

BS"D

To the Honorable Vaad HaRabbonim HaKlalli Shlita,

I have properly received your summons [to a Din Torah in New York].

However, based on the halacha of "התובע הולך אחר הנתבע" (the claimant must pursue his case in the place of the defendant), please know that I am a native of Chicago, I reside in Chicago, and my place of employment is in Chicago. Furthermore, here in Chicago there is a well-established Bais Din ("בית דין" (קבוע). As such, I am certainly prepared to stand before this "Bais Din kavua" for a Din Torah here in Chicago. However, travelling to New York to conduct a Din Torah would incur tremendous expenses for me, and would also entail lost time from my work and income from my livelihood, etc. etc. Consequently, the concept of "שמוע בין אחיכם" is not applicable here. In order for the Vaad HaRabonim to further understand this matter, I will elaborate at some length below.

Regarding the litigants' claim that I have caused them monetary loss and harmed their reputation, this is no claim at all. For based on the eighty mezuzos that were checked and the manifold letters that have come out, it has become quite evident that the majority of their mezuzos can be assumed to be posul. Therefore, what they are characterizing as "monetary loss" is actually nothing more than the loss of revenue that was being wrongfully gained by an ongoing practice of stealing through deceit, because they have been selling posul mezuzos while giving consumers the impression that they are kosher. Obviously, there is no legitimate claim of "monetary loss" here at all, for their entire "business model" is a disgrace, and is in opposition to Hashem and His anointed one, and in opposition to the Torah and to its Sages and scholars. Indeed, it is quite possible that the litigants actually owe money to thousands of people [who were misled into buying products the quality of which they had no intention to buy].

I am certain that the honorable Rabbonim Shlita have not yet carefully and fully investigated this matter. For such an investigation would demonstrate that this is far from a private matter but rather is a communal issue that impacts the entire world – hundreds and thousands of Jewish men, women and children on one side, in opposition to a small number of merchants on the other side. As for me, I am just a regular person, a layman – but one who has leaped forward and taken on the role of raising an outcry, and I have done so by merely pointing out, in a public manner, things that are written in the holy Torah and have been clarified and emphasized by Chazal and by great Rabbis of every generation. Upon investigating and ascertaining all this, the Rabbonim would see that there is no reason to suppress the publicity, and no reason to worry about the litigants' alleged "monetary loss"; and indeed, as a matter of fact, the case is quite the opposite...

With regard to the question of suppressing the publicity: Based on Torah, inasmuch as a number of us have clarified the situation and determined the truth of the matter, and inasmuch as thousands of people have witnessed this clarification and not one single person has come out to contest the truth of the matter, the proper conclusion should be that the wider public is standing on our side regarding our investigation and conclusions. Indeed, hundreds of letters and emails have reached us from all over the world, expressing support for our holy work in fulfilling the mitzvah of "הוכיח תוכיח" ("You shall surely rebuke") and in carrying out the Rebbe's mission with regard to mitvza mezuzah, which is to publicize and spread the mitzvah of mezuzah. Obviously, the Rebbe intended us to publicize and spread mezuzos that are kosher lechatchilah, not those that are only kosher bedieved or not at all. Some of the letter writers described their own personal examples of experiencing the exact issue that we publicized – i.e.

consumers who purchased what they thought were kosher mezuzos from these merchants, only to subsequently discover that the mezuzos they had purchased were in fact posul. Other letter writers confirmed that for many years they have known about this problem but didn't know what to do about it. These letter writers included quite a number who identified themselves as Sofrim, both from Chabad and non-Chabad backgrounds.

To elaborate in greater depth upon the reason why we chose the "publicity" route:

For many, many years, the Dayanim and Rabbonim of Crown Heights have known about these and similar issues with mezuzos that are sold by merchants in the community. Twenty-five years ago they wrote and signed letters to try to correct these issues, including general letters that were signed by tens of Rabbis from various communities, and also including specific letters that were intended for the Crown Heights community in particular. Yet these attempts were not successful and nothing changed as a result of these efforts that were conducted in a "diplomatic" manner.

