

COMMUNITY

Orthodox Leaders Warn NY Times Against Publishing 'False and Defamatory' Article About Yeshivas

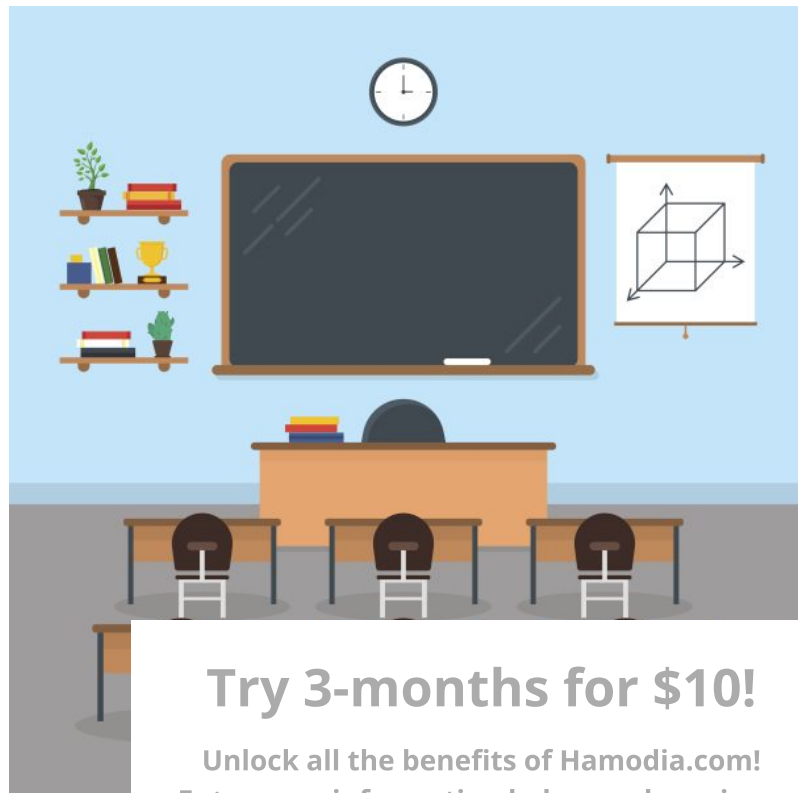
Friday, September 9, 2022 12:43 AM | י"ג אלול תשפ"ב • 4 Minute Read

By Reuvain Borchardt

NEW YORK — A lawyer for an Orthodox Jewish organization is warning *The New York Times* against publishing a “false and defamatory” investigative report critical of Hasidic yeshivas, set to hit newsstands days before the state Board of Regents will vote on new regulations on secular-studies curricula in private schools.

“There appears to be a high likelihood that your story will contain defamatory statements and implications about the Hasidic schools, including ... statements that single out and stereotype the Hasidic community without providing proper contextual data, and implications that the Hasidic schools are engaged in illegal activities,” writes in Chicago, in a letter to the *Times* dated Thursday and obtained by *Hamodia*. “In addition, we understand that the article will also include statements that the publication of such an article would not only be harmful to the Hasidic community and further stigmatize it.”

The *Times* article, by reporters Eliza Shapiro and Michael Levenson, focuses on yeshivas in Brooklyn and the Lower Hudson Valley.



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According to a summary of the article emailed by the *Times* reporters to the yeshivas and obtained by *Hamodia*, the article will allege that “students in these schools are deprived of [secular] education unlike students anywhere else in New York,” that students at these yeshivas perform poorly on standardized tests, the schools receive “enormous sums of public money,” and that “many religion teachers use severe corporal punishment.”

The article will also discuss “the Hasidic community’s political power ... and how the schools play a central role, including by sending sample ballots home and giving students prizes for bringing back ‘I Voted’ stickers into school.”

But in the letter Thursday, Connolly warns the *Times* against publishing an article with “false and defamatory statements and implications.” The letter, published below in full, disputes the *Times*’ allegations, arguing that “Hasidic schools teach a variety of secular subjects,” that “all teachers are qualified, background checked, and vetted,” and that “there is an unequivocal policy in these schools that corporal punishment will not be tolerated and any teachers who use corporal punishment will be fired.”

The letter also says that public funding for yeshiva students amounts to \$1,000 per student, compared with \$25,000 the government spends on average public school students.

“Through the communication,” Connolly writes, “we hope to begin a dialogue that will prevent any defamatory article from being published, and believe there is a path towards working together to do so.” Connolly warns that while “I write today only on behalf of [Tzedek] Association, should you publish a defamatory and inciteful article, I will likely write again on behalf of the schools themselves.”

Connolly is a noted defamation lawyer, who, according to a 2020 *Times* article, “won the largest settlement in the history of American media law” for a beef producer whose “lean finely textured beef” was found to contain horse meat. Connolly is also representing a voting machine manufacturer and several conservative media outlets following the 2020 election.

Yeshivas and their allies have been seeking to prevent the publication of the article.

In a *New York Sun* op-ed Wednesday, Boro Park Rabbi Shimon Brodeur wrote, “The *Times* will defame an entire community based on picked data, and outright lies.”

“The *Times* is also going to accuse chasidic yeshivas of failing their basic civic duty is scandalous when undertaken in the context of voter turnout in New York City at historic lows —

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the November 2021 election — one would think the *Times* would applaud efforts to turn out the vote.”

Connolly also warns of publishing the article during a time that Hasidic Jews in New York have faced rising hate-motivated assaults.

“Antisemitism is on the rise in New York and the number of hate crimes targeted at the Hasidic community have increased in recent years,” Connolly writes. “[Tzedek] believes that your article will contribute to the negative perception of the Hasidic community and in turn fan the flames of antisemitism.”

Similarly, Rabbi Chaim Dovid Zwiebel of Agudath Israel recently wrote to Shapiro and Rosenthal, “The timing of this article is terrible. Hate crime statistics, specifically crimes targeting Jews, are spiking dramatically — and most of these crimes are being directed against Hasidic Jews. Is now the time to publish a major article in the most prestigious newspaper in the world portraying the Hasidic schools — and, by extension, the entire Hasidic community — in the most negative light imaginable? Obviously, no one in his right mind would accuse reporters with your surnames of being anti-semitic, but don’t you realize how an article like this will fuel the anti-semites of the world to escalate their attacks against Hasidic Jews?”

The *Times* article is expected to hit newsstands this weekend, days before [the state Board of Regents is set to vote](#) on new regulations that would, for the first time, give governmental bodies direct oversight on the secular-studies curriculum of private schools.

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September 8, 2022

VIA EMAIL

The New York Times
Ms. Eliza Shapiro, Reporter
Mr. Brian Rosenthal, Reporter
620 Eighth Avenue
New York, NY 10018



Re: Potential New York Times Article on Hasidic Schools

Dear Ms. Shapiro and Mr. Rosenthal:

As you know, my firm has been retained by the Tzedek Association (the "Association") in connection with the September 1, 2022 emails you sent to Hasidic school leaders regarding an article that the New York Times intends to publish regarding Hasidic schools in New York state. With this letter, I hope to prevent the inclusion of false and defamatory statements and implications in that article.

By way of background, the Tzedek Association is a humanitarian organization based in Brooklyn, New York, which, amongst other humanitarian efforts, works to protect and fight for the religious freedoms of all, including the Hasidic community. The Association works closely with their community members, including leaders of many Hasidic schools in New York. The Association has asked me to provide comment to the New York Times with regard to the upcoming article on Hasidic schools because they view the article as an attack on their religious freedoms, way of life, and education system. As you are aware, antisemitism is on the rise in New York and the number of hate crimes targeted at the Hasidic community have increased in recent years.¹ The Association believes that your article will contribute to the negative perception of the Hasidic community and in turn fan the flames of antisemitism.

The Association is in close communication with individual school leaders, and is voicing its concerns on

¹ Stack, Liam, "Man Charged with Hate Crimes After Violent A 20, 2022.

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we hope to begin a dialogue that will prevent any defamatory article from being published, and believe there is a path towards working together to do so. However, although I write today only on behalf of the Association, should you publish a defamatory and inciteful article, I will likely write again on behalf of the schools themselves.

At the outset, I would like to make clear that my client has deep respect and appreciation for the role that news organizations play in informing the public. Likewise, my client has no interest in silencing the exercise of free speech. However, the importance of the role of news organizations does not justify publication of false and defamatory information. "[T]here is no constitutional value in false statements of fact. Neither the intentional lie nor the careless error materially advances society's interest in uninhibited, robust, and wide-open debate on public issues." *Gertz v. Welch*, 418 U.S. 323, 340 (1974). This is especially true where, as here, the publication of false and defamatory information is likely to incite violence against an already targeted community.

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Based on the emails you have sent to leaders of the Hasidic school communities, there appears to be a high likelihood that your story will contain defamatory statements and implications about the Hasidic schools, including implications that the Hasidic schools are a uniform network that act as a collective body, statements that single out and stereotype the Hasidic community without providing proper contextual data, and implications that the Hasidic schools are engaged in illegal activities. In addition, we understand from emails you have sent to individual schools, that the article will also include statements of fact that are simply not true. The publication of such an article would not only be defamatory, it would also cause irreparable harm to the Hasidic community and further stigmatize its members.

First, the article you describe in your September 1, 2022 emails appear to imply that the Hasidic boys school system is a uniform network, thereby allowing you to make blanket statements about the community as a whole based upon the policies, curricula, or issues that are unique to individual schools. The truth is that, as you yourself admit, there are 150 Hasidic schools in New York, and they are all independently owned and operated. Accordingly, what is true for one school might not be true of the others or representative of the majority. Based on your email, it appears that you intend to publish the following "facts" about Hasidic schools as a whole, which are simply untrue:

- **Allegation:** "[Hasidic boys] schools provide almost no instruction in basic secular subjects such as history or science." **Fact:** Hasidic schools teach a variety of secular subjects including history, English, math, geography, and science. Each school has a different curriculum and amount of time that these subjects are studied per day.
- **Allegation:** Hasidic boys schools only teach English, reading, and math to students aged 8 to 12. **Fact:** In the majority of schools, students are taught as early as pre-kindergarten or kindergarten, and the curriculum and instruction are tailored to each school's needs.
- **Allegation:** The rules for some schools are so strict that they are overwhelming majority of the Hasidic community.

