

# ה' טבת Hei Teves

## Didan Notzach of the Seforim

NEW YORK, 5747 (1987)

On 5 Teves 5747 (1987), victory was achieved in a legal battle over the ownership of the Agudas Chassidei Chabad Library. The library consists of a centuries-old collection of *seforim*, *ksavim* (manuscripts), and *chafatzim* (artifacts) that the Rabbeim—especially the Friediker Rebbe—amassed over generations.

The collection's ownership became the subject of a dispute in the summer of 5745 (1985), when claims were made asserting that the library was a private family inheritance rather than the collective property of the Chassidim. The matter was subsequently brought before the U.S. Federal Court. Throughout the proceedings, the Rebbe framed the trial and its eventual victory in spiritual terms and urged Chassidim to intensify their efforts to spread Yiddishkeit and engage in *hafatzas hamaayanos*.

When the judge ruled in favor of the Chassidim, the joy was boundless. “*Didan Notzach*”—Victory is Ours—was proclaimed as celebrations continued for seven days.

## The Trial and Victory of the Seforim

### THE TREASURED LIBRARIES

The story of Hei Teves revolves around a collection with a rich and detailed history spanning generations. At its heart is the Library of Agudas Chassidei Chabad, a cornerstone of the Chabad-Lubavitch movement. This sacred collection houses approximately a quarter of a million *seforim*, including countless rare volumes, precious *ksavim*, and historic artifacts of the Rebbeim.

Since the times of the Alter Rebbe, each successive Rebbe has maintained and expanded these cherished collections, carefully preserving and passing them down through the generations. Yet the journey of these treasured libraries has been marked by profound challenges. Some collections were lost to the fires that frequently ravaged the town of Lubavitch, while others were dispersed among family members following the *histalkus* of a Rebbe. The Rebbe Rashab's extensive library, packed away when he relocated during World War I, was seized by the Communists and remains in captivity in Russia to this day.

In response to these losses, the Frierdiker Rebbe undertook the task of rebuilding, establishing a new library through widespread appeals to authors and collectors to donate their publications and antique *seforim* for the benefit of the public. Many volumes were donated, while others were acquired using contributed funds. When the Frierdiker Rebbe was arrested and later liberated in Russia, he was granted permission to leave the country with his family—but refused to travel without his extensive library of *seforim*, despite the mortal danger this posed. Only after intense pressure did the Communists relent and allow him to take the collection.

The library's challenges were far from over. During World War II, the Nazi invasion forced the Frierdiker Rebbe to flee Poland, leaving his precious library behind under Nazi occupation. The bulk of the collection remained in Otwock, while many of the *ksavim* that had

accompanied him on the first leg of his journey were left behind in Warsaw.<sup>1</sup>

A new chapter began upon the Frierdiker Rebbe's arrival in America in 5700 (1940). While working to recover his library from Poland, he continued expanding the collection, storing *seforim* in his *yeichidus* room on the second floor of 770 and in a large basement room.

When the Rebbe arrived in the United States and began his work as the head of Merkos L'Inyonei Chinuch and Kehos publishing, he expanded these efforts, collecting *seforim* from authors worldwide and instructing Shluchim to rescue ancient collections from neglected shuls across North Africa and Europe. The collection grew so vast that the house adjacent to 770 (766 Eastern Parkway) was purchased to serve as "The Library."<sup>2</sup>

Decades later, the Frierdiker Rebbe's volumes became the center of an unprecedented crisis when precious *seforim* mysteriously began to disappear.

## THE THEFT

Shevat – Sivan 5745 (1985)

In Shevat 5745 (1985), troubling events began to unfold when the Frierdiker Rebbe's grandson started removing *seforim* from the Frierdiker Rebbe's *yeichidus* room and the basement library of 770.

For months, the disappearance of these precious volumes went undetected. It wasn't until after Pesach that Rabbi Yitzchok Wilhelm, a member of the Rebbe's library staff who was also involved with the maintenance of the Frierdiker Rebbe's collection, noticed the alarming gaps on the shelves where *seforim* had once stood.

Taking immediate action, he enlisted the help of Rabbi Chaim Boruch Halberstam, a key member of the building maintenance team at 770, who installed a security camera at the basement library entrance. After several weeks of surveillance, he was shocked to

<sup>1</sup> The collection that had been in Otwock later arrived in America in Sivan 5701 (1941). Decades later, the *ksavim* followed, arriving in Cheshvan 5738 (1977) under the meticulous guidance and encouragement of the Rebbe. For more details, see *Rescue of the Library, Derher*, Adar I 5774.

<sup>2</sup> See *Mibeis Hagnazim*, pp. 4–5.

discover the thief's identity. While the locks were quickly changed to prevent further losses, the damage was already extensive. Four hundred

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*seforim* had been removed, with 120 of them already sold to collectors worldwide. Despite diplomatic efforts to recover these *seforim*, the attempts proved unsuccessful.<sup>3</sup>

#### THE REBBE'S RESPONSE

Tammuz 5745 (1985)

On Rosh Chodesh Tammuz, the board members of Agudas Chasidei Chabad—the umbrella organization responsible for Chabad

activities in the United States under whom the library was registered—were summoned to meet with the Rebbe at 8:00 p.m. In attendance were Rabbis Chaim Mordechai Aizik Hodakov, Binyomin Gorodetzky, Mordechai Mentlik, Moshe Pinchas Katz, Zalman Gurary, Nissan Mindel, and Dovid Raskin.

Addressing the familial nature of the theft, the Rebbe's message was unequivocal: according to *halacha*, heirs do not take possession of any part of the inheritance until the entire estate is divided. In this case, no such division had taken place following the Frierdiker Rebbe's *histalkus* on Yud Shevat 5710 (1950), nor had the Frierdiker Rebbe arranged for such a division prior to his passing. Therefore, all of the *seforim* and *ksavim* remained under the Frierdiker Rebbe's ownership and must remain within his domain.