Consequently, the obligation of saving the public around the world from being victimized by these problematic mezuzos, now requires us to take a less diplomatic, and more forthright approach. **Indeed, it is our obligation to publicize with even greater energy and strength that among our Jewish brethren there are thousands upon thousands of mezuzos (and perhaps tefillin too) that were sold deceitfully, being passed off as kosher when they were actually posul. Therefore, every individual must have his mezuzos checked by an independent sofer to make sure that they are indeed kosher.**

It is obvious that without the forthright publicity in which we are engaged, the message would not have been able to reach people, nothing would have been able to be accomplished, and the same issues with the proliferation of posul mezuzos would continue to exist – and worsen.

An individual who deliberately writes or sells posul STAM is deemed to be in the category of a non-believer. He is, G-d forbid, like a person who publicly curses and blasphemes against Hashem, by making a joke out of Hashem's mitzvos in front of the entire world.

In formulating my approach, my foundations are based on the holy Torah and its Sages, beginning from Moshe Rabbeinu, who told Pinchos: "The messenger who reads the letter should be the one to carry out its instructions." For when someone engages to correct a communal issue because it concerns and pains him to see the fiery conflagration that has spread like a plague as a result, then he should not look to Moshe or anyone else first, but instead, must simply take the necessary action that is called for according to the circumstances of the situation, time and place.

The mitzvah of mezuzah provides protection. Through this mitzvah, Hashem, in His kindness, gives us protection. This is similar to the blood that the Jews placed on their doorposts in Egypt, regarding which it says, "ולא יתן המשחית לבא אל בתיכם". Obviously, to cause that Jewish homes will be left without this protection – this would not be a good thing. Who would take upon themselves the responsibility, and how is it possible to say, "Don't inform the wider public that their homes may not be protected [because their mezuzos may be posul]"? Would anyone agree to refrain from informing their good neighbors that their doors are open in the middle of the night, or that a fire is burning in their home in the middle of the night, and the entire household stands in great danger, G-d forbid?

The Rebbe set forth the mitzva of mezuzah in order to save and help protect thousands upon thousands of Jews who might otherwise not have a mezuzah in their home. Certainly, it makes no difference

whether a person has a posul mezuzah or no mezuzah at all. Indeed, having a posul mezuzah might even be worse than having no mezuzah at all, similar to a person who says a bracha and eats a non-kosher food, which is worse than eating the food without any bracha. Many Jews received an answer from the Rebbe to check their mezuzos, and by doing so they were saved from various kinds of troubles and illnesses. How then is it possible that followers of the Rebbe will cause Jews to stumble by selling them posul mezuzos, G-d forbid? It is certainly our obligation to awaken them to these issues, and to save them from all kinds of negative consequences. And a further point, which is almost too painful to even mention: Did the Rebbe intend, with the mitvza mezuzah, to take the approach that was expressed by some in defense of the merchants selling fraudulently poor-quality mezuzos: "For "after-the-fact" Jews it is good enough to sell them "after the fact" mezuzos"?!

In a responsum, the (מהדורא א' חלק א' סימן קפה) ומשיב שואל writes that in a situation where one has the opportunity to save the public by taking action against a particular individual, there is no need to have the type of proofs that are normally required before punishing a person, as long as the truth of the matter appears to be evident. This applies even to ruining the person's livelihood and causing him embarrassment. Furthermore, we don't accept the person's statements in defense of himself, because we assume that he is merely trying to save his own livelihood. Concern for the community and for their protection takes precedence over any individual, he writes. And he concludes that this is the manner in which we rule the halacha.

There is a similar ruling authored by the (חלק י' סימן קמא) מהרדש"ם. And there, he adds the following statement: "Repentance for this individual is very difficult, for who can guarantee that his repentance itself is not deceitful, intended merely in order to restore him to his prior profession?" There are many similar response, authored by great Sages.

It was once discovered in Bnei Brak that someone was printing mezuzos by machine. There is a famous picture of HaRav Vozner ל"ז, sitting with the machine in his hands, tears spilling from his eyes. He paskened that the person responsible for the mezuzah printing was henceforth forbidden to work with STAM for the rest of his life.

According to all of the above, it is clear and straightforward that as soon as the matter has been clarified that an individual has knowingly written or sold posul mezuzos, it becomes our immediate obligation to publicize the matter, in order to save hundreds and thousands of the public from being victimized.

Signed on this date _____ on behalf of hundreds and thousands from all over the world:
