



# DIDA NOTZ

THE



לזכות  
עליזה תחי' שוחאט  
לרגל יום הולדתה - כ"ב טבת

ולזכות הוריה  
הרה"ת ר' שלום דוב בער וזוגתו מרת חיה  
מושקא שיחין  
ולזכות אחיותיה ברכה ליפשא, שיינדל,  
ואחיה מנחם מענדל שיחין

# NACH!

## STORY OF HEI TEVES

**I**n honor of the Yom Tov of Hei Teves—Didan Notzach—celebrated this month, we present the complete story of this Yom Tov in chronological order. Much has been written about Hei Teves in our magazines throughout the years, including collections of sichos from the Rebbe about the inner meaning of the trial and victory, and its spiritual significance to our avodah in dor hashvi'i. We encourage our readers to refer back to those articles in order to better understand and appreciate the celebration of Hei Teves.<sup>1</sup>

## INTRODUCTION

### CHABAD LIBRARIES

From the very beginning of Chassidus Chabad, the Rebbeim collected libraries of *sefarim*. With time, in addition to valuable *sefarim*, these repositories amassed the *ksavim* of Chassidus the Rebbeim wrote themselves or that were transcribed by dedicated *chozrim* and *manichim*.<sup>2</sup>

Unfortunately many of these libraries were lost either in the many fires that raged in the city of Lubavitch or because the *sefarim* were often divided among family members after the *histalkus* of a Rebbe, and each Rebbe built their own collection of valuable *sefarim*.

When the Rebbe Rashab fled Lubavitch in 5676\* during World War I, his extensive and valuable library was packed and stored away. A few years later the Communist Bolsheviks seized the precious library which is still held in captivity to this day.

The Frierdiker Rebbe established a new library and official appeals were sent to authors and collectors of *sefarim* to donate their new publications as well as precious antique *sefarim* to the library for the benefit of the public. Many *sefarim* were donated and many were

purchased with money collected through *maamed* (the fund collected for the Rebbe's household use) or that had been donated to the Frierdiker Rebbe specifically for this cause. This library was not limited to Torah *sefarim* and it contained many books deemed inappropriate for a frum Yid to read, since it was meant to attract even a non Jewish clientele.<sup>3</sup>

Following the Frierdiker Rebbe's arrest and miraculous liberation on Yud-Beis Tammuz 5687\*, the Soviets made it clear that remaining in Russia any longer would be extremely dangerous for him. The day after Simchas Torah 5688\* the Frierdiker Rebbe was set to leave Russia with his entire family, but refused to travel without his extensive library. This was a demand that jeopardized his life at the time, but after much effort the Communists were forced to allow the library to leave Russia together with the Frierdiker Rebbe.

In Elul 5699\*, Germany invaded Poland while the Frierdiker Rebbe was living in Otwock. While escaping to America in a daring and miraculous operation, the large library remained behind under Nazi occupation and was eventually lost due to the chaos of war. In 5737\* it was miraculously discovered and returned to Lubavitch



THE CARDS USED BY THE FRIERDIKER REBBE TO CATALOGUE HIS SEFARIM COLLECTION

in Cheshvan 5738\* in a fascinating operation coordinated with the Rebbe's direct encouragement and guidance.<sup>4</sup>

The Frierdiker Rebbe continued building the Chabad library in America and its contents were stored both in his *yechidus* room on the second floor of 770 and in a large room in the basement.

With the onset of *dor hashvi'i*, the Rebbe also started collecting *sefarim* from authors all over the world, often sending Kehos publications in reciprocation. Shluchim in North Africa and Europe were instructed to seek out ancient *sefarim* collections stored in old and neglected shuls and to arrange for their appropriate transfer to 770. Over time a collection of tens of thousands of valuable *sefarim* were amassed and contained in various locations until the house adjacent to 770 (766 Eastern Parkway) was purchased and officially became known in Lubavitch as "The Library." All of this was separate from the library the Frierdiker Rebbe collected until Yud Shevat 5710\*.

SHEVAT - SIVAN 5745\*

### THE THEFT

During the month of Shevat 5745\* a relative of *beis harav* started stealing *sefarim* from the Frierdiker



THE FRIERDIKER REBBE'S LIBRARY FROM POLAND ARRIVES IN THE UNITED STATES, CHESHVAN 5738\*.





Rebbe's *yechidus* room and from the library in the basement of 770. He was known to visit his parents in 770, and no one suspected that the heavy suitcase he was carrying out of the building during those visits contained invaluable *sefarim*.

The theft went unnoticed until after Pesach, when Rabbi Yitzchok Wilhelm, a member of the Rebbe's library staff also involved with the upkeep of the Frierdiker Rebbe's library realized that *sefarim* were missing from the shelves.

At the same time Rabbi Yehoshua Zirkind, a shliach and an antique *sefarim* dealer in Eretz Yisroel, notified *mazkirus* that he noticed *sefarim* belonging to the Library of Agudas Chasidei Chabad being sold at exorbitant prices.

A security camera was installed by Rabbi Chaim Boruch Halberstam at the entrance of the basement library and after several weeks he was horrified to discover the identity of the thief. The locks were changed immediately to stop the theft of more *sefarim*, but by this time 400 *sefarim* had been removed and 120 of them had been sold all around the world!

All diplomatic efforts to persuade the relative to return the stolen *sefarim* in a peaceful manner failed. He claimed to be an heir with full

ownership of the library, which he intended to sell for a profit.

TAMMUZ 5745\*

## HU BACHAYIM!

On Rosh Chodesh Tammuz, the following Chassidim, members of Agudas Chassidei Chabad, were notified separately that the Rebbe wanted to speak with them at 8:00 p.m.: Rabbis Chaim Mordechai Aizik Hodakov, Binyomin Gorodetzky, Mordechai Mentlik, Moshe Pinchas Katz, Zalman Gourary, Nissen Mindel, and Dovid Raskin.

The Rebbe said three main points to the assembled at the surprise *yechidus*.

The fact that Agudas Chassidei Chabad owns the building of 770 was not for tax purposes. Rather, every room of the building is meant to be used for davening, learning Torah, and working on *hafatzas hamaayanos*.

According to *halacha*, heirs do not inherit until the entire inheritance is divided among them. The Frierdiker Rebbe never arranged a division of inheritance and no such thing happened since Yud Shevat 5710\*; hence, all of the *sefarim* and *ksavim* that belonged to him remain his and must remain in his domain. Besides, the Torah tells us that “מה זרעו בחיים אף הוא בחיים” (just as his children are alive, he too is alive). There is no basis for the concept of inheritance here. The Rebbe also negated the suggestion to buy the stolen books back, since that would imply that the theft was justified.

A new building should be built in Kfar Chabad for Torah, *tefillah* and *hafatzas hamaayanos*, with the name Oholei Yosef Yitzchok Lubavitch.

The Rebbe said that if the issues were not sorted out before Yud-Beis Tammuz, he would need to speak about them publicly.

Twelve days later, towards the end of the televised Yud-Beis Tammuz

farbrengen, the Rebbe shocked Yidden around the world by revealing that several people had removed valuable *sefarim* and *kesavim* from the Frierdiker Rebbe's room and library. When they were caught, two of them returned everything they had taken but one refused to do so and was selling the *sefarim* around the world.

In a relatively brief but powerful *sicha*, the Rebbe shared the points from the *yechidus* of Rosh Chodesh Tammuz with the members of Agudas Chabad. The Rebbe declared that the talmidim and Chassidim of the Frierdiker Rebbe are still here in a very tangible way, the [Frierdiker] Rebbe continues to live among us, and there is no concept of inheritance here.

Emphasizing the seriousness of the situation, the Rebbe explained that obtaining any of the Frierdiker Rebbe's possessions through the theft that was just committed was like having a bomb in one's house that could explode, *Rachmana litzlan*, at any moment. All the *sefarim* must be brought back to their rightful home immediately, and anyone that would present a receipt for the purchase would be fully reimbursed.

Two days later, on Yud-Daled Tammuz during the *yechidus klolis* for the guests who arrived in honor of



RABBI YITZCHOK WILHELM WORKING IN THE REBBE'S LIBRARY IN THE 5740S





LISTEN TO THE  
DERHER FOR  
KIDS AUDIO  
VERSION OF  
THIS HEI TEVES  
ARTICLE -AND  
MANY MORE  
SUCH STORIES-  
COME TO LIFE.

KIDS.DERHER.ORG



Yud-Beis Tammuz, the Rebbe spoke at length about the grave situation, elaborating on the role of a Rebbe and why this invalidated all the arguments and justifications of the other side.

“There are those who think that because 35 years have passed since the *histalkus* of the [Frierdiker] Rebbe, he is now more distant than ever. This is an absolute lie! The exact opposite is true! With each year he becomes more alive, stronger and more active, amongst us, within us, and through us amongst all Yidden and in the entire world!”

In addition, the Rebbe gave clear instructions that a property be purchased in Kfar Chabad that very day, 15 Tammuz, the *yom hilula* of the Or Hachaim. A temporary structure should be placed there immediately and the members of the Kfar Chabad kollel should learn the Chassidus of the Frierdiker Rebbe and the daily Rambam, right there on that day.

Towards evening of 15 Tammuz, the seven members of Agudas Chabad were again called into *yechidus* and in addition to the issue of the *sefarim* the Rebbe spoke very strongly about the need for strengthening and sustaining the Crown Heights community. The Rebbe handed each participant the *kuntres* “Yud Beis-Yud Gimmel Tammuz 5687\*” that was just reprinted.

