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Suspect, Cleared in Spy Case, Claims Army 'Profiles' Jews: Lawsuit Charges Conspiracy Over 'Religious Beliefs'

By AMY KLEIN

FORWARD STAFF

DETROIT -- On a Saturday afternoon in February 1997, eight federal agents burst into David Tenenbaum's Southfield, Mich., home and turned it upside down, searching for evidence of espionage against the United States.

His family's life was changed forever, Mr. Tenenbaum said. His daughter Nechama Eta, now 8, is frightened of strangers coming to their door. His wife Madeline, 36, has only recently recovered from clinical depression brought on, they say, by the 24-hour surveillance, media stakeouts and fear that her husband could be arrested at any moment for espionage.

But for Mr. Tenenbaum, a 43-year-old civilian United States Army engineer, that spoiled Shabbat lunch was only one episode in what he terms a "Jew-hunt" against him that began in 1992 and has yet to end. Even though the FBI and the Department of Justice conceded in February 1998 that they had "insufficient evidence" to support allegations that for 10 years Mr. Tenenbaum passed classified information to Israel, they have neither reinstated his security clearance nor admitted any error.

This week, a federal court in Michigan will rule on the government's motion to dismiss the first part of a \$100-million civil rights discrimination suit filed by the Tenenbaums against the U.S. Army and its officials. The suit alleges a conspiracy to charge Mr. Tenenbaum with espionage because he is a religious Jew with ties to Israel.

The suit comes as federal prosecutors and intelligence officials appear to be on the defensive over what some call "racial profiling" of employees handling sensitive material. Alleged victims include Taiwan-born Wen Ho Lee, a scientist at Los Alamos National Laboratory who was recently freed from jail after the government dropped all but one of 59 security violation charges against him and former CIA attorney Adam Ciralsky, who has filed suit claiming the CIA investigated him for espionage because he is an observant Jew.

A Defense Department memo profiling country counterintelligence efforts that came to light in 1996 noted that Israeli intelligence personnel are "always seeking to recruit knowledgeable human sources with access [to scientific and industrial] information. Recruitment techniques include ethnic targeting, financial aggrandizement, and identification and exploitation of individual frailties." The memo mentions the case of Navy analyst Jonathan Pollard, who pled guilty in 1987 to spying for Israel.

Information in Mr. Tenenbaum's suit, obtained in discovery, is likely to prove even more embarrassing to the government. An FBI agent said in his deposition that a polygraph examiner believed that "because of his devout religious beliefs and strong affinity toward Israel, Tenenbaum would have

provided restricted information to the Israelis based on his belief that the U.S. government should fully share information with one of its closest allies."

Also included is a sworn deposition by one of Mr. Tenenbaum's former supervisors. The affidavit states that Mr. Tenenbaum had been singled out for investigation at least partly because he is Jewish, speaks Hebrew, wears a yarmulke and had an "obvious love" for Israel.

In his first major interview, Mr. Tenenbaum, sporting a salt-and-pepper mustache and a black knitted yarmulke, recounted the events of the past three-and-a-half years.

Since 1984, Mr. Tenenbaum has worked as a civilian mechanical engineer at the U.S. Army Tank Automotive and Armaments Command (Tacom) headquarters in Warren, Mich. In that capacity, he often was in contact with liaison officers from countries working jointly with the U.S. on improving land-combat vehicles, including Israel, Germany and Great Britain. On February 3, 1997, he was summoned for a seemingly standard background interview, part of a process of upgrading his clearance from "secret" to "top secret."

"In the middle of it," Mr. Tenenbaum told the Forward, "the [interviewers] came back after lunch and said, 'Mr. Tenenbaum, we find it very difficult to believe you are not passing on information to the Israelis.'" Mr. Tenenbaum flatly denied the allegations, he said, and wondered aloud why the investigators were focusing on Israel, as he dealt equally with other countries on upgrading military equipment. They asked him to take a polygraph test. "What if I don't take it?" Mr. Tenenbaum replied. They told him he would lose his job if he didn't.

As Mr. Tenenbaum would find out much later, the FBI and Army counterintelligence had already opened an investigation focusing on his ties to Israel. According to depositions obtained in Mr. Tenenbaum's lawsuit, investigators were concerned that Mr. Tenenbaum traveled to Israel on military business a number of times, and also had social contact with Israeli officials in America and Israel. He spoke to them in Hebrew, as he does to his children. He traveled to Israel on El Al Airlines, as opposed to a U.S. carrier as required by governmental officials. While in Israel, he did not stay with other U.S. officials and took extra vacation time. His wife also has extended family there.