The Rebbe then invoked a profound teaching from the Torah regarding Yaakov Avinu: “*Ma zaro bachaim, af hu bachaim*”—Just as his children are alive, he too is alive. This principle, the Rebbe explained, teaches that a *tzaddik's* presence continues through his spiritual children and followers. Applied to the current situation, this meant that the Frierdiker Rebbe's presence remained vital and active among his Chassidim, making any claim of inheritance fundamen-

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3 *Didan Notzach* (Lubecki), 3rd edition, p. 13.

tally misplaced. The Rebbe firmly rejected suggestions to buy back the stolen books, as this would only serve to legitimize the theft. He warned that if the matter was not resolved before Yud-Beis Tammuz, he would have to address it publicly.<sup>4</sup>

Twelve days later, during the televised Yud-Beis Tammuz farbrengen, the Rebbe spoke out. He revealed that valuable *seforim* and *ksavim* had been removed from the Frierdiker Rebbe's room and library. While two individuals had returned everything they had taken, one person refused and was selling the *seforim* around the world.



Farbrengen, Yud-Beis Tammuz 5745 (1985).

In a brief but sharp *sicha*, the Rebbe reiterated that the Frierdiker Rebbe's presence remained vibrant through his students and Chasidim, rendering any claim of inheritance meaningless.

The Rebbe warned that having any of the Frierdiker Rebbe's stolen possessions was akin to holding a bomb in one's house that could explode at any moment, *Rachmana litzlan*. He demanded that all the *seforim* be returned to their rightful home immediately and assured that anyone presenting a receipt for their purchase would be fully reimbursed.<sup>5</sup>

<sup>4</sup> Transcription of the *yechidus* appears *ibid.*, p. 16.

<sup>5</sup> *Ashreinu* audio, 12 Tammuz 5745, *sicha* 6.

In the weeks that followed, the Rebbe addressed the issue with increasing urgency. During the *yechidus klolis*—a private audience granted by the Rebbe to groups rather than individuals—held for guests that had come to be with the Rebbe for Yud-Beis Tammuz, the Rebbe spoke at length about the crisis, delivering a powerful message: “There are those who think that because thirty-five years have passed since the *histalkus* of the [Frierdiker] Rebbe, he is now more distant than ever. This is an absolute lie! The opposite is true! With each year, he becomes more alive, stronger, and more active among us, within us, and through us among all Yidden in the entire world!”<sup>6</sup>



The Rebbe exits the library near 770.

At the 15 Tammuz farbrengen the next night, the Rebbe delivered a deeply emotional and painful *sicha*.<sup>7</sup> Chassidim began to realize this was far more than a theft of *seforim*—something profoundly more ominous was unfolding.

The intensity only grew. On Shabbos Parshas Balak, the Rebbe dedicated an entire *sicha* to the *seforim*. The following week, on Shabbos Parshas Pinchas the Rebbe held what would become the longest Shabbos farbrengen of his *nesius*, continuing until 8:00 p.m. During this unprecedented gathering, the Rebbe spoke about the *seforim* with an urgency Chassidim had never witnessed before.

Chassidim around the world were filled with dread. While there was little most could do, the issue weighed heavily on everyone’s minds. One question dominated every conversation: What will be with the *seforim*?

<sup>6</sup> Ashreinu audio, 14 Tammuz 5745, General Audience, Guests.

<sup>7</sup> Ashreinu audio, 15 Tammuz 5745, *sicha* 4.

Despite the Rebbe's public appeals and warnings, the situation remained unresolved. With diplomatic efforts exhausted and the stolen *seforim* still scattered, it became clear that legal intervention would be necessary to secure their return.

## PREPARING FOR TRIAL

Av 5745 (1985) – Cheshvan 5746 (1985)

After the opposition refused to participate in a *din Torah*, a non-Lubavitch *beis din* ruled that Lubavitch should pursue the matter in secular court. The case would be heard in federal court, as the thief had crossed state lines by taking the stolen *seforim* to his home in New Jersey. An all-star legal team was assembled, led by Mr. Nathan Lewin and Mr. Jerry Shestack, with Rabbi Yehuda Krinsky and Rabbi Avraham Shemtov chosen to spearhead the effort on behalf of Agudas Chassidei Chabad.

The first priority was to stop the sale of any additional *seforim*. In the month of Av, Justice I. Leo Glasser issued a temporary restraining order preventing the defendant from entering the library and mandating that the stolen *seforim* be held in court storage until further notice. Rabbi Krinsky recalled, "When I notified the Rebbe of the restraining order, he gave a very audible sigh of relief and instructed me to keep the Rebbetzin informed of all developments."

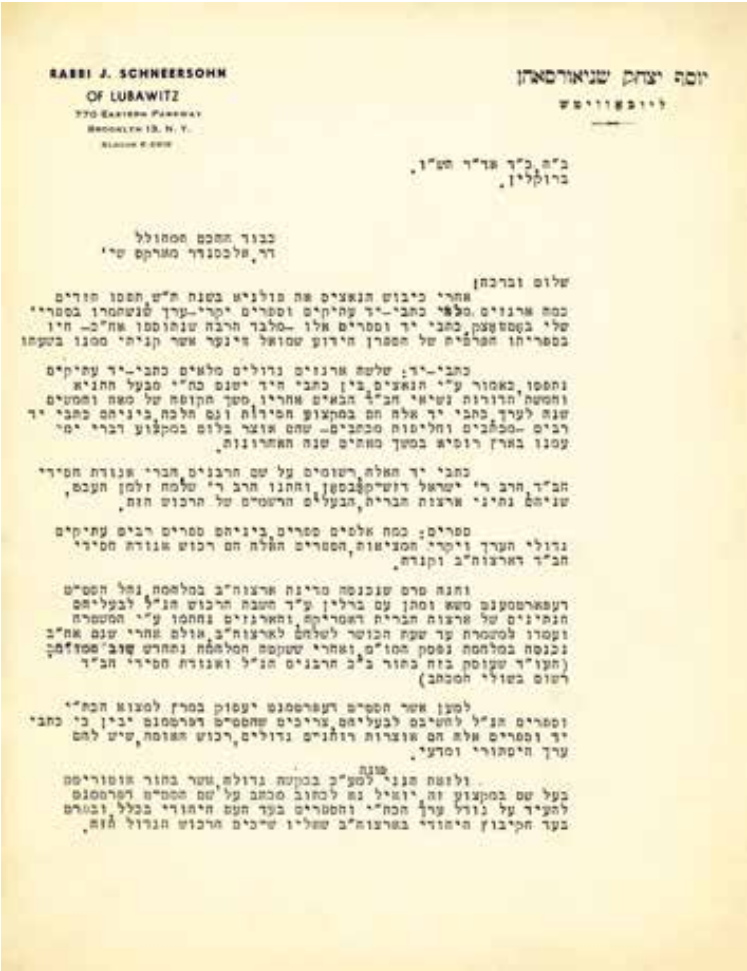
Agudas Chassidei Chabad filed a motion requesting that the case be heard by a federal judge rather than a jury, arguing that due to the unprecedented nature of the case, its outcome should not be in the hands of twelve random citizens. Despite objections from the opposing side, the court ruled in Lubavitch's favor, and Judge Charles Sifton was appointed to preside over the case.

