REINING IN ABUSE

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

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



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

By EUGENE L. MEYER and RICHARD GREENBERG

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

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

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

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>
> **Nachum Klafter**
> Self-described 'frum psychiatrist'

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

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

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

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

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

Other communities were criticized as well on one Web site.

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

Eleven days after those remarks were posted, a haredi rabbi, Yehuda Kolko, was arrested and charged in connection with the alleged molestation of a 9-year-old boy and a 31-year-old man, both former students of his during different eras at Brooklyn's Yeshiva-Mesivta Torah Temimah. Kolko, 60, had long served the yeshiva as a teacher and an assistant principal.

Kolko, meanwhile, is named in at least four civil suits filed over the past eight months by his alleged victims, including the 9-year-old boy. The most recent litigation, which seeks $10 million in damages from Torah Temimah, was filed in New York state court the day before Kolko was arrested. It alleges not only that Kolko molested the 9-year-old during the 2003-04 school year, but that the school administration covered up the rabbi's pedophilia for 25 years.

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

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

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

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

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

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

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

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

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

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>
> **David Framowitz**
> Alleged abuse victim

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

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

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

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

Sifting the evidence

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

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

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

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

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

Others believe that underreporting of clergy sexual misconduct may in fact facilitate abuse.

"Offenders have learned to hide behind" the reluctance of victims to speak out, said Brian Leggiere, an Orthodox Jew and a psychiatrist in Manhattan who has treated both perpetrators and victims of sexual abuse. He added, though, "The situation is changing for the better, but very slowly. Each community is different, so it's hard to generalize."

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

Judging the judges

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

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

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

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

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

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

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

> 'The consensus of contemporary Jewish religious authorities is that' reporting sex abuse is religiously mandatory.
>
> **Rabbi Mark Dratch**

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

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

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

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

Elsewhere in Orthodoxy

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

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

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

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

Both the O.U. and the NCSY have upgraded behavioral guidelines and enhanced anti-abuse training programs, according to officials at both organizations. The NCSY policies, which cover 17 pages and were revised most recently in October, are binding on at least 25,000 individuals, including NCSY professionals, volunteers and program participants. The guidelines spell out prohibited conduct in detail, and include step-by-step instructions for filing an abuse complaint.

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

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

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

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

On the school front

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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