On February 13, 1997, polygraph examiner Albert Snyder attached Mr. Tenenbaum, who had not yet sought legal counsel, to a polygraph machine and interviewed him for over six hours. "[Mr. Snyder] said to me, 'I want a confession from you' and I said, 'I haven't done anything wrong -- I've nothing to confess to.' I was floored. This wasn't the interview I expected." That night, Mr. Tenenbaum, shaken, and for the first time, scared, went home and told his wife, "They think I did something very bad at work and I didn't do it," Mrs. Tenenbaum recalled him saying.

When he returned to the base Friday morning, he faced what he now calls a "Valentines' Day Massacre": his computer was missing and his access to the main computer system denied. After he

reported the missing items as stolen, Mr. Tenenbaum went back to his cubicle. In the open hallways, in view of his colleagues, several FBI, Defense Department and military intelligence agents surrounded him, took him into an open conference room and confronted him. The bulk of the most incendiary charges against Mr. Tenenbaum came from the polygraph examiner, Mr. Snyder. Lead FBI agent James Gugino said in his August 1999 deposition that the polygraph analyst had found Mr Tenenbaum's answers "deceptive" when he was asked if he had passed classified information to the Israelis. Among other allegations, Mr. Snyder said that Mr. Tenenbaum had confessed to passing on "Star Wars" technology for laser countermeasures against Patriot missiles.

According to an affidavit filed by the FBI with Eastern Michigan's United States District Court, the polygraph examiner had gone further, reporting to the FBI that Mr. Tenenbaum had actually "admitted to divulging non-releasable classified information to every Israeli Liaison Officer assigned to Tacom over the last ten years." Mr. Tenenbaum insists he never confessed to any such action, and has named Mr. Snyder in his suit. He says he ended the questioning after realizing it was not a standard security check. He emptied his desk and left the premises. He was promptly suspended with full pay.

At noon on February 15, as the Tenenbaums and their guests ate Shabbat lunch, federal agents drove up to the peach-colored brick house in three cars and presented a search warrant. After a search that lasted until sunset, the agents carted out computers, financial records, boxes of papers, sheet music and children's drawings.

Within a week the Detroit News broke the story: "FBI agents found boxes of classified military documents stashed throughout the Southfield home of an engineer suspected of sharing military secrets with the Israelis," the News reported, based on documents that should have been sealed. The FBI now claims it had "forgotten" to seal the affidavit and the warrant.

As it turned out, the FBI never charged Mr. Tenenbaum. They returned all the confiscated materials, which turned out not to be classified. On February 3, 1998 they forwarded him a copy of a letter sent by the U.S. Attorney for the Eastern District of Michigan, Saul Green, and Assistant U.S. Attorney Michael Leibson, stating that their office must decline prosecution due to "insufficient evidence." The letter closed with the line, "there is no question that if evidence existed which would prove this case, then these agents would have found it."

Nonetheless, the media coverage guaranteed that in the court of public opinion, it was all over for the family. "I hid at my friend's house, and when it was dark we ran in; there were reporters' cars out on the block and I told Dovid not to come home," said Mrs. Tenenbaum, a massage therapist whose two eldest children at the time were ages 4 and 1. The 24-hour surveillance and the media, she said, "were terrifying. We didn't know if our bedroom was bugged. It was a horrible, horrible way to live."

The way they lived for the next year -- under suspicion and full-time surveillance for four months (later reduced to spot checks) -- is the basis for the suit's claim for damages from "mental anguish, emotional distress, humiliation, fright and shock; pain and suffering."

By April 1998, 14 months after being suspended, Mr. Tenenbaum was ordered back to work. He was not allowed to return to his old position and projects, and was not given any work with Israelis, whose projects were

terminated in July 1997. His security clearance, suspended during the investigation, was in the process of being revoked. Without it, his future in the defense industry did not look promising.

"Everything was taken away, I couldn't go back to my own group, and people still thought I was a spy that passed on classified information," he said. He considered quitting, but didn't want "to let them win." Shortly after, Mr. Tenenbaum and his wife decided to sue the secretary of the Army, Louis Caldera, and other army officials.

Mr. Tenenbaum's lawyer, Juan Mateo, obtained Army and FBI files concerning Mr. Tenenbaum, and deposed dozens of intelligence officers and Army officials. He discovered that investigations of his client had begun as early as 1992, and that "those investigations were always based on anti-Semitic remarks being made about David...because he's an Orthodox Jew that works with Israeli liaisons assigned to the base," Mr. Mateo said.

According to statements in the depositions taken by Mr. Mateo, in 1992 a coworker called Mr. Tenenbaum "our little Jewish spy," and other colleagues said things to the effect that anything given to Mr. Tenenbaum would be passed on to the Israelis. Two investigations found no substance in allegations that Mr. Tenenbaum spent an unusually large amount of time with the Israeli officers on the base.