In preparation for trial, a team of Chassidim led by Rabbi Sholom Ber Levine, chief librarian of the Rebbe's library, scoured tens of thousands of documents to find evidence affirming the library's rightful ownership. Their efforts yielded an impressive collection of evidence.

On 4 Tishrei, the Lubavitch legal team gathered in *Gan Eden Hatachton* to discuss legal strategy with the Rebbe. The Rebbe entered the room holding a lulav—which the Midrash connects to the



idea of victory<sup>8</sup>—and spent two hours guiding the lawyers on how to proceed. While the lawyers were excited about the hundreds of documents of evidence gathered, the Rebbe pointed to one specific letter as the cornerstone of the case—the Frierdiker Rebbe’s letter to Dr. Alexander Marx, an influential Jewish librarian in the United States.



The Frierdiker Rebbe's letter to Dr. Alexander Marx, which proved to be a key document for the court case.

Written after the war, the letter appealed to Dr. Marx for assistance in locating the library collection that had been confiscated by the Nazis. In this letter, the Frierdiker Rebbe unequivocally stated that the books belonged to Agudas Chassidei Chabad. He wrote, “Therefore, I turn to you with a great request, that as a renowned authority on

8 Vayikra Rabbah 30:7.



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....”

On 26 Cheshvan, several members of Agudas Chassidei Chabad suggested pursuing a compromise with the opposing side to shield the Rebbe and Lubavitch from the prospect of a public court case. When they proposed the idea, the Rebbe’s response was vehement. “This is a war against all the Rabbeim!” the Rebbe declared passionately, proceeding to mention each one by name all the way to the Baal Shem Tov. “Their fight is not about the *seforim*,” the Rebbe continued, pointing to his chair. “It’s about the *beinkel* [Lit., the seat, i.e., the very essence of the Rebbe’s *nesius*].”

## The Rebbetzin’s Testimony

As both sides had presented their lineup of witnesses, the judge made an additional request: that the Rebbetzin, who would surely possess intimate knowledge of her father’s affairs, testify as well. When Rabbi Krinsky discussed this with the Rebbe, he stated that her testimony would certainly be very helpful and assured that she would get through it with flying colors.

On 26 Cheshvan 5746 (1985), the Rebbetzin gave her deposition at her home on President Street. For

several hours, lawyers from both sides questioned her, with the opposition persistently attempting to draw out testimony to support their case. Their efforts proved fruitless.

The defining moment came at the very end when she was asked, “In conclusion, in your opinion, did the *seforim* in your father’s room and basement belong to him or to the Chassidim?”

She replied simply but brilliantly: “They belonged to the Chassidim, since my father belonged to the Chassidim.”

Following the Rebbetzin’s *histalkus* two years later, the Rebbe affirmed that her words had played a decisive role in determining the case’s outcome.<sup>1</sup>

<sup>1</sup> *Ashreinu* audio, 2 Adar 5748.

By now, the gravity and urgency of the situation were apparent to Chassidim worldwide. Thousands recited the entire Tehillim daily and intensified their efforts in Torah, *avoda*, and *gemilus chassadim* as well as *hafatzas hamaayanos*.

On 29 Cheshvan, Judge Sifton set Yud-Tes Kislev—a date of profound significance in Chabad history marking the liberation of the Alter Rebbe from imprisonment—as the date for the beginning of the trial.

### THE FIRST VICTORY: YUD-GIMMEL KISLEV

The tension reached a new height when the opposing side demanded that the Rebbe testify in court—a prospect that would have been deeply disrespectful. The very idea sent shockwaves throughout Lubavitch, yet there seemed to be no way to avoid it.

During the farbrengen of Shabbos Parshas Vayeitzei, the Rebbe's brother-in-law, Rashag, approached the Rebbe and spoke about the case. The Rebbe was visibly serious and animated as he emphasized that this was a war against all the Rabbeim. Rashag told the Rebbe that he didn't want to testify in court, and the Rebbe's response was unwavering: the Rebbe said that he himself was prepared to testify, given the critical nature of the issue.

Rabbi Krinsky later recounted a dramatic moment from that period: "Monday evening, I was in the Rebbe's room discussing the next day's court proceedings when the judge was set to rule on whether the Rebbe would need to testify. At one point, the Rebbe indicated his readiness to testify in court. I don't know where I found the *chutzpah*, but I responded with a forceful, 'No!' The Rebbe appeared startled by my outburst but remained silent."

The gravity of the situation galvanized the Chassidim into action. They called for a half-day fast on Tuesday, 13 Kislev. By 6:00 a.m., 770 was packed with people of all ages, reciting the entire Tehillim together. The atmosphere was filled with unbearable tension and anticipation.

Finally, relief came around 11:00 a.m., when the judge ruled that the Rebbe would not be required to testify. This marked the first of many victories in the case. Thus, Yud-Gimmel Kislev entered the Lubavitch calendar as a day of celebration.

Later that same day, the lawyers met with the Rebbe in the library building for a final preparation before the trial. During this lengthy *yechidus*, the Rebbe's guidance was precise: they should approach their work as lawyers, not as Chassidim. "Do as you see fit," the Rebbe instructed them, adding, "But I hope to win over your minds...." (I.e., that they on their own should come to see things as the Rebbe did.)

