jews from reporting Jewish perpetrators to non-Jewish authorities.

Mesirah has been blamed for the reticence of some Orthodox sex abuse victims to go public with their complaints. In a spring 2004 article in the anti-abuse publication *Working Together*, Dratch of JSafe said that in cases of child sex abuse, “the consensus of contemporary Jewish religious authorities is that such reporting is religiously mandatory.”

Three years ago, several safeguards were adopted by Torah Umesorah-The National Society for Hebrew Day Schools, a service organization — the largest of its kind in the United States — that provides religious educational materials for nearly 200,000 Orthodox students spanning that denomination’s ideological spectrum.

The Torah Umesorah guidelines, which were presented to school principals, warn teachers and other staffers to refrain from sexually immodest behavior or speech and from inappropriate touching. They also prohibit school personnel from being secluded with students.

But the guidelines are nonbinding because each of the hundreds of schools served by Torah Umesorah are self-governing.

“We’re a service agency, not a governing agency,” Rabbi Joshua Fishman, the organization’s executive vice president, told JTA.

Elliot Pasik, a New York attorney and children’s rights advocate, said the way in which the guidelines were distributed calls into question Torah Umesorah’s commitment to protecting students from sexually predatory teachers and other staffers.

The guidelines were accompanied by a Sept. 24, 2003, cover letter signed by Fishman that said in part: “This document should be maintained with a sense of confidentiality. It should only be shared with your educational administrative and teaching staff.”

Perhaps as a result of that directive, Pasik said few, if any, parents he knows with children attending schools serviced by Torah Umesorah were told about the rules unless they called the Torah Umesorah national office in Manhattan. Pasik’s children have attended yeshivas affiliated with Torah Umesorah.

Furthermore, he added, “I have personally spoken with several teachers and they knew nothing about these guidelines.”

Asked to respond, Fishman declined comment, except to say, “We believe that molesters should be reported.”

Pasik said the situation shows the need for a centralized governing body — perhaps a state or federal agency — that can hold schools accountable for the safety of students.

“It’s hard for people in any organization to govern themselves,” he said. “We’re not being patrolled or governed by anybody.”

Pasik recently lobbied for passage of legislation in New York that authorizes non-public schools to require fingerprinting and FBI background checks for prospective employees. The measure was enacted Aug. 16.

The larger issue of child molestation in the Orthodox community was addressed in a one-page statement accompanying the Torah Umesorah guidelines.

Issued by the organization’s rabbinical board, the statement says in part that “a small number of individuals have caused untold pain to many children. In addition to the sins which they have committed, they have created painful memories in the minds of their victims, memories which can have a devastating lifetime impact.”

The statement urges “everyone to use every means to stop these violations of children, including, at times, exposing the identities of the abusers and even their incarceration. At times, our primary intent may not be to punish the perpetrators, but rather to help them. Therefore, it is preferable, wherever appropriate, to force them to undergo appropriate professional therapy.” ■



# Awareness Center a clearinghouse of concern — and controversy

By EUGENE L. MEYER

**N**EW YORK (JTA) — There is no unabridged database of rabbinic sexual abusers. But there is the Awareness Center.

It's not a physical place, but a Baltimore post-office box, cell-phone number and Web site — [www.theawarenesscenter.org](http://www.theawarenesscenter.org) — where online surfers can find a listing of scores of Jewish clergy and hundreds of other Jewish officials in positions of trust or authority who are alleged to be sexual predators. Some of them have been convicted of crimes; some have not even been charged or sued.

Vicki Polin, 47, is the nonprofit organization's executive director and only full-time staffer. A licensed clinical professional counselor and an art therapist, she founded the Awareness Center in 2001 after becoming fed up over what she deemed to be inaction in bringing perpetrators to justice and protecting the public.

Her biggest weapon: exposure of alleged wrongdoers.

Her efforts have won her loyal supporters and harsh critics.