This week the case will be heard for the first time in federal court in Michigan, after two years of bureaucratic wrangling and jurisdictional disputes. Judge Robert Cleland will rule on the government's plea to dismiss the suit. The same judge will also hear a second part of the case in coming months dealing with Mr. Tenenbaum's claims of discrimination. Mr. Mateo will try to establish that there was a longtime conspiracy to investigate Mr. Tenenbaum because of his religious and Zionist background.

According to Mr. Mateo, Mr. Tenenbaum's supervisor put him in for an upgrade to "top-secret" security clearance as a ruse to obtain an interview and polygraph test that they would not have been able to do unless they informed Mr. Tenenbaum he was the subject of an investigation.

"Before David was subject to this polygraph it was already decided to subject him to a criminal investigation. What they did is that they created a confession, and they used it to authorize a search warrant, which never would have been done if the court knew the truth," Mr. Mateo said.

The lawsuit quotes Agent Gugino's memo, based on his discussion with the polygraph examiner, Mr. Snyder: "It is the opinion of Snyder that because of his devout religious beliefs and strong affinity towards Israel, Tenenbaum would have provided restricted information to the Israelis based on his belief that the U.S. government should freely share information with one of its closest allies. Snyder commented that the priorities of the plaintiff are, 1) his religious beliefs and cultural heritage, 2) his

children, ages 16 months and 4 months old, 3) his wife, 4) his work."

The U.S. attorney's office in Michigan, which is defending the government, declined to comment on the case because it is still in progress. The defendants deny the allegations of conspiracy and racial profiling, insisting in their depositions that they were motivated by security concerns. But whether those concerns were based on Mr. Tenenbaum's behavior, his religious and Zionist affiliations or counterintelligence profiles of Israelis and Jews as potential "security risks," is a question that the courts will be forced to decide.

Others in the case stated in their depositions that Mr. Tenenbaum was singled out because of his religion and love of Israel. One of his first supervisors, James Thompson, cited religious practices, such as leaving early on Friday, as causing problems: "The culture is not familiar with particular Orthodox Jewish requirements and ways of doing things. And that tends to be a source of friction."

Another supervisor, Richard McClelland, stated in a deposition that Mr. Tenenbaum's strong Jewish affiliation "played a part" in triggering the investigation. "The desire to make frequent trips to Israel," he said, "[the] desire to associate with people of the same culture which includes Israeli citizens as well as Americans. Taking vacations there, all of those things that go with being an Orthodox Jew So, yeah, if being a Jew is a package deal, because he is a Jew he wants to do all these things and he does all of these things with his family and, yeah I think that played [a part]."

The director of intelligence and counterintelligence at Tacom, Lt. Col. John Simonini, another defendant, wrote a memorandum in January 1997 which stated that Mr. Tenenbaum was "at best an unwitting accomplice, at worst, he may be knowingly assisting a foreign government which is known to exploit nationalistic and religious tendencies."

According to Mr. Tenenbaum, the intelligence community's suspicion of Israelis and American Jews is what propelled the investigations. He noted that not one allegation against him had ever been proven, and all the information he allegedly passed on was either part of a U.S.-approved program, nonexistent or inaccessible to him.

Agent Gugino, who called the allegations "circular reporting" and "circumstantial," said in his deposition, "I believed there was an intelligence operation at work here and I think he was an unwitting pawn in a far bigger, very wide-ranging intelligence scheme." After his meeting with Mr. Tenenbaum on Valentine's Day 1997, Mr. Gugino had tried to postpone the Saturday search in order to corroborate what he thought were suspicious polygraph results, but another investigator obtained the warrant, and set into motion the events that changed the Tenenbaums' lives.

"It's not just a Tenenbaum issue, it's a Jewish community issue," said Mr. Tenenbaum. "If this was a simple espionage investigation, it's one thing, but it's the story of how the U.S. government profiles and monitors people based on their race."

Mr. Tenenbaum, who still goes into his office at Tacom and tries to find work on non-classified projects, still fears he is under investigation. "Am I paranoid? I have been under investigation since 1992. I think it's possible something is going on now," he said. "I would warn any Jew that works for the [U.S.] government and deals with Israel or has been to Israel, I would tell them that there is a good chance they have been investigated or looked into.... There's profiling going on...and I fit the profile."

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Court Rejects Divorcee's Claim That Rabbis Spilled Her Secrets

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Court Rejects Divorcee's Claim That Rabbis Spilled Her Secrets

By **AMY KLEIN**

FORWARD STAFF

A Brooklyn appeals court ruled last week against a Long Island woman who sued two rabbis for allegedly disclosing private information and using it against her in divorce and child-custody battles with her husband.