## THE TRIAL

Kislev – Adar I 5746 (1985–1986)

The trial commenced on Yud-Tes Kislev and continued for approximately three weeks. Each day, the courthouse was filled with Chassidim, both men and women. Among them was the venerated rosh



Farbrengen, Yud-Tes Kislev 5746 (1985).

yeshiva, Harav Mordechai Mentlik, who, though unable to understand the proceedings in English, remained present throughout, reciting Tehillim with his characteristic soldier-like *kabbalas ol*. The crowd's presence extended into the halls of the court, where they too recited Tehillim. The judge was impressed with the discipline and decorum the Chassidim displayed throughout the trial.

At the center of the courtroom stood a table holding the complete set of the Frierdiker

Rebbe's *Igros Kodesh*, as much of the legal debate hinged on interpreting the Frierdiker Rebbe's writings as contained in his letters.

One of the opposition's central arguments was that evidence showing the library belonged to Agudas Chassidei Chabad should be dismissed. They claimed the ownership structure was created merely as a front, a tactic designed to facilitate the library's escape from war-torn Europe, rather than a reflection of genuine ownership.

This raised a fundamental question: Would the Frierdiker Rebbe have engaged in such deception?

A defining moment addressing this issue occurred during the testimony of the man who served as the librarian of the Frierdiker Rebbe's library. Initially, he claimed that the documents supporting Agudas Chassidei Chabad's ownership were fraudulent. However, during cross examination, Lubavitch's lawyer asked him to close his eyes and envision the Frierdiker Rebbe's image before repeating his statement. Overcome with emotion, the man tearfully declared that the Frierdiker Rebbe, who embodied *mesirus nefesh* for *Shulchan Aruch*, could never have written or spoken anything untrue.

To address these and other crucial points, several distinguished witnesses testified on behalf of Lubavitch: Dr. Louis Jacobs from England, a renowned author on Chassidus and Chassidim; Rabbi Zalman Posner and Rabbi Immanuel Schochet, both eminent scholars in Chassidus; Rabbi Ralbag from Iggud HaRabbanim, who provided halachic expertise; and Mr. Elie Wiesel, the renowned activist and author who testified about the nature of a Rebbe-Chossid relationship as it related to the case.

## BEYOND THE COURTROOM

As the legal proceedings unfolded, the Rebbe initiated a parallel spiritual response, addressing the trial's challenges on a deeper level. In an unprecedented shift, the Rebbe began visiting the Ohel almost daily during the trial, departing from his usual practice of going only twice a month. His demeanor was extremely serious throughout this period.

At a combined gathering of the children of Tzivos Hashem and the elders of Kollel Tiferes Zekeinim Levi Yitzchok, the Rebbe emphasized that increasing in joy was the most effective response to the mounting darkness of *galus*. The Rebbe



The Rebbe encourages the singing with great vigor at the joint Tzivos Hashem – Tiferes Zekeinim Levi Yitzchok Rally, Chanukah 5746 (1985).



The Rebbe stands up while encouraging the singing of “Nye Zhuritzy Chloptzy” during the farbrengen of 15 Tammuz 5746 (1986).

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urged Chassidim to organize Chanukah events and farbrengens every night of Chanukah.<sup>9</sup>

The significance of the moment was evident at the Shabbos Chanukah farbrengen, where the Rebbe urged the need for more gatherings that inspired joy. Unexpectedly, the Rebbe announced an additional farbrengen for Motzei Shabbos.<sup>10</sup>

During this second farbrengen, the Rebbe addressed one of the opposition’s most outrageous claims—that Agudas Chassidei Chabad had been inactive for over forty years. Rather than merely dismissing this absurd assertion, the Rebbe transformed it into a call to action. The Rebbe explained that if such a claim could be made, it indicated room for even greater accomplishments. The Rebbe called upon Chassidim worldwide to expand their Chanukah activities and general efforts in spreading Yiddishkeit and Chassidus. At the Rebbe’s

<sup>9</sup> Published in *Likkutei Sichos*, vol. 35, p. 400.

<sup>10</sup> *Hisvaaduyos* 5746, vol. 2, p. 166.

directive, these intensified Chanukah programs were documented in a beautiful album titled *Let There Be Light*, published before Yud Shevat.<sup>11</sup>

When the Rebbe returned from the Ohel on the final day of Chanukah (Zos Chanukah), he called yet another surprise farbrengen, where he addressed a range of topics, including the spiritual challenges and opportunities of the moment.

Beyond these immediate responses, other significant changes marked this period. With only two exceptions,<sup>12</sup> the Rebbe stopped delivering *maamarim* in the traditional manner—preceded by a preparatory *niggun* and delivered in the classic tune unique to *maamarim*. Instead, he transitioned to *maamarim k'ein sicha*—delivered in the tone and style of a *sicha*—even on such significant dates as Yud-Tes Kislev and Yud Shevat.

During this time, the Rebbe also began editing his *maamarim* for publication with unprecedented frequency, preparing them for nearly every Yom Tov and special occasion. Indeed, most of the *maamarim* in *Sefer Hamaamarim Melukat* date from this period.<sup>13</sup>

The court heard closing arguments on 11 Adar I, but an unexpected delay occurred when Judge Sifton was assigned to a complicated criminal case involving several people, which dragged on for months. Despite the prolonged wait for a verdict, an atmosphere of cautious optimism prevailed among the Chassidim. The words “*Didan Notzach*”—Victory is Ours—were set to a joyous melody and frequently sung in the Rebbe’s presence, receiving his strong encouragement. At the Yud Shevat farbrengen, the Rebbe even joined in singing these words.

As months passed without a verdict, anticipation continued to build. When the Rebbe pronounced the words “*Didan Notzach*” at the conclusion of the farbrengen on Yud-Tes Kislev 5747 (1986), it renewed the Chassidim’s hopes for an imminent victory.

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<sup>11</sup> Ibid., p. 190.

<sup>12</sup> Erev Pesach and Shavuot 5749.

<sup>13</sup> See introduction to *Toras Menachem—Sefer Hamaamarim Melukat*.

## VICTORY AND CELEBRATION

5 Teves 5747 (1987)

After months of anxious anticipation, Judge Sifton delivered his verdict on Tuesday, 5 Teves: *Didan Notzach!* The ruling was clear and unequivocal—the *seforim* belonged to Agudas Chassidei Chabad, and all claims from the opposing side were dismissed.

The historic news spread like wildfire. Within minutes, hundreds of Chassidim converged on 770, their jubilant dancing accompanied by the victorious *niggun* “*Didan Notzach*” which played over loudspeakers. When Rabbi Krinsky entered the Rebbe’s room to deliver the news, he inquired about the possibility of a *farbrengen* to mark the occasion. The Rebbe responded that he would need to think about it.

As Mincha approached, the crowd at 770 had grown so large that the Rebbe informed *Mazkirus* he would daven in the main shul downstairs instead of the smaller *zal* upstairs, where he typically davened on weekdays. *Bochurim* swiftly assembled the Rebbe’s platform—



Joyous dancing breaks out in front of 770.



normally reserved for the month of Tishrei—in preparation for the *tefilla*.

As the Rebbe entered the shul, he was greeted by thunderous chanting of “*Didan Notzach*.” After distributing tzedakah coins to the children present, the Rebbe reached his place, and the crowd spontaneously began singing *Ashrei* to a familiar tune that children often sang for these words. When the Rebbe asked Rabbi Groner for a Chumash—a clear sign that a *sicha* would follow—the joy in the room intensified even further.

In a historic *sicha*, the Rebbe illuminated the deeper significance of the moment through the lens of that day’s portion in Chumash. Drawing on the narrative of Yosef revealing himself to his brothers, the Rebbe emphasized how Yosef had immediately directed his brothers to recognize Hashem’s hand in all that had transpired. Although they were the ones who had sold him into slavery, their actions were merely vehicles for a Divine plan. Similarly, the Rebbe explained, every challenging situation serves a higher purpose. The recent tribulations, were meant to catalyze growth in our work of spreading Yiddishkeit and the teachings of Chassidus, in a measure incomparably greater than before.

The Rebbe quoted the final words of that day’s portion in Chumash: “*Vatechi ruach Yaakov avihem*”—Their father Yaakov’s spirit was revived! For Chassidim, this *possuk* captured both the personal joy of the Rebbe’s victory and the profound spiritual triumph of Hei Teves. Just as Yaakov’s spirit was revived through the good news of Yosef’s

life, so too was the Rebbe’s spirit enlivened by the verdict that the *seforim* must return to their rightful home.

**“*Vatechi ruach Yaakov avihem*”—Their father Yaakov’s spirit was revived! For Chassidim, this *possuk* captured both the personal joy of the Rebbe’s victory and the profound spiritual triumph of Hei Teves.**

As news of the victory spread, Chassidim began streaming to 770 from across the globe. That night, an impromptu farbrengen took place where some of the elder Chassidim expressed their heartfelt gratitude to Hashem

for the miraculous victory. The celebrations continued joyfully throughout the night.

The following evening, Wednesday, 6 Teves, the Rebbe made an extraordinary announcement after Maariv. Recognizing this as a uniquely auspicious time, the Rebbe invited everyone to submit petitions for *brachos*, adding that everyone can ask for whatever they want, and that he would bring them to the Ohel the next day.<sup>14</sup> This unprecedented offer sparked immense excitement throughout the Jewish world. Within hours, fax machines at 770 were working nonstop as *panim* poured in from around the globe, while thousands more brought their written requests in person.

The celebrations continued throughout the night. The next day, as the Rebbe traveled to the Ohel, fourteen large sacks filled with *panim* accompanied him in a separate vehicle, with additional sacks arriving at the Ohel later, while the Rebbe was there. The Rebbe returned to 770 very late and, after davening Mincha and Maariv, delivered yet another *sicha*—his third in as many days.

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The Rebbe delivers a *sicha* on 7 Teves.



<sup>14</sup> *Hisvaaduyos* 5747, vol. 2, p. 181.

One of the lead lawyers, Mr. Nathan Lewin, addresses the crowd at 770.



210



Mr. Lewin participates in the dancing during the days of celebration following the victory.

That night, Agudas Chassidei Chabad hosted the official *seudas hodaah* (celebratory meal of thanksgiving) in the main shul of 770. Among the distinguished participants was attorney Nathan Lewin, who worked tirelessly on the case. In his address, he highlighted how the Rebbe's guidance—particularly the suggestion to base their case on the Frierdiker Rebbe's letter to Dr. Marx—had proved decisive in securing the judge's favorable ruling.

In a concise and powerful speech, Reb Yoel Kahn articulated the essence of the victory. As the Rebbe had emphasized during the trial and in the *sicha* of Hei Teves, the situation of the *seforim* paralleled the Heavenly prosecution (*kitrug*) that led to the Alter Rebbe's imprisonment and subsequent liberation on Yud-Tes Kislev. Reb Yoel explained that while the *kitrug* during the Alter Rebbe's time had targeted the teachings of Chassidus—arguing that the world was not yet ready to receive its light—this new challenge struck at the very essence of the Rebbe himself. Rather than opposing the light (*ohr*), this challenge confronted its source—the *nossi* himself (*maor*). Just as the response to the Alter Rebbe's imprisonment had been an unprecedented dissemination of Chassidus, this situation called for an unparalleled increase in awareness of the Rebbe and his role.

“Today, thousands of Yidden wrote *tzetzlach* (notes) to the Rebbe—an unprecedented expression of the world's awareness of the Rebbe!” Reb Yoel's words left a lasting impression, highlighting the deeper spiritual significance of the victory.

That Shabbos in 770 was filled with a joyous Yom Tov atmosphere. The Rebbe held a *farbrengen*, speaking passionately about the coming of Moshiach. On Motzei Shabbos, the celebrations continued unabated until the fast of Asara B'Teves began early the next morning.

After Mincha, the Rebbe delivered a *sicha* of *divrei kevushin*—inspirational words for the fast day, as was his custom—in a noticeably joyous tone. He expressed gratitude to the many guests who had traveled to 770 to share in the good news and celebrate in a manner of continuous joy (“*mishteh tamid*”). The celebrations again continued into the early hours of the morning, concluding seven days of joy and heartfelt thanksgiving for the miracle.

On Monday evening after Maariv, the Rebbe delivered a detailed *sicha* explaining the deeper meaning of *Didan Notzach*. With Yud

Shevat approaching, the Rebbe called for appropriate preparation, requesting three progress reports from each Chossid over the coming thirty days.

The *seforim* are returned to 770, 2 Kislev 5748 (1987).