After the *maamar* at the farbrengen in honor of 15 Tammuz that night, which was being broadcast around the world by WLCC, the Rebbe spoke a long and searingly painful *sicha* about the situation. The Rebbe decried the fact that there were some Chassidim who were aiding the thief, as well as the fact that he was forced to get personally involved in the matter.

“I am not a lawyer, and law is not my field. My *inyan* is to answer a difficult question in Rambam, or from a *maamar* of the [Frierdiker] Rebbe... I hoped Chassidim would spare me the need to get involved in this issue, but alas this is not the case...”

“He says that it’s already been 35 years that the [Frierdiker] Rebbe is no longer with us... How can you have a conversation with such a person? We have no common language!”

It became increasingly clear to Chassidim that this was not just a case of the theft of *sefarim*, but that something much more painful and ominous was unfolding. On Shabbos Parshas Balak the Rebbe dedicated an entire *sicha* to the *sefarim*, and then on Shabbos Parshas Pinchas he held a farbrengen that lasted until 8:00 p.m. (the longest Shabbos farbrengen during the Rebbe’s *nesius*) and spoke a *sicha* about the *sefarim* in a manner that no one could recall ever happening before.

“As I prepare a Rashi to speak at the farbrengen I am distracted worrying about what will be with the building (770). I don’t know why it’s happening. But it distracts me!”

The Rebbe’s pain and concern was clear to all and it became clear that the crisis was taking a toll on the Rebbe’s health. A certain dread befell Chassidim throughout the world. Although there was not much most people were able to do about the issue in a practical sense, this became the focus of every Chossid. What will be with the *sefarim*?

MENACHEM AV 5745\* -  
CHESHVAN 5746\*

## PREPARATIONS

During the following weeks the Rebbe instructed that new members be added to the board of Agudas Chabad since several of the original members had passed away, and on 18 Menachem Av he called the expanded group for *yechidus* to encourage them to move faster in resolving the issue.

When it became clear that the opposition would not agree to have a *din Torah*, a non-Lubavitch *beis din* paskened that Lubavitch must settle this issue in a secular court. The case would be heard in a federal

court since the thief had crossed state lines in the course of the crime, taking the stolen *sefarim* to his home in New Jersey. An all-star legal team was retained, led by Mr. Nat Lewin and Mr. Jerry Shestak; Rabbi Yehuda Krinsky and Rabbi Avrohom Shemtov were chosen to lead the legal battle on behalf of Agudas Chabad.

The first order of business was to stop the sale of any more *sefarim*. In the month of Menachem Av, Justice Glaser signed a temporary restraining order on the defendant from entering the library and ordered the stolen *sefarim* to be held in court storage until further notice.

“When I notified the Rebbe of the restraining order he gave a very audible sigh of relief,” Rabbi Krinsky recalled. “The Rebbe instructed me to notify the Rebbetzin of all the developments.”

Bringing the case to trial was fraught with much worry and fear. Aside from the unpredictability and the liabilities involved with public legal proceedings, the issues at hand dealt with the core of Chassidus, the role of a Rebbe and the relationship of the Rebbe with Chassidim.

Agudas Chabad filed a motion that the case be heard by a federal judge and not a jury, arguing that specifically due to the uniqueness of this unprecedented case, its outcome should not be in the hands of twelve random citizens. The opposing side obviously protested this, but miraculously the court ruled in our favor. Judge Charles Sifton, of the United States District Court for the Eastern District of New York, would preside over the case at the federal courthouse in Downtown Brooklyn.

In preparation for the trial, a team of Chassidim led by Rabbi Sholom Ber Levin, the librarian of the Rebbe’s library, scoured through tens of thousands of documents to find evidence of



THE DINING ROOM IN THE REBBE'S HOME WHERE THE REBBETZIN'S DEPOSITION TOOK PLACE

the library’s true ownership. They produced an impressive collection of evidence but the Rebbe would focus on one specific letter of the Frierdiker Rebbe that had already been published in Igros Kodesh.

On 4 Tishrei, the Lubavitch legal team gathered in *Gan Eden Hatachton* for a *yechidus* with the Rebbe to discuss the strategy for the case. The Rebbe entered the room holding a lulav (which the Midrash connects to the idea of victory<sup>5</sup>) and spent two hours guiding the lawyers on how to proceed. While the lawyers were excited about the hundreds of documents of evidence that had been gathered, the Rebbe pointed to the Frierdiker Rebbe’s letter to Dr. Alexander Marks as the cornerstone of the entire case.

During the Kinus Hashluchim at the end of Cheshvan, the Rebbe instructed Rabbi Krinsky to share the details of the case with the shluchim since “this is relevant to them *bgashmius u’beruchnius*.”

In addition to the line-up of witnesses presented by both sides, the judge requested that the Rebbetzin, as the daughter of the Frierdiker Rebbe who would certainly have inside knowledge of the Frierdiker



IN THIS LETTER, THE REBBE ADDS NEW MEMBERS TO AGUDAS CHASSIDEI CHABAD AFTER SEVERAL OF THE ORIGINAL MEMBERS HAD PASSED AWAY.