The appellate court refused to answer the question of whether a privilege of confidentiality exists when a congregant meets with a rabbi. Instead, reversing a 1998 decision in state court which found that the rabbis were liable for breach of confidence, the court ruled in favor of the defendants on a technicality: The court said that there was a third party in the room when Chani Lightman revealed to the rabbis personal details that were later used against her in divorce proceedings.

Ms. Lightman intends to appeal on the grounds that she met with the rabbis alone, her lawyer, Abe Konstam, told the Forward.

The two-year-old case pits American law against Jewish law, and has seen Orthodox groups lining up to support the talkative rabbis on church-state grounds. Nathan Diament, director of the Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America, who filed a brief on the rabbis' behalf, said that New York State's century-old clergy-confidentiality law was created to protect Catholic, not Jewish clergy.

He said the law was designed to protect priests from being compelled to testify in court and thereby breaking their religious vows of the confidentiality of the confessional. But Jewish clergy do not have such obligations, Mr. Diament wrote in a brief to the court, and forcing confidentiality on them actually may compel them to break Jewish law.

"There is no such thing as rabbi confidentiality," concurred Rabbi J. David Bleich, a professor of law at the Benjamin Cardozo School of Law at Yeshiva University. Binding rabbis to a secular law protecting confidentiality would be unconstitutional, Rabbi Bleich said, in that it "burdens clergy."

In 1995, Ms. Lightman met with Rabbi Tzvi Flaum and Rabbi Dovid Weinberger separately for spiritual counseling and disclosed to them information about her religious practices and her troubled marriage to Hylton Lightman. A year later, after she filed for divorce and for temporary custody of her four children, the rabbis wrote to the custody court stating that Dr. Lightman would be a more fit parent. They disclosed what Ms. Lightman told them one year before: that she was no longer observing the ritual of mikvah, or immersion in a ritual bath, and that she was seeing another man socially. Custody was awarded to Dr. Lightman, 47, who lives in Far Rockaway, N.Y.

Ms. Lightman, 40, who lives in Cedarhurst, N.Y., sued each of the rabbis for a seven-figure sum for violation of the "clergy-penitent" privilege and for emotional distress; in addition, she sued Rabbi Weinberger for defamation. The defendants have claimed they were mandated by Jewish law to divulge the information because it could cause spiritual harm to Dr. Lightman and the children.

According to Jewish law, rabbis are exempt from laws prohibiting tale bearing if the information could prevent physical, monetary and spiritual harm, said the director of the Beth Din of America, Rabbi Yona Reiss. For example, Rabbi Reiss said, if a butcher told his rabbi in confidence that he was selling non-kosher meat, the rabbi must disclose that information.

"The real questions is balancing the sins -- preventing harm versus protecting confidentiality," Rabbi Reiss said. "There are creative ways of doing it, to fulfill one's religious requirement without breaching one's secular one." He said that "anyone coming to a rabbi should know that first and foremost he is guided by principles of Jewish law."

At least one non-Orthodox Jewish group was not pleased by the ruling. "This ruling should not be taken by the rabbinate as a sign that the rabbis are protected in what they choose to disclose," said the assistant executive director at the American Jewish Congress, Marc Stern. "That is clearly not the position of the court. If the courts thought that then they would have dismissed it on those grounds right away."



Family Pleads for Life of Man Who Slew Parents

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Family Pleads for Life of Man Who Slew Parents

By **AMY KLEIN**

FORWARD STAFF

A Great Neck, N.Y., man who confessed to the gruesome murder of his parents last year has been spared the death penalty thanks to the intervention of his relatives, the prosecutor said.

Resolving a case that shone an unexpectedly sordid light on an affluent, largely Jewish suburb of New York City, Adam Roberts, 23, pleaded guilty last week to intentionally killing his mother, Ronna and his father Seth in November, and then setting fire to their opulent Woodstock country home to hide the crime. In a deal offered by the court, Roberts is expected to be sentenced to the maximum of 25 years to life in prison on October 6.

Following Roberts's arrest last year, Ulster County District Attorney Donald A. Williams strongly considered seeking the death penalty, but decided not to because of the pleas of his relatives. "This is a special and unique case, the most critical aspect of which is that the victims' families are unanimous in requesting leniency," Mr. Williams said.

Roberts's defense attorney, Howard Weiswasser, said that at the time of the murder, Roberts was suffering from an intense heroin withdrawal and an adverse reaction to a medication recently prescribed to detoxify him.

Roberts's uncle, Lewis Fidler, contended that after two days of heroin withdrawal and "hoarding" the medication, his nephew "simply snapped.... The act was not intended. There is no question in any of our minds that Adam would take it back if he could," Mr. Fidler said.