"Vicki's site is very valuable," said Rabbi Yosef Blau, religious adviser at Yeshiva University and a vocal advocate for victims of rabbinic sexual abuse and other forms of sexual misconduct. "Since you can't get people arrested and there are no court cases, you have to use a standard that's reasonable and [disclosure] works in that context."

The Awareness Center's outing of alleged and confirmed abusers has inspired an army of Jewish bloggers eager to discuss the topic. Their anonymous postings appear on Web sites such as the Unorthodox Jew, the Canonist, [Jewishwhistleblower.blogspot.com](http://Jewishwhistleblower.blogspot.com) and [Lukeford.net](http://Lukeford.net).

"In the Orthodox community it is much harder to be heard, so people go online instead of going to police and the rabbi," said a woman now living in Israel who reported being abused as a child by her father, an American rabbi who is principal of an Orthodox school on the Eastern seaboard. "The blogs are safe for survivors."

The Awareness Center and the bloggers not only have brought this sensitive subject to the attention of a wide audience, they have also stirred up considerable controversy over issues of fairness, attribution and transparency.

"The blogorai, as I call it, is the new way of making

irresponsible accusations," charged Rabbi Avi Shafran, spokesman for the fervently Orthodox advocacy organization Agudath Israel. "Using a blog is a very easy and effective way of casting aspersions on people."

Blau said blogs are a mixed blessing.

"Since they are anonymous, they can say almost anything," he said. "On the other hand, until the community is more willing to deal with issues, I can understand why writers won't reveal their identity."

One blog-intensive case listed on the Awareness Center site involves Mordechai Tendler, a disgraced modern Orthodox rabbi from Rockland County, N.Y., who was accused of having illicit sexual relationships with several women who had come to him for counsel.

The charismatic scion of distinguished rabbinic scholars, Tendler ironically was known as a strong advocate for Jewish women who were unable to obtain a get, or religious release from marriage, from

their husbands.

Tendler was expelled from the Rabbinical Council of America in March 2005 for "conduct inappropriate for an Orthodox rabbi." The Jewish Orthodox Feminist Alliance praised the RCA "for taking these issues seriously and instituting formal procedures to deal with them." Those procedures included hiring a Texas-based private investigative firm to conduct a probe of the matter and convening an in-house ethics panel to rule on the case.

In April, Tendler was fired from the congregation he had helped establish in the mid-1980s, Kehillat New Hempstead. Undaunted, he held High Holiday services this year in a public elementary school directly across the street from his former shul.

Tendler, married and the father of eight, has consistently denied the allegations against him, but did not respond to inquiries from JTA seeking comment. His attorney, Glen Feinberg, said his client retains a large following in Rockland County. JTA asked Feinberg to encourage Tendler's supporters to contact JTA, but none did.

The scandal has spawned at least three lawsuits, including one filed by Tendler against his former congregation for alleged breach of contract. That suit has been dismissed, but the ruling is being appealed. The litigation filed against Tendler has publicized the sort of matters that once would have only been whispered about in private.

The Center's biggest weapon:  
exposure of alleged wrongdoers.

For example, a lawsuit filed in December 2005 by former congregant Adina Marmelstein states that Tendler, who portrayed himself as “a counselor and advisor with expertise in women’s issues,” advised Marmelstein to have sex with him so that “her life would open up and men would come to her,” and she would then marry and have children.

The suit also claims that Tendler told Marmelstein that he “was as close to God as anyone could get” and that he “was the Messiah.” And when the relationship ended, the suit contends, Tendler encouraged congregants to “harass, threaten and intimidate” Marmelstein in an apparent attempt to discredit her accusations.

As for Tendler, his legal filings included petitions submitted in Ohio and California seeking to force the disclosure of the identities of anonymous bloggers who had been attacking him publicly for his alleged conduct. But he withdrew both petitions.

In the California case, a judge ruled Oct. 12 that Tendler must pay the bloggers’ legal fees — a decision that was praised by attorney Paul Alan Levy of Public Citizen, who represented three of the bloggers involved in the case.

“The right to criticize anonymously on the Internet is a fundamental free-speech right and an important tool for whistle-blowers and consumers who speak out about the misconduct or corruption of big companies or public figures,” Levy said in a press release.

A letter from Tendler to the judge who had ruled in the California case was posted Nov. 15 on a victims’ advocacy blog. In the letter, Tendler asked the judge to reconsider his decision on attorney’s fees, adding: “I have been the subject of a concerted and constant Internet campaign to destroy my reputation, livelihood, and family. Disgusting allegations of sexual impropriety, all of them false, have been circulated about me and amplified in such horrific proportions as only can happen on the Internet. These allegations and threats have, in fact, destroyed my reputation as a rabbi and teacher and have caused me hundreds of thousands, if not millions of dollars in actual and future damages.”

The letter described the bloggers as being “like poisonous snakes” who “want to continue to do their damage and spread their filthy vicious lies with no accountability.”

The Awareness Center, also known as the Jewish Coali-

tion Against Sexual Abuse/Assault, has its own confidentiality policy regarding victims of sexual misconduct and others.

“As a victim advocate, I never name the survivors,” Polin said.

The Awareness Center no longer names its board members, either, “due to harassment,” according to Polin, who said she herself has been threatened repeatedly with physical harm and once was spat on by a woman who was angry over an Awareness Center disclosure.

In 2003, Polin said, a supporter of an alleged abuser named on her site did background checks on her advisory board members, “found something about them or someone they cared about and threatened to make it public.” Half a dozen resignations ensued, she said.

Among those who were formerly listed but resigned for other reasons is Rabbi Mark Dratch, who chairs the Rabbinical Council of America’s Task Force on Rabbinic Improprieties and has founded the organization JSafe to deal with sexual abuse in the Jewish community.

Dratch said he left the Awareness Center board in “disagreement with [Polin] on the standards required for publishing on her Web site. I wasn’t satisfied with the threshold of verification. There are people who’ve been victimized and others who’ve been subject to false reports also being victimized. The big problem we have in this area is verifying the allegations and moving forward.”

As of early December, the Awareness Center site still listed 236 “supportive rabbis.” Polin said more than 500 people receive her e-mail alerts, and the Web page averages around 35,000 visitors per month.

One of the e-mail recipients is Rabbi Tzvi Hersh Weinreb, executive vice president of the Orthodox Union and a trained psychologist.

“I read everything with a grain of salt,” he said. “On the other hand,” Weinreb said, the Awareness Center and the blogs “have served the purpose of keeping this in the public spotlight and keeping the pressure on established institutions to police their constituencies.”

As of late December, the Awareness Center was in danger of closing for lack of funds, according to Polin, who was seeking donations to keep the organization afloat. ■

# The aftermath of sexual abuse: How one synagogue coped

By RICHARD GREENBERG

**N**EW YORK (JTA) — As an attorney representing several victims of sexually predatory Catholic priests, Mark Itzkowitz has witnessed the Church's pedophilia scandal from an almost too-close-for-comfort vantage point.

"Some of the details are absolutely horrifying," said Itzkowitz, 49, who lives in the Boston area. "I've seen things that have made my blood run cold."

Not long ago, Itzkowitz's life took a surreal turn when he found himself confronting clergy sexual abuse from a different perspective: The problem had come home to roost in his own synagogue.

Robert Shapiro, the esteemed longtime cantor of Temple Beth Am, a Conservative synagogue in Randolph, Mass., was accused of repeatedly molesting a mentally challenged congregant, a woman in her late 20s and early 30s when the incidents allegedly occurred between 2001 and 2003.

When the news broke in early February 2003, Beth Am was within days of again renewing the then-70-year-old Shapiro's contract.

"The people in the synagogue would have followed him to the ends of the earth," Itzkowitz said. "He had been there longer than the rabbi — more than 20 years."

Once the shock of the disclosure wore off, Beth Am leaders regrouped and tried to figure out how to manage the situation. That involved not only ensuring that criminal, civil and moral justice would prevail, but also preventing the congregation from disintegrating.

In-house guidelines were nonexistent. And attempts to find advice from officials at the Conservative movement's headquarters were unsuccessful, according to both Itzkowitz, the synagogue board's attorney, and its rabbi, Loel Weiss.

While Jewish morality is founded on the Torah and other sacred texts, "synagogues aren't Coca Cola or IBM churning out specific policies and procedures on right and wrong," Weiss said. "There is a certain expectation that in a religious institution, people will act properly. But what could have been written on a piece of paper? My mind doesn't think in those terms."

Weiss said the little practical information he found that helped guide him through "this hell," as he put it, was con-

tained in a book about a suburban New Jersey congregation whose rabbi had become involved in a major crime.

"It confirmed my instincts that we needed to give people in the congregation a chance to share their sadness," Weiss said. "Remember that even before the allegations had been confirmed, people were basically sitting shiva for a longtime cantor who was in many cases a friend of theirs."

The task faced by Beth Am was daunting: While the case was being investigated internally — and by the police — the rights of the alleged perpetrator and the victim and her family had to be preserved. Meanwhile, the congregation had to be protected. So Shapiro was suspended with pay pending completion of the police investigation.

That probe ultimately revealed that the victim had been

assaulted at the synagogue, at Shapiro's home, in his pool, in a car and elsewhere.

Shapiro was allowed to be alone with the woman because he was a trusted friend of her family, which eventually sued Shapiro,

as well as Beth Am, Weiss and the former congregation president.

The latter three defendants were dismissed from the suit after the judge determined they could not have known that Shapiro posed a risk, according to news accounts.

Regarding damage control at Beth Am, Itzkowitz said he resolved to do the opposite of what the Catholic Church had done when its priests became embroiled in controversy. Rather than circling the wagons, stonewalling and failing to acknowledge the community's anguish, Beth Am officials would be forthcoming, compassionate and responsive, he said.

Since Shapiro had privately tutored many bar and bat mitzvah students, several parents were concerned that their children might also have been victimized. Synagogue representatives were able to assuage their fears, however, noting that there was no evidence of other incidents involving the cantor — at Beth Am or elsewhere.

"This was not a case where somebody passed the buck to us," Weiss said.

Shapiro originally was charged with seven counts of rape, but as part of a deal with prosecutors he pleaded guilty in September 2005 to 14 counts of indecent assault and battery on a mentally retarded person. He was sentenced to one year of house arrest and 10 years probation.

The problem had come home to roost in his own synagogue.



## Reining in abuse

Earlier this year, a civil court jury ordered Shapiro to pay \$5.2 million to the victim and \$750,000 to her parents — an award that will total \$8.4 million including interest, according to the lawyer representing the victim and her family.

“If there is such a thing as a victory in this case,” Itzkowitz said, it is that Beth Am remained intact. The 400-family synagogue lost no congregants during the ordeal, except the victim and her family.

“And until they come back,” Itzkowitz added, “we haven’t really won.”

An attorney representing the family did not respond to a JTA request for comment, and an attorney representing Shapiro said his client would not comment.

In the wake of the incident, the synagogue has instituted a policy aimed at preventing another one. Beth Am clergy are now prohibited from being alone in the synagogue with any

individual, child or adult.

“It’s good in theory,” Weiss said, “but it doesn’t work from a practical standpoint.”

That is one of the many lessons — practical, moral and spiritual — that have been learned in the wake of the Shapiro case.

Weiss and Itzkowitz came away with a renewed sense of affection and admiration for the Beth Am community, which they said responded with courage, restraint and cohesiveness.

But because of his vocation, Itzkowitz encountered the ordeal from a unique perspective. As an attorney, he had already seen his share of lives ruined and houses of worship shattered by sexually predatory clergymen. And as a result, he offered this sobering advice to any congregation: “Don’t think it can’t happen to you.” ■