DRAWING BY THE COURT ARTIST OF THE SEFARIM TRIAL.

Rebbe's affairs, should serve as a witness as well. When Rabbi Krinsky mentioned to the Rebbe that there was a possibility to absolve the Rebbetzin of such a task, the Rebbe opposed the idea and said that her testimony would be very helpful and she would succeed with "flying colors."

On 26 Cheshvan the Rebbetzin gave testimony in a deposition that was recorded in her home on President Street. For several hours lawyers from both sides asked her various questions and the opposing side tried very hard to extract testimony that would benefit their position, but they were deeply disappointed. Throughout the deposition the Rebbetzin made it clear that her father the Frieddiker Rebbe was completely dedicated to Chassidus and Yiddishkeit and did not have anything of his own.

The climax of the deposition came at the very end when the opposing lawyer asked: "In conclusion, in your opinion, did the *sefarim* in your father's room and basement belong to him or to the Chassidim?"

"They belonged to the Chassidim, since my father belonged to the Chassidim."

After the Rebbetzin's *histalkus* on Chof-Beis Shevat 5748\* the Rebbe stated that these words had a tremendous impact on the outcome of the case.

On that same day, several members of Agudas Chabad sought to arrange a compromise with the opposing side in order to protect the Rebbe and Lubavitch from the horrifying prospect of a public court case. When they proposed their idea the Rebbe became very upset with them and wondered how they could even think of such a thing. "This was a war against all the Rabbeim!" the Rebbe said passionately, and mentioned each one all the way to the Baal Shem Tov.

"Their fight is not about the *sefarim*," the Rebbe said, pointing to his chair. "It's about the *beinkel* [the chair, i.e. the very essence of the Rebbe's *nesius*]."

By now the seriousness and urgency of the situation became clear to Chassidim around the world. Thousands recited the entire Tehillim every day and intensified their efforts in Torah, *avodah*, *gemilus chassadim* and *hafatzas hamaayanos*.

On 29 Cheshvan Judge Sifton set Yud-Tes Kislev as the date for the beginning of the trial.

YUD-GIMMEL KISLEV

## THE FIRST VICTORY

The first major hurdle in connection with the actual trial hit Chassidim like a thunderbolt. The opposing side audaciously demanded that the Rebbe testify in

court. The very thought of such a thing occurring sent shock waves throughout Lubavitch but it seemed that there was no way out of it.

During the farbrengen of Shabbos Parshas Vayeitzei, Rashag approached the Rebbe and spoke about the case. The Rebbe was very serious and animated in emphasizing that this was a monumental war against all the Rabbeim. When Rashag asked the Rebbe for a *bracha* that he should not need to testify in court the Rebbe responded that he will also go to testify because this issue was so critical.

"Monday evening I was in the Rebbe's room discussing the next day's court proceedings when the judge would rule about the Rebbe's testimony," recalls Rabbi Krinsky. "At one point the Rebbe intimated that he was ready to give testimony in court. I don't know where I got the *chutzpah* from but I said very forcefully 'No!' The Rebbe was a bit startled from my outburst but did not say anything."

Chassidim called for a half-day fast on Tuesday, Yud-Gimmel Kislev, and at 6:00 a.m. 770 was packed with young and old reciting the entire Tehillim. The fear and trepidation was unbearable.

That morning in court, Agudas Chabad's legal team pulled all the stops and at around 11:00 a.m. the judge ruled that the Rebbe would not give testimony in the case—the first of many victories to come! The joy of Chassidim knew no bounds and Yud-Gimmel Kislev became enshrined in the Lubavitch calendar as a day of celebration.<sup>6</sup>

Later that day the lawyers had a lengthy *yechidus* with the Rebbe in the library building as a final preparation for the trial. The Rebbe emphasized to them that they should do their job as lawyers and not as Chassidim. "Do as you see fit," the Rebbe said. "But I hope to win over your minds..."



THE REBBE STRONGLY ENCOURAGES THE SINGING AT THE JOINT TZIVOS HASHEM - TIFERES ZKEINIM LEVI YITZCHOK RALLY, CHANUKAH 5746.

At the conclusion of the *yechidus*, Mr. Jerry Shestak said to the Rebbe: "I understand that tonight is your wedding anniversary. *Mazel tov!*" The Rebbe responded with a radiant smile, "It should be the first of many *mazel tovs*."

KISLEV - ADAR RISHON 5746\*

## THE TRIAL

The trial began on Yud-Tes Kislev and continued for approximately three weeks. Chassidim of all ages, men and women, attended the proceedings every day of the trial. There was limited space in the chamber and a rotation was arranged to allow everyone a chance to personally watch the proceedings. Many will recall the venerated Chossid and Rosh Yeshiva, Harav Mordechai Mentlik, who although did not understand any of the proceedings, nevertheless stood reciting Tehillim with his trademark soldier-like *kabolas ol* throughout all the hearings. Men and women sat separately and everyone had a Tehillim in their hands. The overflowing crowd filled the halls of the court reciting Tehillim. The judge was pleased and impressed with the discipline and decorum the Chassidim displayed throughout the trial.

The entire set of the Frierdiker Rebbe's Igros Kodesh was placed on a table at the center of the courtroom since much of the debates centered around the meaning of the Frierdiker Rebbe's words in his letters. In addition to regular witnesses who had personal involvement with the Frierdiker Rebbe and the library, there was a lineup of professional witnesses, who were called upon to explain the history of Chassidus and Chassidim, the meaning of a Rebbe and many aspects of *halacha*.

One of the central debates in the case was about the following: The opposing side proposed that all the evidence proving that the library belonged to Agudas Chassidei Chabad was irrelevant since it was set up this way only as a front. The question arose whether it is conceivable that the Frierdiker Rebbe would do such a thing.

The Rebbe was extremely troubled by the fact that people who were Chassidim of the Frierdiker Rebbe could even suggest that, and was pained at the tremendous *chillul Hashem* it caused.

In one dramatic episode during the court case, the man who served as the librarian of the library had the *chutzpah* to say in his testimony that it was all a lie. During cross examination the lawyer for Lubavitch asked the man to close his eyes and envision the image of the Frierdiker Rebbe. He then asked him to repeat what he had just said.

Suddenly, the man was overcome with emotion and tearfully said that the Frierdiker Rebbe was all about *mesiras nefesh* for Shulchan Aruch and it is inconceivable that he would say or write something that is untrue...

Other professional witnesses on behalf of Lubavitch included: Dr. Louis Jacobs from England, a renowned author on Chassidus and Chassidim; Rabbi Zalman Posner

and Rabbi Immanuel Schochet as eminent scholars in Chassidus; Rabbi Ralbag from Igud Harabbonim as a halachic authority; and Mr. Elie Wiesel, as a renowned activist and author who spoke about the impact of Chabad throughout the world today.

As the legal battle played out in court, the Rebbe was waging a spiritual battle. Before Yud-Tes Kislev 5746\* it was rare for the Rebbe to go to the Ohel more than twice a month. For the duration of the trial, however, the Rebbe went to the Ohel almost every single day with less than a handful of exceptions! The Rebbe's entire demeanor was extremely serious throughout this time period and the Rebbe was updated every day on the proceedings.

Each year on Chanukah it was customary for the Rebbe to participate in a Tzivos Hashem rally as well as a gathering for the Kollel Tiferes Zekeinim Levi Yitzchok-Chochmas Noshim. That year the Rebbe notified the organizers that since he was going to the Ohel every day because of the trial, they should host the event jointly and on Wednesday, 29 Kislev, the Rebbe addressed the packed shul of elderly and very young with several powerful *sichos*.

The Rebbe emphasized that the best way to diminish the ever increasing darkness of *galus* was through increasing in *simcha*,



RABBIS BEREL LEVIN AND YITZCHOK WILHELM REVIEW DOCUMENTS AT THE COURTHOUSE





SCENES OF THE JOYOUS DANCING ON 5 TEVES 5747\* WHEN THE NEWS OF DIDAN NOTZACH FIRST BROKE.

and instructed Chassidim to host Chanukah events and farbrengens every night of Chanukah. Before Shabbos the Rebbe sent a message to the shluchim in Eretz Yisroel to arrange special gatherings on Motzei Shabbos with a big “*shturem*.”

During the farbrengen of Shabbos Chanukah the Rebbe spoke with ever increasing urgency to increase in gatherings of *simcha*, and surprised the crowd by announcing that there would be another farbrengen on Motzei Shabbos.

At this surprise farbrengen, the Rebbe addressed one of the most laughable claims of the opposing side: Agudas Chassidei Chabad has not been “active” for over 40 years! Although the “activeness” of Lubavitch needs no proof, the Rebbe derived from this false argument that apparently there is more that can be done, and encouraged Chassidim around the world to increase their Chanukah *peulos* and all their other efforts in spreading Yiddishkeit and Chassidus to even greater levels. The Rebbe called for a special album to be published of Chabad’s Chanukah outreach of that year. The beautiful album entitled *Let There Be Light* was published before Yud Shevat at the Rebbe’s insistence.

During this farbrengen the Rebbe explained at length the story of when the Baal Shem Tov and the Maggid

visited the Alter Rebbe in prison on Yud-Tes Kislev and explained that the imprisonment was a result of a *kitrug* in Heaven against Chassidus. How was it possible for a new *kitrug* to emerge against Chassidus after the Alter Rebbe had already neutralized an earlier *kitrug* against Chassidus during the lifetime of the Maggid?

As Chassidus becomes more revealed in the world and conquers new vistas, a new *kitrug* reemerges and must be dealt with all over again, the Rebbe explained. Chassidim understood that the Rebbe was unambiguously stating that the situation with the *sefarim* was a new and frightening *kitrug* against Chassidus.

When the Rebbe returned from the Ohel on Sunday, Zos Chanukah, everyone was shocked with a surprise farbrengen. Once again the Rebbe spoke at great length about the *kitrug* against the Alter Rebbe and everyone could see the Rebbe’s grave concern about the trial.

There were other major changes in the Rebbe’s behavior which seemed directly connected to the trial. Shabbos Bereishis 5746\* was the last time (aside for the two exceptions of Erev Pesach and Shavuot 5749\*) the Rebbe said a *maamar* with the standard tone preceded by a *niggun*, and from that point on only said *maamarim ke’ein sicha*. Chassidim were shocked that

on Yud-Tes Kislev and Yud Shevat the Rebbe said *maamarim ke’ein sicha*.

At the same time the Rebbe started editing his *maamarim* for publication for almost every Yom Tov and *yoma depagra*, which was previously extremely rare.

Closing arguments were heard in the court on 11 Adar I. After both sides made their final presentations, the judge allowed them to each send in one letter with follow up arguments and concluded that he will have a verdict within a few months. However, Judge Sifton was soon assigned to a major criminal case involving multiple defendants which dragged on for months, and the long awaited verdict took much longer than anticipated.

Chassidim continued to say Tehillim but there was a certain optimism in the air. The words “Didan Notzach” were fitted to a *freilicher* tune which was sung very frequently in the Rebbe’s presence and the Rebbe encouraged it very strongly. During the Yud Shevat farbrengen the Rebbe even sang the words along with the Chassidim. But time dragged on...

At the conclusion of the farbrengen of Yud-Tes Kislev 5747\* the Rebbe said the words “Didan Notzach” giving Chassidim renewed anticipation for an imminent verdict and victory. Chanukah that year the Rebbe elevated the pace and expectation of the *peulos* and *mitvzoim* and spoke a *sicha* almost every night inspiring Chassidim and shluchim to increase in their *peulos* every night. It was the first year of the iconic car-top menorah parades and in a rare, public expression of satisfaction the Rebbe said that the Chanukah *mitvzoim* of that year was done as expected.

HEI TEVES 5747\*

## DIDAN NOTZACH!

On<sup>7</sup> Tuesday, Hei Teves the long awaited verdict arrived: Didan



ONE OF THE LEAD LAWYERS, MR. NATHAN LEWIN, SPEAKS AND PARTICIPATES IN THE DANCING DURING THE SEVEN DAYS OF CELEBRATION FOLLOWING THE VICTORY.

Notzach! In a stunning victory the judge ruled that all the *sefarim* belong to Lubavitch and that all the claims of the opposing side were null and void.

The news spread throughout the world like wildfire and Chassidim rushed to 770 to express their relief, joy and jubilation. The *freilicher niggun* Didan Notzach was blaring over loudspeakers and a growing circle of dancing Chassidim formed on the sidewalk in front of 770. When Rabbi Krinsky entered the Rebbe's room with the good news, he asked the Rebbe if there would be a *farbrengen* in honor of the *simcha* and the Rebbe said he needed to think about it.

As 3:15 p.m. came closer, 770 was packed with celebrating Chassidim and the Rebbe notified *mazkirus* that due to the crowd he would daven downstairs in the main shul instead of in the upstairs *zal* as usual. *Bochurim* immediately set up the elevated *bima* for the Rebbe which was typically used for Tishrei and had just been there throughout the days of Chanukah.

As the Rebbe entered the shul to the loud and joyous chanting of Didan Notzach, the Rebbe distributed coins for *tzedakah* to the many children who were there, and when he reached his place the crowd instinctively

started singing Ashrei with the tune used in summer camps. In an exciting turn of events, the Rebbe asked Rabbi Groner for a Chumash, which was an indication that the Rebbe would say a *sicha*! The joy in the room intensified immensely.

In a historic *sicha*, the Rebbe spoke about the importance of realizing that every situation is for a purpose. Gleaning from the story of Yosef and his brothers being learned on *yom shlishi* of Parshas Vayigash, the Rebbe noted that immediately after revealing himself to his brothers, Yosef insisted they recognize that Hashem sent him to Mitzrayim and it was not due to their own decision. Every terrible situation has a purpose and the pain and suffering of the recent situation is in order for us to grow in all areas of Yiddishkeit, Chassidus and *hafatzas hammayanos*.

The Rebbe reiterated his urgent call to establish Chabad Houses everywhere in the world and invoked the final words of that day's Chitas: ותחי רוח יעקב אביהם!

As Chassidim streamed to 770 from all over the world, the celebrations continued unabated throughout the night. A festive impromptu *farbrengen* took place in 770 that night and many elder Chassidim spoke emotionally and passionately

about the immense gratitude to Hashem for the miraculous victory.

On Wednesday, 6 Teves, the Rebbe went to the Ohel and davened Mincha and Maariv in the upstairs *zal* upon his return to 770. After Maariv, the Rebbe turned to the crowd and started to say a surprise *sicha*. The Rebbe declared that now was an auspicious time and everyone could send in *panim* that the Rebbe would take with him to the Ohel the next day.

Word of the Rebbe's unprecedented offer reached every Jewish community in the world within hours. Every fax machine in every office in 770 continued printing faxes of *panim* non stop, in addition to the many thousands that brought their *panim* personally to 770 from throughout the tri-state area.

All the while, the celebration in 770 continued throughout that night.

The next day when the Rebbe went to the Ohel, 14 sacks filled with *panim* accompanied the Rebbe in a separate car. Another batch of sacks were brought to the Ohel later on. The Rebbe returned to 770 very late and after davening Mincha and Maariv said yet another *sicha*! The third *sicha* in as many days.

That night Agudas Chabad hosted the official *seudas hodaah* in the main shul of 770, with the participation



REB YOEL KAHAN SPEAKS ON THE SIGNIFICANCE OF HEI TEVES IN THE DAYS FOLLOWING THE VICTORY



of many distinguished guests from around the world, including Mr. Nat Lewin who had worked so hard on the case. In addition to expressing his immense gratitude for being able to work on such an important and historic case, he explained how the Rebbe's guidance to base the case on the Frierdiker Rebbe's letter to Dr. Marks had turned out to be the main catalyst for the judge's decision.

In a short but historic speech, Reb Yoel Kahn distilled and identified the essence of the victory of Hei Teves. As the Rebbe had emphasized during the trial and during the *sicha* of the afternoon of Hei Teves, the situation of the *sefarim* was similar to the *kitrug* that led to Yud-Tes Kislev. However, in the times of the Alter Rebbe, Reb Yoel explained, the *kitrug* was against *Toras haChassidus* so the result of the victory was an increase in the spreading of *Toras haChassidus*. This time the *kitrug* was against the *nossi*, the *maor*, the source of Chassidus. The opposition challenged the very essence of a Rebbe. Therefore, the result must be an unprecedented increase in the awareness of the Rebbe himself.

"Today, thousands of Yidden wrote *tzetelach* to the Rebbe—an unprecedented expression of the world's awareness of the Rebbe!"

The celebrations continued

non-stop throughout the night.

That Shabbos in 770 there was a tremendously joyous Yom Tov atmosphere. The Rebbe held a *farbrengen* and spoke very strongly about Moshiach. On Motzei Shabbos the non-stop celebrations continued until the fast of Asara B'Teves began early in the morning. After Shacharis, the rabbonim presented the Rebbe with a *psak din* that Moshiach must come immediately.

After Mincha the Rebbe spoke a *sicha* of *divrei kevushin* (as was the Rebbe's custom on fast days) with a very joyous tone and thanked the many guests who had traveled to be in 770 to celebrate the "*besuros tovos*" in a manner of משה תמיד. That night the celebrations continued until the early hours of the morning marking seven days of continuous joy and thanksgiving for the tremendous miracle of Didan Notzach.

On Monday evening after Maariv, the Rebbe spoke a long *sicha* explaining the meaning behind Didan Notzach. He declared that as Yud Shevat was approaching, everyone needed to prepare themselves properly and he expected three reports of every Chossid's progress over the next 30 days until Yud Shevat.

Thus concluded the שבועת ימי המשה of Didan Notzach.

CHESHVAN - KISLEV 5748\*

## THE SEFARIM RETURN HOME

Following Judge Sifton's verdict, the opposing side filed an appeal with the Second Circuit of the US Court of Appeals. The Rebbe considered this move as an appeal on the essential idea of the eternity of a *nossi*. On Shabbos Parshas Vayikra the Rebbe delivered a foundational *sicha* on the eternity of the *nossi hador* and instructed that it be prepared for editing, to be published as the Likkutei Sichos for Shabbos Hagadol.<sup>8</sup> This was extremely unique.

The Rebbe also instructed that a special *kuntres* be published with the final *maamar* of the Rebbe Rashab—ד"ה ראשית גויים עמלק—תר"פ, and the final *maamar* of the Frierdiker Rebbe—ד"ה באתי לגני תש"י.

On Tuesday, 25 Cheshvan, a panel of three judges upheld the original verdict that the *sefarim* belong to Lubavitch unequivocally. The celebration in 770 was indescribable and the Rebbe davened Mincha downstairs on the elevated *bima*, but had a very serious expression throughout.

On 27 Cheshvan, the court ruled that the *sefarim* must be returned to 770 on Monday, 2 Kislev. That Shabbos was the first International Kinus Hashluchim and 770 was in full Yom Tov mode.

