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Convicted Rabbi says his religious beliefs prohibit him from testifying against fellow Jews.



Rabbi Moshe Zigelman, who has already served time for his involvement in a tax-evasion case, is refusing to testify against other Jews in the ongoing probe.

Two years ago, Rabbi Moshe Zigelman went to prison rather than testify against fellow Jews in a federal tax-evasion case and receive a lesser punishment.

Now, federal prosecutors are threatening him with a return to jail unless the 64-year-old devout Hasid agrees to testify before a grand jury regarding the federal government's ongoing probe of tax evasion in his Orthodox Jewish sect. On Wednesday, they will ask a judge to order him to testify or be found in contempt.

His attorney says Zigelman, a teacher of scripture and son of Holocaust survivors, will again refuse, citing his religious principles.

Zigelman's unyielding religious stance has led to attorneys wrangling in a federal courtroom over the rare intersection of the modern U.S. legal system and the ancient Jewish doctrine of mesira, a prohibition for Jews against informing on other Jews to secular authorities.

Prosecutors have said the rabbi's position is unsupported by Talmudic law, according to court papers filed by Zigelman's attorneys. Defense attorneys contend that he is again being asked to make the obvious choice between heaven and earthly jail cells, and that no prison time will be able to get Zigelman to go against his religion and face ever-lasting punishment.

"No earthly sanction will ever make Rabbi Zigelman abandon his religious precepts," Michael Proctor, an attorney for Zigelman wrote in court papers. "Imprisoning Rabbi Zigelman would be an empty, unjust act that accomplishes nothing."

Assistant U.S. Atty. Daniel O'Brien said whether Zigelman would be compelled to testify was unrelated to Jewish principles.

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Written by Victoria Kim, Los Angeles Times
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"Bottom line is, federal law is federal law. It's not religious law that's going to govern the court's decision," he said. O'Brien declined to discuss specifics, saying that much of the case is sealed because it involves grand jury matters.

Zigelman was arrested in 2007 for his part in a decade-long enterprise through which wealthy donors made tens of millions of dollars in contributions to Spinka, a Brooklyn-based Hasidic sect, only to have most of the money refunded through an underground money-transfer network. The donors received large tax breaks on the bogus amounts; Spinka and related charities profited through the small portion of the sums they kept.

Zigelman was the executive assistant to Grand Rabbi Naftali Tzi Weisz. In a plea agreement, he admitted to arranging the illicit donations and facilitating money transfers through an international network.

At the time of his sentencing in 2009, prosecutors noted that the belief held by Zigelman and others that "it is a sin to inform on a fellow Jew" led to difficulties in detecting rampant fraud. They asked for a heavier sentence for Zigelman compared with another defendant who cooperated, saying it was necessary to "provide an example to the community that such behavior carries with it not only enormous profits, but serious costs." He ultimately received a 24-month sentence.

After his release from federal prison this year, he was served with a subpoena to testify before a grand jury in the government's continuing investigation in the same scheme.

Experts in Jewish law said the principle of mesira originates from a time of oppressive and brutal secular authorities, and that how it applies in modern society is a topic of much controversy and debate.

Rabbi Michael Broyde, an Emory University law professor and a member of the rabbinical court Beth Din of America, said a commonly held view is that the principle doesn't apply in a just, democratic state. At its root, the concept is similar to the reluctance in black communities in the South in the early 20th century to report one of their own to authorities, the professor said.

Broyde, who was cited by attorneys on both sides in court filings, said he would be surprised if the judge allowed Zigelman to avoid having to testify.

"It's rare for a judge to accept as a bona fide claim the Jewish law prohibition of informing, in a case in which the person who's pleading that was convicted of the underlying crime," he said. "It undermines the credibility of the claim that he's not an innocent, neutral third party."

The rabbi's attorneys wrote in their papers that what matters is not whether Zigelman was correctly interpreting Jewish law, but the fact that his belief is sincere and that the rabbi, who is in failing health, will under no circumstance change his mind. Given his clear principle, finding him in contempt and sending him to jail will be "vindictive rather than coercive," they wrote.

Zigelman was born in communist Hungary to a mother who had been interred at Auschwitz and

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a father whose first wife and six children died in the Holocaust, according to his attorneys. After moving to Brooklyn in the 1970s, he began working for the Hasidic sect in the kitchen before eventually becoming executive assistant to the grand rabbi.

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