

לזכות החתן הרה"ת ר' ישראל ארי' לייב והכלה המהוללה מרת נחמה שיחיו שיימאן לרגל חתונתם ז' כסלו ה'תשע"ט נדפס ע"י משפחתם שיחיו

JESTING THE SCENES

The story of ה' טבת



Why are you asking me?

After the identity of the person stealing the *seforim* from the library was discovered, the first step was to obtain a temporary restraining order, a legal ruling from a judge to prevent further *seforim* from being sold and to put them in safekeeping until there is a permanent resolution. Rabbi Krinsky arranged for the lawyer, Mr. Nathan Lewin, to do so and it was processed successfully. The *seforim* that were already in New Jersey were transferred to a secure warehouse for storage pending the outcome of the trial.

After he received the restraining order, Rabbi Krinsky told the Rebbe about the positive development. The Rebbe said to call the Rebbetzin and relay the good news.

Rabbi Krinsky later related¹: "Either then, or a few days later, I asked the Rebbe a question about the trial. The Rebbe said to me, 'Why are you asking me?'

"The Rebbe continued: משה רבינו איז געווען א מנהיג ישראל, ער האט געדאגה'ט איז געווען א מנהיג ישראל. אבער פנחס האט געדארפט פאר כלל ישראל. אבער פנחס האט געדארפט אפטאן וואס ער האט געדארפט אפטאן. Moshe Rabbeinu was the leader of the Jewish people, and he took care of klal Yisroel. But Pinchas had to do what he had to do.'

"I understood the Rebbe's message.
"Then the Rebbe told me
something else: דו ביסט דאך א חסיד פון
שוער. מסתמא געווען ביי אים אויף א ברכה,
אפשר ביי די בר מצוה. ממילא וועט אלץ
אפשר ביי די בר מצוה. מזילא וועט אלץ
.... You are a Chossid of my
father-in-law [the Frierdiker Rebbe].
You were probably by him for a bracha,
perhaps for your bar mitzvah. So
everything will be successful.'

"I decided that, from then on, I would not tell the Rebbe anything about the trial, unless I really had to..."

As will be seen below, this would become a larger theme in the Rebbe's approach to the trial: the Rebbe provided the general vision for how to approach the trial while at the same time avoiding being involved in the intricate details of the case.

Focus on the letter

The temporary restraining order was just the first step in a protracted legal battle. Although the *seforim* were out of the possession of the thieves, the status of the entire library hung on the outcome of the ensuing trial—on

whether a non-Jewish judge would appreciate that the library was far from a mundane, personal inheritance.

The Rebbe strongly upheld the notion that the library was not a private asset. It was the public property of Chabad Lubavitch, owned by Agudas Chassidei Chabad of the United States and Canada.

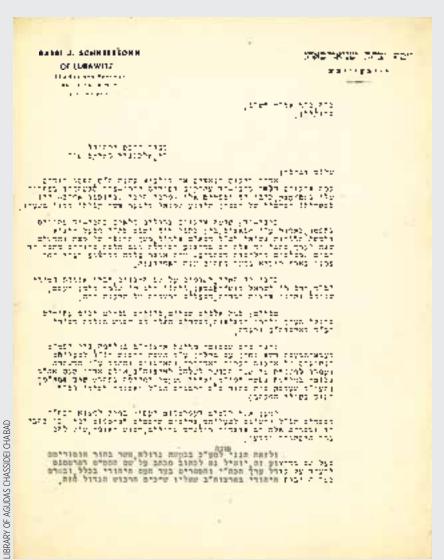
As a basis for this, the Rebbe pointed towards the unique characteristics of the library. The



ATTORNEY NAT LEWIN VISITS THE REBBE FOR DOLLARS, 4 TAMMUZ 5751.



RABBI BEREL LEVINE AND RABBI YITZCHOK WILHELM PORE OVER DOCUMENTS BEING USED IN THE COURT CASE OF THE SEFORIM.