## THE SEFORIM RETURN

Cheshvan – Kislev 5748 (1987)

Though Hei Teves marked a decisive victory, the legal battle was far from over. The opposing side filed an appeal with the Second Circuit of the U.S. Court of Appeals. To the Rebbe, this was not just a legal challenge—it was a direct affront to the very concept of a *nossi's* eternity. In response, on Shabbos Parshas Vayikra, the Rebbe delivered

a profound *sicha* addressing the eternal nature of the *nossi hador*. Underlining its significance, the Rebbe instructed it to be prepared for editing and published as that year's *Likkutei Sichos* for Shabbos Hagadol.<sup>15</sup>

During this period, the Rebbe also directed the publication of a special *kuntres* containing two historically significant *maamarim*: the final *maamar* of the Rebbe Rashab—*Reishis Goyim Amalek* 5680; and the final *maamar* of the Friediker Rebbe—*Basi L'gani* 5710.

Victory came again on Tuesday, 25 Cheshvan 5748 (1987), when a panel of three judges unanimously upheld the original verdict affirming Lubavitch's ownership of the *seforim*. The celebration in 770 was indescribable. The Rebbe davened Mincha downstairs on the elevated *bima*, but maintained a serious expression throughout.

Two days later, the court ruled that the *seforim* must be returned to 770 on Monday, 2 Kislev. This timing coincided with the first International Kinus Hashluchim, further enhancing the festive



<sup>15</sup> *Likkutei Sichos*, vol. 32, p. 19.



atmosphere in 770's already jubilant mood. Although Agudas Chassidei Chabad proposed a celebratory parade to welcome the *seforim*, the Rebbe requested their return be marked quietly.

Unfortunately, the Rebbe's wish was not entirely fulfilled. As the Rebbe approached his car to go to the *mikvah* before visiting the Ohel, he encountered crowds of *bochurim* waiting outside for the *seforim* to return to 770. The Rebbe spoke with evident pain, emphasizing the importance of welcoming the *seforim* by studying them rather than wasting time outdoors.

At 3:00 p.m., while the Rebbe was at the Ohel, an armored vehicle delivered the *seforim* to 770. Members of Agudas Chassidei Chabad carried thirteen boxes of *seforim* into *Gan Eden Hatachton* near the Rebbe's room. The Rebbe instructed Rabbi Krinsky to select several *seforim* from the boxes and bring them to him at the Ohel. Among these, was *Derech Emuna*, a *sefer* on Kabbalah by Rabbi Meir Ibn Gabbai of sixteenth century Turkey and Eretz Yisroel, which the Rebbe later instructed to be reprinted.

Several weeks later, as the first anniversary of Hei Teves approached on Shabbos Parshas Vayigash, Chassidim were uncertain about how the Rebbe would mark the occasion, given his earlier directive for the *seforim* to be returned quietly and without fanfare. To everyone's joy, the Rebbe held a farbrengen, despite it not being a Shabbos when he typically would do so. The Rebbe spoke extensively about the victory of Hei Teves, declaring the day a *yom segula* and an *eis ratzon*—an auspicious and spiritually favorable time celebrating the triumph of the *seforim*.

## THE FINAL PHASE

Elul 5749 (1989) – Elul 5750 (1990)

Despite Lubavitch's resounding victories, the opposition mounted new allegations, leading to another intense legal battle that unfolded behind the scenes. On Wednesday, 26 Tishrei 5750 (1989), the opposition demanded that the Rebbe testify in court at the new trial. When the judge ruled this unnecessary, the news was received in 770 with overwhelming joy, and during Mincha it was evident to all that the Rebbe was especially joyful.





The Rebbe delivers a *sicha* following Mincha, 26 Tishrei 5750 (1989).

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On Tuesday, 19 Teves 5750 (1990), Lubavitch secured another victory in court. In his decision, Judge Richard Cardamone directly addressed the claim that the Frierdiker Rebbe had not truly intended for the library to belong to the community:

“It simply defies reason and common sense to believe that a religious leader of the Rebbe’s stature, whose life was dedicated to expounding the spiritual values of truth and morality, would deliberately write letters containing misrepresentations regarding the ownership of a valued and to him sacred national treasure in order to feather his own nest... the district court correctly found that this letter flatly stated that plaintiff Agudas Chabad is the owner as trustee of the library turned over to it by Rabbi Schneerson with the intent that this ‘great possession’ be administered for the Jewish community of the United States.”

The saga finally reached its conclusion on Tuesday, 28 Elul, when the thirteen *seforim* that had been on the Frierdiker Rebbe’s desk on Yud Shevat 5710 (1950) were returned to their rightful place. Upon hearing that the matter was at last resolved, the Rebbe remarked, “Nu, now we can say *divrei Torah*....”

## A Higher Perspective on the Seforim Case

In his *sichos* throughout the court case and ultimate victory, the Rebbe illuminated the profound spiritual significance of these events. The following is an overview of the key points the Rebbe discussed:

### THE LIFE OF A TZADDIK

When addressing the opponents' claims in the dispute, the Rebbe presented two essential points. On the legal front, the Rebbe argued that the library was not the personal property of the Frierdiker Rebbe. Instead, it belonged to Chabad Lubavitch through Agudas Chassidei Chabad. The Rebbe guided the lawyers to focus their evidence on this point and firmly rejected the opposition's claim that this ownership structure was merely a pretense rather than the Frierdiker Rebbe's true intention.

On a deeper level, however, the Rebbe repeatedly emphasized that even if we were discussing personal property, the entire conversation about inheritance regarding the Frierdiker Rebbe was irrelevant. This was because of the eternal presence of a *tzaddik* in this world even after his passing. As the Torah teaches about Yaakov Avinu, "*Ma zaro bachaim, af hu bachaim*"—Just as his children are alive, he too is alive.

The Rebbe clarified that "*ma zaro bachaim*" is not solely about the *tzaddik* living on through the actions of his Chassidim. The *nossi* lives on independently, and this independent existence is what empowers his Chassidim to continue in his ways. The Alter Rebbe explains in *Iggeres Hakodesh* that even during his physical time on earth, the true life of a *tzaddik* is not about his bodily existence, but rather it consists of faith, love, and fear of Hashem. Since the *nossi's* life continues and he remains present after his *histalkus* just as before, his belongings remain imbued with his life and character.

This is especially true of his *seforim*. Where does a *tzaddik* learn about the concepts of faith, love, and fear of Hashem, which form the foundation of his entire *avodas Hashem*? He studies them with the *seforim*. In this sense, the *tzaddik's seforim* are literally a part of his life.

The Rebbe explained that while this sacred connection is most obvious with *seforim*, it applies to all of the Frierdiker Rebbe's physical

The Rebbe en route to the Ohel, 5746 (1986).



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belongings. It's a fundamental principle true for every Jew, that serving Hashem is the core purpose of life. Any mundane, everyday actions are secondary—performed only to support their Divine service.

If this is true for an ordinary Jew, it applies infinitely more to a *nossi*. “A *nossi*,” the Rebbe explained, “drinks as a *nossi*, eats as a *nossi*, sleeps as a *nossi*, and when he takes a walk—he does so as a *nossi*.” In other words, even the most ordinary activities of a *nossi* are imbued with his holy mission. Consequently, the same spiritual life present in his *seforim* permeates all the belongings that assist him in his *avodas Hashem*. Even the Frierdiker Rebbe's physical possessions remain infused with his spiritual life, which continues to this day.

This makes any inheritance claim fundamentally misplaced. His *seforim* and belongings must stay in their proper place within the jurisdiction of the Frierdiker Rebbe, just as they were during his lifetime.

In one particular *sicha*, the Rebbe illustrated this point in extraordinary terms: “Taking a *sefer* from the [Frierdiker] Rebbe's possession means taking a part of his life, *Rachmana litzlan*. Anyone who takes a *sefer* without the [Frierdiker] Rebbe's permission—every moment it remains away creates something like a *levaya*!”

## THE SPIRITUAL PROSECUTION

The Rebbe drew a parallel between the *seforim* case and a pivotal moment in Chabad history—the celebration of Yud-Tes Kislev. When the Alter Rebbe was arrested, while the apparent cause was a false accusation brought by his opponents, it was understood that the true cause was a spiritual prosecution (*kitrug*) in Heaven against his widespread dissemination of Chassidus. His eventual release represented a victory in the Heavenly court, validating his approach to teaching Chassidus.

Applying this to the contemporary situation, the Rebbe explained how the challenges and subsequent legal battle reflected a spiritual challenge to the work of spreading the wellsprings of Chassidus. The response to this challenge, the Rebbe explained, must parallel the Alter Rebbe's approach after his release—not merely continuing but expanding efforts to teach and spread Chassidus.

More specifically: The Rebbe quoted the claim of the opposition, that Agudas Chassidei Chabad was inactive and therefore could not claim ownership over the library. This claim is fundamentally false, the Rebbe explained. Chabad has been engaged in spreading Yiddishkeit and Chassidus for more than 100 years now, with ever-increasing vigor. Nevertheless, the very fact that such an assertion could be made means that there is a lesson to be learned. Although it is true that much effort has been expended, there is always room for further growth in spreading Yiddishkeit and Chassidus, to a point beyond all previous levels.

With that, the Rebbe called for the establishment of many more Chabad houses. “Any city that, for whatever reason, does not yet have an active Chabad house should have one established immediately,” the Rebbe concluded.<sup>1</sup>

The Rebbe also spoke at that time about the fact that in recent years, so much of Chassidus that had never before been published—it was hidden away like a precious treasure—was now being printed for the public. After highlighting how important it is for everyone to learn the newly printed Chassidus, the Rebbe concluded: “But even if people won't learn from them, I am not intimidated, I will continue printing

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1 Motzei Shabbos Parshas Mikeitz 5746; *Hisvaaduyos* 5746, vol. 2, p. 190.

more and more, in the spirit of *וְכַאֲשֶׁר יִעֲנוּ אֹתוֹ בֶּן יִרְבֵּה וְבֶן יִפְרֹץ*.” (As much as they [the Yidden in Mitzrayim] were oppressed, so did they grow and strengthen).<sup>2</sup>

The Rebbe repeatedly emphasized that, due to the deep darkness of *galus* and the painful events of the recent past, there must be an increase in joy, for joy breaks through boundaries and brings salvation.

Once the trial was over, the Rebbe again showed how the victory was really a spiritual vindication. As we have seen in the *sicha* on Hei Teves 5747 (1987), the Rebbe again referenced the story of Yud-Tes Kislev, drawing a lesson that we must be increasingly more active in spreading Yiddishkeit and *hafatzas hamaayanos*. As a result of this ordeal, the Rebbe said, our reach must be *incomparably* greater than anything achieved beforehand.

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The Rebbe addresses guests in *yechidus klolis*, Tishrei 5747 (1986).

<sup>2</sup> Shabbos Parshas Mikeitz 5746; *Hisvaaduyos* 5746, vol. 2, p. 153.



## The Role of a Rebbe

Rabbi Yehuda Krinsky relates:<sup>1</sup>

During an extensive conversation about the *seforim* case, the Rebbe not only spoke with me at length but also handed me several pages containing these points in his own holy handwriting. The Rebbe, presumably due to the gravity of our discussion, chose not to rely solely on my memory to ensure complete clarity.

In this excerpt from those pages, the Rebbe addresses the opposition's claim that the Frierdiker Rebbe only stated the library belonged to the community in order to secure its release from Europe. The Rebbe explains why suggesting the Frier-

diker Rebbe would speak untruthfully contradicts his fundamental identity as a Rebbe:

"כבכל אדמו"רי חב"ד-היסוד הראשון: ביטול היש (מתחיל בעצמו) באמיתית. היותו אדמו"ר ה"ז שליחותו 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 לפרשה להיפך. לאחר זה-באים חיינו בתור פרטי, וגם בזה יסוד שלא לנגוע כלל בתפקידו הכללי והעיקרי.

"הראי' העיקרית והשוללת כל הטענות שכנגד: מכתב המוריש (רשמית) דשייך לאגו"ח. 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. בסגנון אחר (ועיקר): כל התעודות רשמיות, מכתבים וכו' כותבים מפורש דשייך לאגו"ח-הטענות שכנגד הם דברים שבע"פ סתם."

1 Interview with *Kfar Chabad* magazine, #645.

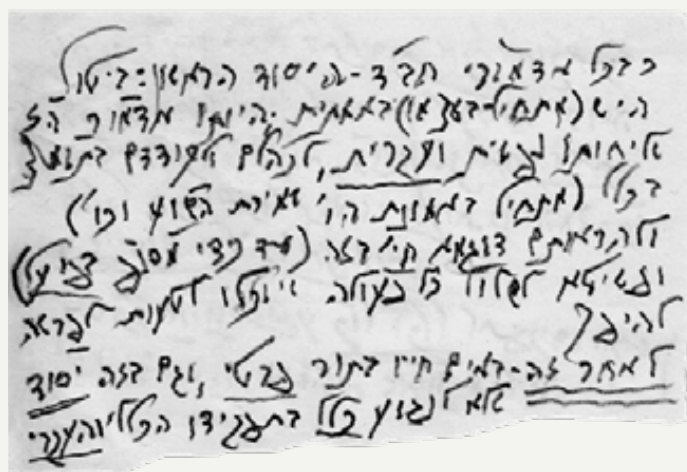
“Like all Chabad Rebbes, the primary foundation is genuine self-nullification (*bitul hayesh*), beginning with oneself. Being a Rebbe constitutes an **essential**, soul-level mission: to guide and strengthen [the Chassidim] in Torah and *mitzvos* generally (starting with faith in Hashem, observance of *Shulchan Aruch*, etc.) and to serve as a **living** example (even to the point of **actual** *mesirus nefesh*). It is self-evident that a Rebbe must avoid any action that could possibly be misinterpreted as contradicting these principles. Only **after** fulfilling this primary role do the Rebbe’s **personal** affairs come into consideration, and even then, the **fundamental** principle remains that these must never interfere with

his general and **essential** purpose.

“The decisive proof that negates **all** opposing arguments is the letter from the **bequeather** [the Frierdiker Rebbe] **officially** declaring that [the library] belongs to Agudas Chassidei Chabad.

“To suggest that he wrote this merely to deceive [the pertinent governments] is not only foolish but constitutes such a grave *chillul Hashem* that one who makes such a claim (intentionally) would deserve excommunication, G-d forbid.

“Put differently (and this is the essential point): **all** official documents, letters, **etc.**, **explicitly** state that [the *seforim*] belong to Agudas Chassidei Chabad, while the opposing claims are merely unsubstantiated **oral** statements.”





IN THE

## REBBE'S PRESENCE

In the years following the victory of Hei Teves, the Rebbe commemorated the day by delivering a *sicha* where he would speak about the *seforim*, encouraging everyone to draw lessons from the victory. On the first anniversary of Hei Teves in 5748 (1987), the Rebbe not only

called for purchasing new *seforim* and repairing old ones, but also issued a special request to authors, antique collectors, and individuals who possessed rare items in their family collections to contribute to expanding the library through donations of *seforim* and manuscripts. These special gifts were often presented to the Rebbe during Sunday dollars.

222

Reb Shmuel Nemoytin presents to the Rebbe a manuscript handwritten by the Rogatchover Gaon.



2 Shevat 5750

Professor Yisroel Hochberg presents to the Rebbe a small pocket box that had belonged to the Alter Rebbe.



24 Elul 5749

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Rabbi Dr. Naftali Berg presents to the Rebbe an early print of the *Tanya*.

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15 Elul 5751

5747

## LESSONS AND TAKEAWAYS

### A Day of Seforim

Hei Teves is an auspicious day uniquely connected to *seforim*. It is a day that calls for increased engagement with *seforim*, both by setting aside dedicated times for personal study and by participating in communal learning.<sup>1</sup>

It is also a fitting day for individuals of all ages, including young children, to purchase new *seforim* or repair worn ones. The focus of the day extends to making *seforim* more accessible to the wider community by building and expanding libraries in Chabad Houses worldwide, fostering greater opportunities for Torah learning.<sup>2</sup>

On Hei Teves 5749 (1988), the Rebbe distributed an additional dollar to each person, even young children, to be used for the purchase or repair of *seforim*.<sup>3</sup>

The day also highlights the importance of expanding the central library of Agudas Chassidei Chabad. Authors and publishers of *seforim* worldwide are encouraged to contribute copies of their works to enrich the library's collection.<sup>4</sup> In 5752 (1991), the Rebbe linked the victory of Hei Teves with the ongoing effort to secure the redemption of the *seforim* belonging to the Rabbeim that are still held in Russia. He urged everyone to actively contribute to this goal by increasing their Torah study, particularly the study of Mishnayos,<sup>5</sup> and by purchasing additional *seforim* to enrich their home libraries.<sup>6</sup>

<sup>1</sup> *Sefer Hasichos* 5748, vol. 1, p. 187.

<sup>2</sup> *Ibid.*, p. 190.

<sup>3</sup> *Hisvaaduyos* 5749, vol. 2, p. 103.

<sup>4</sup> *Sefer Hasichos* 5748, vol. 1, p. 192.

<sup>5</sup> 5 Teves 5752; *Sefer Hasichos* 5752, vol. 1, p. 211.

<sup>6</sup> Shabbos Parshas Vayigash 5752; *Sefer Hasichos* 5752, vol. 1, p. 226.

## Growing Stronger

When the story of the theft of the *seforim* first became public, the Rebbe spoke passionately and painfully about how this incident revealed a misconception in some people's minds—that the Frierdiker Rebbe's *histalkus* spelled the end of his *nesius*, *chas v'shalom*.

There are those who think that because thirty-five years have passed since the *histalkus* of the [Frierdiker] Rebbe, he is now more distant than ever. This is utterly false! The exact opposite is true! Each year he becomes more alive, stronger, and more active, among us, within us, and—through us—among all Yidden and in the entire world!

For us today, the *sichos* from the summer of 5745 (1985) serve as inspiration and encouragement, affirming that the Rebbe's *nesius* continues and grows with each passing year. Our connection to the Rebbe is stronger than ever and will continue until the coming of Moshiach.

### READ MORE

#### Emerging Victorious

A call for unparalleled growth and expansion

5 Teves 5747 — *Hisvaaduyos* 5747, vol. 2, p. 170

#### The Victory of the Seforim

What it means, and how the day should be marked

Shabbos Parshas Vayigash, 5 Teves 5748 — *Sefer Hasichos* 5748, vol. 1, p. 183