Agudas Chabad planned on arranging a celebratory parade for Monday in front of 770 to welcome back the *sefarim* but the Rebbe rejected the idea, preferring that the return happen without pomp and fanfare.

Unfortunately, the Rebbe's wish was not completely fulfilled. As the Rebbe approached his car to go to the mikveh in preparation for going to the Ohel, he noticed crowds of *bochurim* waiting around for the *sefarim* to return to 770 and spoke very sharply about the need



THE SEFARIM RETURN, 2 KISLEV 5748\*.

to welcome the *sefarim* by learning the *sefarim* and not wasting time outdoors.

At 3:00 p.m., while the Rebbe was at the Ohel, an armored vehicle pulled up to 770 and 13 boxes containing the stolen *sefarim* were carried into 770 by members of Agudas Chabad and placed in *Gan Eden Hatachton* near the Rebbe's room. The Rebbe instructed Rabbi Krinsky to take out a few *sefarim* from the boxes and bring them to the Ohel. One of them was a *sefer* titled מזמור לתודה—which seemed extremely appropriate for the circumstance.

Another *sefer* was דרך אמונה and the Rebbe instructed that it be republished as soon as possible. Two days later a beautiful new edition of דרך אמונה was published and the Rebbe explained part of it at the following farbrengen.

As the anniversary of Hei Teves approached many Chassidim were unsure how the Rebbe would react to it, in light of the Rebbe's insistence that the return of the *sefarim* be done in a quiet manner. Hei Teves 5748\* occurred on a Shabbos and to everyone's delight the Rebbe held a farbrengen (even though it was not a Shabbos that the Rebbe would ordinarily have a farbrengen) and the Rebbe spoke extensively about the victory of Hei Teves and established the day as an עת רצון לדורות—an auspicious time for all generations!

ELUL 5749\* - ELUL 5750\*

## THE FINAL PHASE

After Lubavitch's resounding victory, the opposition audaciously pushed forward with new allegations



THE FRIEDIKER REBBE'S YECHIDUS ROOM ON THE SECOND FLOOR OF 770, WHICH CONTAINED SOME OF THE MOST PRECIOUS ARTIFACTS OF THE LIBRARY, INCLUDING THE BAAL SHEM TOV'S SIDDUR

against the Rebbe and a long and bitter legal battle ensued behind the scenes. On Wednesday, 26 Tishrei 5750\* the opposition demanded that the Rebbe should testify in court at this new trial, *Rachmana litzlan*, but the judge ruled that such a thing was unnecessary. The news was received in 770 with tremendous simcha and during Mincha everyone could see the Rebbe was especially joyful.

On Tuesday, 19 Teves 5750\* the court ruled in favor of Lubavitch and on Tuesday, 28 Elul (which was Gimmel D'Selichos) the 13 *sefarim* that had been on the Frierdiker Rebbe's desk on Yud Shevat 5710\* were finally returned to their rightful place, marking the completion of the long and bitter saga. When the Rebbe was notified that the entire saga had finally come to its complete end, the Rebbe remarked, "Nu, now we can say *divrei Torah*..."

A complete and total  
Didan Notzach! **T**

## פדה בשלום

On Yud Kislev 5746\*, days before the onset of the trial the Rebbe explained in the *maamar* that all the redemptions of the Rabbeim occurred on days that we recite *kapitel* 55 in Tehillim, which contains the *possuk* of פדה בשלום, either for the days of the month (Yud Kislev) or the days of the week (Tuesday: Yud-Tes Kislev and Yud-Beis Tammuz).

It is interesting to note that all of the major victories that transpired in connection with the trial of the *sefarim* occurred on a Tuesday.

י"ג כסלו תשמ"ו, ה' טבת  
תשמ"ז, כ"ה חשוון תשמ"ח, י"ט  
טבת תש"נ, כ"ח אלול תש"נ.

1. See Hei Teves—A Higher Perspective, Derher Teves 5774; Establishing a Yom Tov, Derher Teves 5775; A Challenging Time—An Eternal Victory, Hei Teves through the eyes of the *bochurim*, Derher Teves 5776. Much of the information for this article was culled from the Kuntres "Didan Notzach" by Rabbi Shmuel Lubecki.
2. See Retaining Chassidus, Derher Adar I, 5776.
3. See further in the article for more on this issue.
4. See Rescue of the Library, Derher Adar I, 5774.
5. Vayikra Rabba 30:7

6. See Derher Weekly, Vol. #2, Issue #10.
7. See Leben Mitten Rebbe'n, Derher Teves 5778 for a detailed yoman of Hei Teves 5747. See A Challenging Time—An Eternal Victory, Hei Teves through the eyes of the *bochurim*, Derher Teves 5776, for a detailed description of the celebrations from the view of the *bochurim*.
8. Likkutei Sichos vol. 32, p. 19.