THE LETTER FROM THE FRIERDIKER REBBE TO DR. ALEXANDER MARX, THAT STOOD AT THE CENTER OF THE COURT CASE.

library was home to many books on a wide range of topics, many of which were of no personal use to the Frierdiker Rebbe, and would-under normal circumstances-not find entry into the home of any observant Jew. The Rebbe explained that the Frierdiker Rebbe acquired them for the library so that it would also be a center of research for topics in general, not necessarily connected to Torah. The Frierdiker Rebbe wanted the very existence of the library to be something that would be a kiddush Hashem, and a kiddush shem Lubavitch, for the entire world. Yidden andeven-non-Jews.

These and many other facts point clearly towards the Rebbe's position: the library was clearly not the Frierdiker Rebbe's personal property. It was property of the movement designated for the use of the world at large.

As the preparations for the trial heated up, the Rebbe held a long *yechidus* with the lawyers in *gan eden hatachton*, during which he set out the plan for the trial. This took place on 4 Tishrei 5746.

Attorney Nathan Lewin related: "The Rebbe made it clear that it was the movement's property. His father-in-law, the Previous Rebbe, desired



DR. ALEXANDER MARX.

that it be preserved for the community, not to be viewed as personal property for anyone to do with as they please.

"He was of the opinion that the key document this case really should depend on was a letter the Previous Rebbe had written after he arrived in the United States, when he was trying to get the books brought from Europe to the United States. It was written to Professor Marx, the librarian of the Jewish Theological Seminary Library in New York. This letter stated that the library was a treasure of the Jewish people and belonged to Agudas Chassidei Chabad of the United States. The Rebbe said to us, 'The key document is the one which he wrote to Professor Marx."

Dr. Alexander Marx was an influential Jewish librarian in the United States after the war had ended. In the letter, the Frierdiker Rebbe asks Dr. Marx for assistance in locating the library that had been confiscated by the Nazis and bringing it to the United States.

The Frierdiker Rebbe states in the clearest of terms that the books are the property of Agudas Chassidei Chabad, concluding the letter with: "Therefore, I turn to you with a great request, that as a renowned authority on the subject, you should please

write a letter to the State Department to testify on the great value of these manuscripts and books for the Jewish people in general and particularly for the Jewish community of the United States to whom this great possession belongs..."

Rabbi Avraham Shemtov later related2: "At the time, it seemed very hafshatadik (a 'spiritual' and less 'practical' idea). There were a number of yungeleit—lead by Rabbi Sholom Ber Levin—who had been digging up documents in preparation for the trial. (The very fact that they were able to find these documents can be considered part of the miracle—no one had known that these documents existed, certainly not in such quantity.) With tremendous energy, they put together documents upon documents in preparation for the trial. Our own lawyers were very impressed to see the tremendous resources we had provided for them.

"But the Rebbe pointed to that one, single letter [to Dr. Marx]. In the context of all these documents, this letter seemed somewhat *nebechdik*... It certainly didn't seem to be a key point in the trial.

"[In fact] the Rebbe told the lawyers that it is very possible that preparing so many documents would take away from this letter. Not only was this letter the foundation for the entire trial—the key to a successful outcome—but preparing other evidence might even be harmful!"

"Ultimately," Mr. Lewin says, "the decision of the judge, when it was rendered after the full trial, relied on that letter as proof of the fact that the Previous Rebbe had 'held these books in trust' for the community of Chabad.

"It does not make much sense," the judge wrote, 'that a man of the character of the sixth Rebbe would, under the circumstances, mean something different than what he said—that the library was to be



delivered to plaintiff for the benefit of the community."

In contrast to other arguments formulated by the lawyers (related to the nature of *maamed* and so on) that were struck down by the court, it was this argument that carried the day in the trial court and later in the appeals court.

"I confess," Rabbi Avraham Shemtov says, "that it is very possible that if we had really listened to the Rebbe's words at the time—to the fullest extent—the trial wouldn't have taken so long...