Mr. Fidler, Ronna Roberts's brother and Seth Roberts's former law partner of 18 years at the Manhattan firm Roberts and Fidler, read a prepared statement in court to Judge Michael Bruhn requesting the court to "temper justice with mercy and understanding." The family hopes Roberts will receive the minimum sentence of 20 years to life, "so that Adam can reintegrate into society and make a valuable contribution," Mr. Fidler read from a statement that addressed Roberts as "our nephew, grandson, brother and cousin."

Mrs. Roberts's younger brothers, Lewis and Elliot Fidler and their mother, Sylvia Fidler, all attended the hearing. Ethan Roberts, 20, Adam Roberts's younger brother, was not able to attend, the statement added, but he offered his full support to his only brother.

"There has never been any wavering in the family whether we should support Adam," Mr. Fidler said. "We have understood what happened almost from the beginning," he added.

Mr. and Mrs. Roberts were both immigration lawyers, and active in the Democratic party. "The first thing you think about is that this is something that happens to someone else," Mr. Fidler said. "The fact that we're a Jewish family didn't stop it from happening to us," he said.

The Roberts family had been dues-paying members from of Temple Beth El in Great Neck, a Reform congregation of 1,300 members. Roberts and his brother Ethan became bnai mitzvah at the temple. Mr. Fidler described himself as

"the active Jewish family member." His family belongs to Congregation Beth Shalom in the Sheepshead Bay section of Brooklyn.

Mr. Fidler said he is grateful to the community, which has been "incredibly supportive" of the family over the past nine months. The family rabbi, Abraham Feldman, and another local rabbi have both visited Roberts in prison, he said. Rabbi Feldman could not be reached for comment.

"We have already lost two valued members of the family, we don't want to add to that by losing their child as well," Mr. Fidler said. "I knew Seth and Ronna very well, and I know that this is what they would have wanted."

It was their son's secret heroin addiction that brought the victims and their son to their secluded vacation home near Woodstock, N.Y., a city of about 23,000.

According to the defense, Ronna Roberts, 50, and Seth Roberts, 51, were trying to get their eldest son to quit heroin "cold turkey," after a recent visit to a Great Neck physician failed to detoxify him. The Roberts did not want to put him into a rehabilitation program, said Mr. Weiswasser, because they were trying to protect his reputation. "They didn't want him branded with a stigma of being a drug addict," Mr. Weiswasser said. They also did not tell other family members about Roberts's addiction of "several months."

The defense and prosecution both believe that Roberts killed his parents on November 13, two days after they arrived at the house, which sits on a 44-acre estate. Roberts left that same day in his parents' Ford Explorer and drove to Farmingdale, N.Y., to spend time with his girlfriend, Wendy Auerbach. On November 17 he returned to Woodstock to burn down the \$375,000 house with their bodies inside. He was arrested a week-and-a-half later as he was leaving North Shore University Hospital in Manhasset, N.Y., where he was being treated for an "arm infection," the defense said.

Autopsy reports showed no soot in the windpipes of the deceased, leading investigators to conclude that they had died before the fire. A serrated bread knife was also found in the house, but the bodies were too badly burned to determine a cause of death.

Roberts, who at the time leading up to the murder was working at a Manhattan shipping company and living with his parents in Great Neck, had recently been diagnosed by a different physician with attention deficit hyperactivity disorder. The defense and the family contend that the second physician, unaware of the diagnosis, prescribed Roberts with withdrawal medication known to cause adverse reactions in ADHD sufferers. The relatives do not plan to sue the physician.

Roberts is awaiting sentencing in Ulster County jail. He is drug-free, his uncle said, and extremely remorseful. "Adam bears responsibility for taking

drugs, he is the one who shot that needle into his arm," Mr. Fidler said. "But he is less responsible for the terrible thing that happened at his hands. I have known him his entire life, and he has never raised a hand to his parents, nor they to him."

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Israel's Role in Pardon Sparks Capital Feuding: 'Why Spare Rich and not Pollard?'

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Israel's Role in Pardon Sparks Capital Feuding: 'Why Spare Rich and not Pollard?'

By RACHEL DONADIO and AMY KLEIN

FORWARD STAFF

A quiet but nasty tug-of-war has broken out among Washington insiders and Jewish community activists over the role played by Israel in President Clinton's decision to pardon fugitive billionaire Marc Rich.

The January 20 pardon has touched off a storm of protests. It followed extensive lobbying by Israeli and American Jewish leaders. More than 100 letters were written on Mr. Rich's behalf, almost half from Israelis, according to a list obtained by the Forward. The aftermath is fast turning

into a free-for-all involving the lead players of some of the messiest Washington feuds of the last decade.

Congressional hearings into the pardon are being conducted by Indiana Republican Rep. Dan Burton, a leading opponent of Mr. Clinton. Some Jewish activists, meanwhile, are protesting that the Israeli and Jewish pressure for Mr. Rich's pardon should have been directed instead toward a pardon for convicted spy Jonathan Pollard.