"The Rebbe proposed two approaches that seemed very difficult to apply at the same time. On one hand, the Rebbe said that the trial should be approached *al pi derech hateva*, within the natural order. The lawyers should handle the trial as they would any typical legal proceeding. The Rebbe even told us at one point

that we shouldn't try making the lawyers into Chassidim. Allow them to be lawyers. And this was one of the reasons that we couldn't insist that they disregard all the other documents and focus only on this letter.

"On the other hand, the Rebbe told one of the lawyers the following: איך וויל אז דו זאלסט טאן ווי ביי דיר לייגט זיך, און דו זאלסט נוצן דיין דעת. און איך וויל געווינען דיין דעת... I want you to do as you understand, you should use your judgement. And I want to win over your judgement.'

"After the long *yechidus*, the Rebbe went back into his room and the lawyers were preparing to leave. But then the Rebbe opened the door again and came out to say, 'דאס מוז זיין אלץ מלובש אין טבע. It must all be clothed in the natural order.'

"Meaning, if they would feel they could only fulfill an instruction from the Rebbe by overriding their own judgement on the issue, they shouldn't do it—it must be done in the natural order."

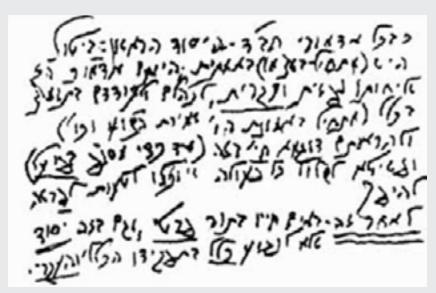
Why did he break in like a thief?

During the *yechidus*, the Rebbe emphasized another legal argument: if the person felt that he was legally entitled to the seforim, why had he stolen them in the darkness of night? He should have brought the case to a din Torah or to court! Being that the seforim had been stolen, the previous status quo should be restored: the *seforim* should be returned. Afterwards, he could go through the legal process of challenging their ownership.

This argument, too, was echoed by the judge in oral proceedings during the court case.

Such an argument is foolish!

Making their own case, the thief and his cohorts wished to claim that



TEXT IN THE REBBE'S HOLY HANDWRITING, WITH MATERIAL TO BE USED FOR MAKING THE CASE IN COURT.

the Frierdiker Rebbe only wrote that the seforim belonged to Agudas Chassidei Chabad as a tactic to help bring them out of war-torn Europe. In truth, they claimed, he never really meant that they belonged to the community. In other words, they intimated that the Frierdiker Rebbe was capable of saying one thing and meaning something else, chas v'shalom. The Rebbe decried this notion in the strongest possible terms, painfully protesting against the great chilul Hashem that comes along with making such a statement.

It seems that even their lawyers were having a hard time seeing the power of this argument.

Rabbi Yehuda Krinsky relates: "At one point, the Rebbe spoke with me at great length concerning some of the aspects of the court case. In addition to our conversation, the Rebbe also handed me a few pages of these points in his own holy handwriting (see ksav yad kodesh). Presumably, due to the importance of the subjects we discussed, the Rebbe chose not to rely only on my memory, so that everything would be clear." "כבכל אדמו"רי חב"ד היסוד הראשון: ביטול היש (מתחיל בעצמו) באמיתית. היותו אדמו"ר

ה"ז שליחות נפשית ועיקרית, לנהלם ולעודדם בתומ"צ בכלל (מתחיל באמונת ה' שמירת השו"ע וכו') ולהראותם דוגמא חי' בזה (עד כדי מסירות נפש בפועל) ופשיטא לשלול כל פעולה שיוכלו לטעות לפרשם להיפך. לאחר זה באים חייו בתור פרטי וגם בזה יסוד שלא נוגע כלל בתפקידו הכללי והעיקרי...

"הראי' העיקרית והשוללת כל הטענות שכנגד: מכתב המוריש רשמית דשייך לאגודת חסידי חב"ד. הקס"ד אולי כתב רק לפנים (היינו טיפשות) והאומר כך זהו חילול השם הכי גדול ועד כדי כך שהאומר כך (במזיד) צריך להיות ברמ"ח ר"ל. ובסגנון אחר (ועיקר): כל התעודות רשמיות, מכתבים וכו' כותבים מפורש דשייך לאגודת חסידי חב"ד - הטענות שכנגד הם דברים שבע"פ סתם.

"As with all Chabad Rebbes, the first foundation [of the Frierdiker Rebbe's life] is: truthfully nullifying one's own existence (starting with himself).

"As a Rebbe, it is his integral and primary mission to guide and strengthen [the Chassidim] in Torah and mitzvos in general (beginning with belief in Hashem, keeping [the laws of Shulchan Aruch, etc.) and to show them a living example of this (even to the extent of actual mesirus nefesh).

"It is self-understood that a Rebbe must also withhold all actions that



may mistakenly imply the opposite [of the above].

"[Only] after [being Rebbe] comes his private life, and in this aspect as well, the foundation is not to interfere at all with his general and primary purpose.

"The primary proof which overcomes all the arguments of the opposition: the letter from the inheritor [the Frierdiker Rebbe] officially declares that [the library] belongs to Agudas Chassidei Chabad...

"To think that he wrote the letter only to deceive [the European governments] (is foolish), one who says so creates a great *chilul Hashem*. One who says this (intentionally) deserves excommunication, G-d forbid...

"In other words (and the main point): all the legal certificates, letters, etc., clearly express that [the *seforim*] belong to Agudas Chassidei Chabad—the opposing views are merely words transmitted orally [without any written proof]."

A settlement

When the thief refused to settle his claim in a din Torah before a beis din, some suggested that perhaps it would be better to compensate the thief with a sum of money, and settle the case that way. The Rebbe strongly negated this idea. When the Rebbe's brotherin-law, Rashag spoke to the Rebbe about it at one farbrengen, the Rebbe became very serious and answered loudly, moving his holy hands all the while: "It's not a fight against me! It's a fight against the Alter Rebbe, the Mitteler Rebbe..." (The Rebbe specified all the Rebbeim.)

Later, on the morning of 13 Kislev 5746, a few days before the trial began, the Rebbe held a *yechidus* with the members of Agudas Chabad in his room. Realizing that retrieving the *seforim* would require a lengthy legal

process, some of the members of the delegation hoped for the possibility of a compromise. The Rebbe again responded very sharply and totally rejected the idea.

Those standing outside were able to hear the Rebbe's passionate response, although they could not make out the exact words. Later on it was told that the Rebbe had said:

"Vi kumt es aza min sevora?! How can you even entertain such an idea? Did you say Tehillim for this issue? Did you fast? Where is the mesirus nefesh of Chassidim?"

The Rebbe cited an example of another group that had declared a fast in relation to a certain matter. But here, it doesn't seem to be bothering anyone! [It should be noted that later on, when they wanted to declare a fast, the Rebbe said not to.]

The Rebbe also said, "You speak of settling for a compromise? It is a *milchama oif'n beinkel!* (a war against the "seat" i.e. the *nesius*)."

From outside, Chassidim could hear the Rebbe banging on the table with emotion, as he said, "טאפארו" [Actually do something! With your cries you will be saved!]

Should the Rebbetzin testify?

As the case was being prepared, the various parties were called upon to give testimony. Chassidim were hoping that the Rebbetzin would not need to give a deposition, as they tend to be very tiring. Rabbi Krinsky later related, "I said to the Rebbe that we might be able to arrange for the Rebbetzin not to be deposed. But the Rebbe told me that it would be better for the court case if the Rebbetzin, as the daughter of the Frierdiker Rebbe, would testify. In the end, she would do very well, with immense success."

The Rebbetzin sat at the table, regal and composed, surrounded

by the lawyers of Agudas Chassidei Chabad, the opposing side's lawyers, and a team of assistants. She was extremely precise; she did so well that the opposing attorneys were very frustrated.

At the end, one of them asked bluntly, "Mrs. Schneerson, in your opinion, tell us, who did the books belong to?"

The Rebbetzin replied, "The seforim belong to the Chassidim, because my father belonged to the Chassidim." Hearing this, the opposing lawyers threw down their pencils in frustration. Indeed, when the video footage of this exchange was played in the courtroom, the judge, who was known to never display his personal emotions during a trial, reacted with one word: "Remarkable."

Shortly after the *shiva* for the Rebbetzin in 5748, the Rebbe spoke of her contribution to the victory of the court case, pointing out that these words had a profound impact on the judge, persuading him to make the right decision. In a *sicha* on 2 Adar 5748 the Rebbe said:

"Regarding the story of Yud-Tes Kislev, the Alter Rebbe emphasized in his letter that his release was great and wondrous in the eyes of the nations of the world... Similarly, the *nifteres* [the Rebbetzin] responded in a manner that impressed even non-Jews, saying that her father, the [Frierdiker] Rebbe, along with all his *seforim*, belong to the Chassidim. This brought about that the non-Jews included it in their verdict as well..."

Testimony by Elie Wiesel

There are two types of witnesses in a court case: regular witnesses, whose task is to recount only what they know without offering their opinion or analysis, and expert witnesses, who are called upon to offer their analysis in matters that are within their field of expertise. During the Hei Teves trial, there were a number of expert witnesses who testified on various aspects of the case, including the nature of Chassidism, the idea of Rebbe, and so on. These included: Rabbi Immanuel Schochet from Toronto, Rabbi Ralbag of Agudas Harabbonim, and Dr. Louis Jacobs of London.

Mr. Elie Wiesel was also one of the witnesses. Years later, he recounted³ that he hadn't really wanted to testify



MR. ELIE WEISEL VISITS THE REBBE FOR LEKACH, EREV YOM KIPPUR 5750.



in court, as he had never gotten involved in litigation. He only agreed after hearing that the Rebbe had asked that he testify, but he never understood why it was so important.

Several years later, he met Judge Sifton, who presided over the case. The judge told him that when he had heard that Elie Wiesel would be testifying for Lubavitch—and even more so once he heard his testimony—it helped him reach his decision. "It was only then," Mr. Wiesel said, "that I understood why it was so important to the Rebbe that I testify."

Shortly thereafter, Mr. Wiesel won the Nobel Peace Prize. In a long handwritten note (see image), in which the Rebbe asks Mr. Wiesel to utilize the opportunity to spread *sheva mitzvos b'nei Noach*, the Rebbe references his involvement in the trial, subtly hinting to the fact that it was the merit of his assistance that had brought about the Nobel Prize.

–לכהנ"ל נתוסף רגש תודה עמוקה בעד השתתפותו ולבבית בהגנה על כת"י הקדושים וכו' דחב"ד והחסידים–זכות מיוחדת מן השמים, שכנראה היא גדולה עוד יותר מאשר אני בעצמי שיערתי–

...In addition to all of the above, there is the feeling of profound thanks for your heartfelt involvement in protecting the holy writings etc. of Chabad and the Chassidim—a special merit from Heaven, which seems to be even greater than I myself had imagined...

Spiritual Tactics

The *seforim* case wasn't simply an issue of theft; at stake was a spiritual *kitrug* on the Rebbe's leadership (as the Rebbe himself said). There were a number of spiritual avenues that the Rebbe took in connection with the case.

The court case itself began on Yud-Tes Kislev 5746. While the trial endured, the Rebbe went to the Ohel every day, as opposed to the usual twice a month, the Rebbe's custom in those years. This meant that the Rebbe fasted most of the week!

(At one farbrengen, the Rebbe mentioned the fact that people were writing to him and asking him to watch his health and not fast [so often before going to the Ohel]. Instead, the Rebbe said, they should "scream daloi golus! Ad mosai!")

From the Chassidim, however, the Rebbe demanded the opposite. Although in past generations it was customary to call for a fast-day when tragedy struck, in our time, the Rebbe explained, when people are physically weaker, we can certainly avert all harm

by way of *simcha*. Therefore, in a *sicha* on Chanukah, the Rebbe asked that joyous farbrengens be held throughout the remaining days of Chanukah. The increase in light and joy will dispel all the darkness and all those who stand in the way of *hafotzas hama'ayanos* will not be successful. The entire issue will then vanish without a trace!⁴

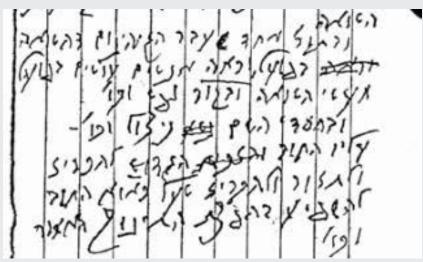
The Rebbe gave several other directives that should be done in the arena of *hafotzas hama'ayanos*:

- To increase the study of Chassidus.
- Anyone who has bichelach of Chassidus should send them in to the library to be published.
- The campaign to print Tanyas in every place should be continued. (It should be noted that shortly before the trial, the Rebbe said that a Tanya should be printed in the library itself.)

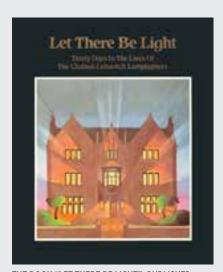
When the Chassidim heard the Rebbe's call for an outbreak of such joy with "mesibos shel simcha"—joyous gatherings and farbrengens, and observed how the Rebbe was leading the way in this regard, they quickly realized that the Rebbe was engaged in a real fight against evil and that he sought to bring about victory by pure and immense joy. Immediately, arrangements were made for a grand hisvaadus Chassidim to take place on Motzo'ei Shabbos, the night of Zos Chanukah, in 770.

Arrange Events

The next day, the Rebbe sent a message to the shluchim through Rabbi Groner. In continuation to the *sicha*—where he urged the Chassidim to increase in activities and in joy—the Rebbe said that every shliach should "make a *shturem* about the joy of Chanukah." Specifically, the Rebbe said, large Chanukah events should be arranged for the final night of Chanukah, Zos Chanukah, which was Motzo'ei Shabbos. Mayors, *rabbonim*,



PART OF THE REBBE'S HANDWRITTEN NOTE TO MR. WEISEL UPON WINNING THE NOBEL PRIZE.



THE BOOK "LET THERE BE LIGHT", PUBLISHED AT THE BEHEST OF THE REBBE IN THE DAYS FOLLOWING CHANUKAH 5746.

and activists should be invited, and photographs should be taken in which it would be clear that these events had been arranged by Lubavitch. If Motzo'ei Shabbos wasn't possible, the events could be held on Sunday (and those who could do both should do so).

The activities should be arranged in an organized manner, the Rebbe said, and he would be sending \$300 to each shliach: \$100 for their work in the Kollel Tiferes Zekeinim u'Zekeinos, another \$100 for Tzivos Hashem, and another for the *Beis Chabad* (as he had said at the farbrengen).

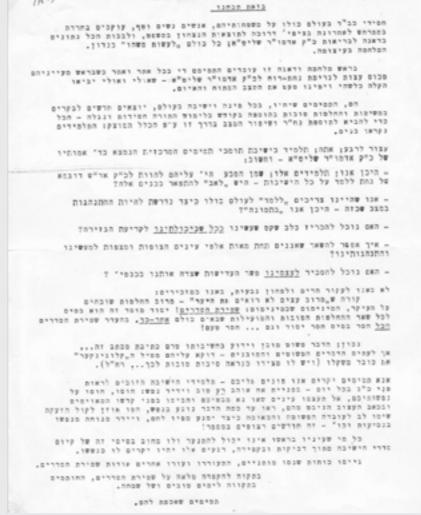
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"Gather people together who will immediately communicate this to the shluchim," the Rebbe concluded. "When I return from the Ohel, there should be a list of everyone that has been contacted."

That Shabbos, the seventh day of Chanukah, the Rebbe held a farbrengen. Towards the end of the farbrengen, the Rebbe announced a pleasant surprise: "Since we have called for more joyous farbrengens in the recent past, I will lead the charge on my own and hold another farbrengen tonight! Although arrangements have already been made for the *mashpi'im* to farbreng tonight, I am not freeing them from their obligation. They should farbreng tomorrow morning and throughout the day of Zos Chanukah."

During the Motzoèi Shabbos farbrengen the Rebbe discussed the *kitrug* on the Alter Rebbe that brought about his imprisonment and concluded with the establishment of the *yom tov* of Yud-Tes Kislev.

Although a similar *kitrug* already arose and was dismissed during the



A LETTER CIRCULATED AMONGST THE BOCHURIM DATED WINDER 5746, URGING THEM TO TAKE UPON THEMSELVES HACHLOTOS TOVOS IN ORDER TO GIVE THE REBBE NACHAS RUACH, IN LIGHT OF THE MISHPAT.



lifetime of the Maggid, the Alter Rebbe's increase in teaching and spreading Chassidus prompted yet another kitrug. The lesson is clear, concluded the Rebbe. When we spread Chassidus, some people think it's too much. They say, "Enough! The world cannot handle this; you are destroying the world!" But the lesson we learn from the Alter Rebbe is that there is no reason to decrease our efforts in hafotzas hama'ayanos. On the contrary; we shall continually expand, more and more!

The direction of our response to the current allegations can be culled from the story of Yud-Tes Kislev as well:

Quoting a letter from the Alter Rebbe about the fallacy of the misnagdim's allegations against him, the Rebbe explained that although the actual claims were false, they had some roots in reality. The same is true in our situation, said the Rebbe. When we hear a claim that Chassidim are not active and not spreading Yiddishkeit as much as they should, the first thing to know is that this is utterly false! Ever since the first Yud-Tes Kisley,

we have been engaged in hafotzas hama'ayanos, and we have already accomplished wonders in this regard! Nevertheless, the mere fact that such an allegation can be conceived means that there is some truth involved.

Therefore, we must use this as a clear indication for us to do even more than we have done until now! From now on, more emphasis should be placed on establishing new Batei Chabad, both by expanding the existing centers, and establishing new ones as needed. After reiterating that the focus should be on the three activities-kollel for zekeinim and zekeinos, Tzivos Hashem, and Batei Chabad—the Rebbe went on to explain the importance of publicity, and how it was a powerful motivator for all matters of holiness. Therefore, the Rebbe said, every place should send in photographs of their activities in order for it to be published in beautiful book.

The next morning, as per the Rebbe's instructions, Chassidim gathered in 770 for a joyous farbrengen that lasted throughout the day until the Rebbe returned from the Ohel in the evening. And then came another surprise. The Rebbe farbrenged again that night, Motzo'ei Zos Chanukah—the third farbrengen in a span of two days!

Throughout those three farbrengens, the Rebbe continued speaking about printing Chassidus that had until then been hidden away as precious treasures, and also encouraged the continued campaign of printing Tanyas throughout the world.

The activities of Chanukah that year were published in "Let There Be Light," a beautiful album-book chronicling the Chanukah events all over the world.

The following year, the Rebbe instructed Rabbi Krinsky to publish a sequel to the book, and the ensuing album was titled, "And There Was Light."

- 1. Speech at Hei Teves farbrengen 5777.
- 2. Speech at Hei Teves farbrengen 5750.
- 3. In a conversation with Rabbi Boruch Oberlander.
- 4. Sicha fifth night of Chanukah 5746.



THE REBBE STANDS UP AND ENCOURAGES THE SINGING OF NYE ZHURITZI CHLOPTZI DURING THE FARBRENGEN OF 15 TAMMUZ 5746.