Joseph diGenova, an attorney representing Mr. Rich's lawyer before congressional investigators, told the Forward this week that it was Israel's direct, heavy involvement that won the pardon. Prime Minister Barak "communicated three times about Mr. Rich's pardon with the president," Mr. diGenova said. "That is our understanding."

Mr. diGenova's comments irritated some Jewish leaders, including Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations. "Objectively, I think it is unfortunate for people involved in the process to try to place the onus on Israeli officials when it was the White House that made the decision," Mr. Hoenlein said.

Adding to the intrigue is the role of Mr. diGenova himself. A former federal prosecutor, he personally prosecuted the Pollard case and negotiated the 1987 plea agreement that resulted -- wrongly, according to Pollard's advocates -- in Pollard's life sentence. He has continued to be an outspoken opponent of clemency for the American-born spy.

The lawyer for Mr. Rich whom Mr. diGenova is representing before Congress, Jack Quinn, is a former White House counsel who represented Mr. Clinton during several scandals of the mid-1990s.

Mr. Hoenlein has been an outspoken advocate of clemency for Pollard. He said he met with Mr. Clinton in late December to lobby for a Pollard pardon. Mr. Hoenlein added that he was "surprised" by the extensive Israeli intervention on Mr. Rich's behalf.

Each day that intervention appears more far-reaching. Among the 100 people who wrote letters to Mr. Clinton lobbying for a Rich pardon are top Israeli politicians and the heads of major Israeli and American-Jewish philanthropies that benefited from Mr. Rich's charitable giving.

The list includes Shabtai Shavit, former director of the Mossad secret service; Ehud Olmert, mayor of Jerusalem, and Shlomo Ben-Ami, minister of foreign affairs. Also listed are Abraham Foxman, national director of the Anti-Defamation League; philanthropist Michael Steinhardt (who is vice chairman of this newspaper), and Marlene Post, a former president of Hadassah. Mr. Rich donated \$5 million to Birthright Israel, an organization that Mr. Steinhardt founded and Ms. Post chairs.

Mr. Foxman sent a letter on ADL stationery in December asking for a Rich pardon "on humanitarian grounds," his spokeswoman, Myrna Sheinbaum, said. She said Mr. Foxman declined to comment further. Mr. Steinhardt did not return calls. A spokeswoman for Hadassah, Roberta Elliott, said Hadassah said she had "no knowledge" of Ms. Post's letter. "It was definitely not in her capacity as head of Hadassah," she said. She said they "never, ever" revealed information about donors.

Nobel laureate Elie Wiesel, who lobbied on behalf of Pollard, told the Forward that he had been asked to lobby for Mr. Rich but declined. "They approached me, but I did absolutely nothing," Mr. Wiesel said. "They wanted me to, so they used my name." Mr. Wiesel said he had done "a lot" for Pollard, but that he would not compare the two cases.

Mr. diGenova told the Forward that the involvement of Israeli VIPs was "certainly an important factor" in securing a pardon for Mr. Rich, who fled to Switzerland in 1983 after being accused of \$48 million in tax evasion. He was also accused of violating the Trading With the Enemy Act by doing business with Iran during the hostage crisis.

There was "no question," Mr. diGenova added, that Mr. Rich's philanthropy played a major role in his pardon. "As you know, Mr. Rich has a huge foundation in Israel, giving hundreds of millions of dollars to charitable causes there," he said. "This was a very important case to the Israeli government."

Beyond philanthropy, Mr. diGenova said, Mr. Rich "had also been of great assistance in the peace process, helping with economic development and other things that they will not divulge."

Speaking last weekend on NBC's "Meet the Press," Mr. diGenova said: "When the prime minister of Israel, one of our closest allies, communicates with the president of the United States about a pardon, I would say to you that the president has a pretty good idea of how important the case is."

What remains undivulged, observers say, is the extent of Mr. Rich's links to the Mossad. According to press reports, in his letter on behalf of the fugitive, Mr. Shavit, the former head of the Mossad, said he had asked for Mr. Rich's help in rescuing Jews from enemy countries. Some sources close to the case have suggested that Mr. Rich's links to Iran -- the basis for one of the charges against him -- may have figured in his undercover role. The head of Mr. Rich's foundation in Israel, Avner Azulay, is a former Mossad agent.

Meanwhile, Pollard, the convicted spy, said this week in a letter to Prime Minister-elect Sharon that he thought that Israel had abandoned him in favor of Mr. Rich. "Ehud Barak abandoned an Israeli agent to fight for a wealthy swindler and fugitive from the law," Pollard wrote in his February

13 letter. "Washington sources tell us that Barak repeatedly signaled to Clinton his preference that I remain in prison." Mr. Barak is the latest in a series of Israeli leaders that Pollard has accused of abandoning him.

As foreign minister in 1998, Mr. Sharon was reportedly behind then-Prime Minister Benjamin Netanyahu's decision to walk out of the Wye Plantation peace talks if Mr. Clinton did not agree to free Pollard. Mr. Netanyahu withdrew the threat after it became clear that Mr. Clinton would not release Pollard under any circumstances. It was also reported that CIA director George Tenet had threatened to resign if Pollard were freed.

Some advocates for Pollard said this week that they thought Mr. Clinton may have chosen to pardon Mr. Rich as a way of compensating for his inaction on Pollard. "My guess is that Clinton felt that he wouldn't or couldn't give-in on the Pollard issue, and he thought that this was a way to throw a bone to the Jewish community," Rabbi Yitzchok Adlerstein, a spokesman for the Rabbinical Council of California, told the Forward. "It was the wrong bone. It was a bone that wound up bringing us far more embarrassment than joy and celebration." In fact, Rabbi Adlerstein said, pardoning Mr. Rich was "the ultimate sign of contempt for the Jewish community."

Asked if he thought Mr. Rich was pardoned in place of Pollard, Mr. diGenova said, "I have no idea. Pollard didn't deserve it, and didn't get it. Marc Rich got it. You'll have to ask Barak."

Mr. diGenova said that Mr. Barak had also pushed for a Pollard pardon. Mr. diGenova said that he did not support Mr. Rich's pardon, but that his client, Mr. Quinn, had done nothing wrong.

Mr. Hoenlein said he had urged Mr. Clinton to keep the Pollard case separate from the Rich case. "We were trying to make sure that Pollard was considered because we knew this was the opportunity to do something," Mr. Hoenlein said. He said he had met with Mr. Clinton and Hillary Rodham Clinton, as well as with government agency heads and elected officials, in the waning weeks of the Clinton presidency. "I was told that there was a chance," he said.

Mr. Hoenlein declined to comment on the member organizations of the Conference of Presidents that lobbied for a Rich pardon. "That's up to the individual organizations," he said.

One Jewish leader who said he did not lobby for a Rich pardon was Edgar Bronfman Sr., president of the World Jewish Congress. "I think it was ridiculous," he said of the pardon. "The way Clinton did it was bad. He didn't even go to the Justice Department about it." Yet he demurred when asked what he thought of other major Jewish organizations intervening. "That's their business," he said. "I didn't and I wouldn't have."

The most outspoken criticism of the Jewish advocacy for Mr. Rich came this

week from Rabbi Eric Yoffie, the president of the Union of American Hebrew Congregations. Rabbi Yoffie said that Rich's Jewish community support had "bought" his pardon. "The result is we have undermined our community's moral fabric, jeopardized our political standing, disillusioned our youth and compromised the values of our tradition," Rabbi Yoffie wrote in an op-ed to appear this week in the New York Jewish Week and the Washington Jewish Week.

In an aside, Mr. diGenova, a frequent critic of Mr. Clinton during the Monica Lewinsky scandal, put his own sardonic spin on why Mr. Rich was pardoned and Pollard was not. "It is clear that Pollard's people did not give enough money to the [Democratic National Committee] or the president, and that they had the wrong lawyer, Alan Dershowitz," he told interviewer John McLaughlin on January 26. "So there's a lesson there for people seeking a pardon."

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Catskills Coup: Borscht Belt Shul Alleges 'Takeover' by Chasidim

By **AMY KLEIN**

FORWARD STAFF

When a Modern Orthodox congregation in the heart of the Catskills offered the use of their facilities to neighboring chasidic groups, they never expected their guests to take over the synagogue.

Beginning in 1997, Anshe Ahavas Achim ("the people of brotherly love") had freely lent out their Swan Lake, N.Y., sanctuary for use on weekdays to the increasing number of summering chasidim. The congregation also allowed them the use of a building to be used as a mikveh, or ritual bath.

Now, after two months of hostility, rumors, double-dealings and secret meetings, there is very little brotherly love left among the 150 member families of the synagogue.

Earlier this month, the synagogue president, Irving Schwartz, filed a suit with the state Supreme Court claiming that nine of those chasidim took over the synagogue, its property and funds of up to \$10,000. The suit accuses the vice president, Martin Rosenberger -- a chasid originally nominated to the position as a gesture of inclusiveness -- and eight other chasidim with creating their own board so they could have exclusive control of the synagogue.

A hearing is scheduled for September 27 at the Sullivan County Supreme Court in Monticello.

In an effort to resolve the case before it goes to court, long-time synagogue board members and the defendants have met with a mediator, Abe Rosenberg, who has ties to both communities, synagogue treasurer Stuart Krause said. Mr. Rosenberg, the defendants and their counsel would not comment.

The suit, bringing typical shul politics to a new, litigious level, is also reflective of a demographic switch in the Catskills' Jewish population, from non-Orthodox and Modern Orthodox vacationers to an increasing number of chasidim.

A historic landmark more than 70 years old, Swan Lake Synagogue, as it is commonly known, had become run down in recent years. For the past 14 years, members of the 114-home Presidential Estates community and others in the surrounding towns of Ferndale and Swan Lake spent over \$200,000 to renovate the synagogue. Open from April through November, the refurbished Congregation Anshe Ahavas Achim still affiliated with the Orthodox movement as mandated by its original charter, but was open to Jews of all denominations.

On summer Sabbath mornings the synagogue filled with Orthodox, Conservative and Reform worshippers, and the occasional fervently Orthodox worshipper from nearby bungalow colonies. In 1997, Anshe's board invited chasidim from Vizhnitz, Pupa, Satmar and other movements to use the synagogue on weekdays. For the nominal fee of \$1, the board also rented them an adjacent building to be used as a mikveh, which opened this summer.

For some, the trouble started as early as the summer of 1999. The

Presidential Estates homeowners' association president, Bill Liblick, said he was denied an aliya, a ritual blessing of the Torah, in honor of his mother's yahrzeit during a Shabbat service attended by many chasidim who were not members. "The chasidim said, 'no,' in Yiddish, that I'm not religious enough, that I don't deserve or need such an honor," Mr. Liblick said. In June he was re-buffed in his efforts to have a substitute say the prayer, he said.

The situation grew worse, Mr. Liblick said, as an increasing number of chasidim from the surrounding areas used the synagogue for five separate weekday prayer services in the mornings and evenings. Each Shabbat, he said, Anshe members found the American and Israeli flags on the floor. "Why would someone do something like that?" he said.

Presidential Estates resident Joe Schwartz, 75, said the flag desecration was just the beginning. "There was a lot of friction. They wanted to take over the temple -- they collected pushka [charity box] money, and they tried to take over," he said, voicing a rumor that the chasidim intended to build a yeshiva in the area and make Anshe their year-round synagogue.

The dispute came to a head this past August 6 at the general membership meeting convened to elect officers for the board of directors. According to Irving Schwartz's suit, Mr. Rosenberger stacked that meeting with 120 chasidim who were not shul members, and they rejected the nominee slate in favor of his own. Mr. Schwartz declined to comment on the case.

According to some who attended the meeting, Mr. Rosenberger, who owns the nearby D&M bungalow colony, insisted that the 120 people who supported him had paid the membership fees of \$75 and were eligible to vote. In his suit against Mr. Rosenberger and his colleagues, Mr. Schwartz maintains that the synagogue had received neither the dues nor any of the charity money collected under Mr. Rosenberger's auspices since 1997.

The membership meeting was adjourned for two weeks in order to establish who, in fact, was a member. Mr. Rosenberger did not attend the August 19 meeting, and the following day he assembled a separate meeting among his supporters and nominated a new board of trustees to control the synagogue.

"They think it belongs to them," said Joe Schwartz of the chasidim. "You're not going to change them. They have one way of doing it, and that's it. Now the courts will decide."

On September 1, Irving Schwartz filed suit, individually and as president and member of the synagogue, against Mr. Rosenberger and the eight chasidic members of his newly created board.

The majority of the allegations are leveled at Mr. Rosenberger. Mr. Schwartz charges that he and his colleagues created a new bank account with HSBC Bank USA in the name of the synagogue, which contains misappropriated

synagogue funds of up to \$10,000. (HSBC does not comment on activity of its clients.) The suit also charges that the board diverted synagogue mail, planned to close the rabbi's quarters and the synagogue for High Holy Day services and, most seriously, received property intended as a contribution for the synagogue.

The 7,296-square-foot former school building, which is located across the road from the synagogue, was bequeathed to Anshe by a member family, Mr. Schwartz said. according to the lawsuit, Mr. Rosenberger conspired to have the school building deeded to the Swan Lake Ritualarium Mikveh Society, Inc., of which Mr. Rosenberger is president. The society was created last year to rebuild and maintain the new ritual bath, located in a third building.

Some members believe that the synagogue is a victim of its own generosity. Mr. Liblick said that the synagogue originally appointed Mr. Rosenberger to the board as a gesture of goodwill to the chasidic community. "Anyone has a right to come in and pray. But what happened this year, they took over the synagogue. They got everything," he said.

Synagogue treasurer Mr. Krausner is hopeful that the issue can be resolved without the courts. "If a settlement were reached it would allow all Jewish people to worship there in a way which they are comfortable at all times," he said. "It's unfortunate for the courts to get involved, but it's more than an issue of shul politics at stake."

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