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- **Allegation:** Secular instructors at the Hasidic schools are “woefully” unqualified, and some are hired off of Craigslist or ads on lamp posts. **Fact:** All teachers are qualified, background checked, and vetted. The teachers’ qualifications are approved by the Office of Children & Family Services, amongst others, and checked during routine school inspections by other agencies such as the Department of Health. It is not a common practice to find teachers on Craigslist or to hang flyers seeking teachers on lamp posts.
- **Allegation:** The Hasidic schools follow the guidelines of the United Talmudical Academy. **Fact:** Not all Hasidic schools follow the guidelines of the United Talmudical Academy. In fact, the majority follow their own education programs and curricula, which they build from the ground up.
- **Allegation:** Religion teachers use severe corporal punishment, which creates an environment of fear that makes learning difficult. **Fact:** Corporal punishment is not a standard practice or policy across Hasidic schools. Rather, there is an unequivocal policy in these schools that corporal punishment will not be tolerated and any teachers who use corporal punishment will be fired. Indeed, the Torah mandates a way of life that does not include violence. Moreover, the schools are inspected by agencies such as the Office of Children & Family Services and the Department of Health, and any allegations of corporal punishment would be raised and documented by these inspections.

Second, the article described in your September 1, 2022 emails would unfairly and inappropriately single out and stigmatize the Hasidic community in at least three ways, without providing proper context or background.

- One, the article as described will spend a great deal of time discussing the public funding provided to the Hasidic schools on behalf of their students. To be fair and balanced, any such discussion of funding should also include statistics on the amount of similar funds provided to New York public schools. We understand that the average public school student receives \$25k in funding a year, and in contrast, Hasidic students receive \$1k in government funding a year. Discussing funding received by Hasidic schools without the proper context will imply that Hasidic schools are taking a disproportionate amount of public funds, fanning stereotypes of the Jewish community.
- Two, the article as described will include an in-depth discussion of standardized test scores, implying that the Hasidic curriculum is failing students and not providing a rigorous education. To be fair and balanced, any such discussion of test scores should also include statistics on the Regents Exam scores. We understand that Hasidic students score quite well. It should also

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known biases of standardized testing, which lead to differing results amongst persons with different language backgrounds, socioeconomic status, and culture.²

- Three, the article as described will focus on those struggling in the Hasidic community with drug and alcohol use, poverty, and self-harm, which again paints a stereotypical, and defamatory, picture of the schools and Hasidic community. To provide fair balance and proper context, the article should both discuss the schools' many success stories and the overall positive attributes of the Hasidic community, and properly put the figures into the context of the overall state population by comparing the rates of drug and alcohol use, poverty, and self harm in the Hasidic community to that of the public school community as a whole.

Third, the article described in your September 1, 2022 emails comes dangerously close to implying that the Hasidic school system is engaged in criminal activity. The tone of your email suggests that the article will imply, without any support, that the schools are committing fraud by receiving public funding for students by mislabeling or falsely characterizing their programs and curricula. Similarly, it suggests that the article will imply that the schools are engaged in some type of fraud by "coaching" parents on applying for vouchers or other government programs. While it is true that Hasidic schools can and do help parents acquire public aid, this is not illegal. In fact, the state of New York has requested that the schools do this as they are the best conduit for providing such information to parents. As you know, false implications of criminal activity are defamation *per se*.

Finally, the emails you circulated on September 1, 2022 contain factual statements about individual schools that are simply wrong. Although we have not had the opportunity to investigate the factual basis for each and every one of your emails, we will provide you with two examples:

- In your email to the Viznitz school leaders, you indicated that the article will state that at Yeshiva Imrei Chaim Viznitz in Borough Park, 650 of 735 boys pay their tuition using child care vouchers. This number is incorrect. It appears that you have consolidated the number of boys using child care vouchers from three similarly named schools, and then compared that figure to the number of boys at just one of the schools.
- In your email to the Central United Talmudical Academy, you indicated that the article would state that the school rewarded children who brought "I Voted" stickers to school with a trip to Coney Island, whereas children who did not bring the stickers were left at school. This is also false. The school takes trips to Coney Island annually, whether in an election year or not, and they always take all children who have received parental permission.

² See, e.g., Kyung Hee Kim & Darya Zabelina, "Cultural Bias International Journal of Critical Pedagogy, 2015, Vol. 6(2) 12 Standardized testing as epistemological erasure in U.S. Schoolin Leaders Project, "Understanding Assessment: Effects of Cultural

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Again, these are just two examples. Before publishing your article, we respectfully request that you give each school ample time to fact check and respond to the allegations you intend to include so that the article does not contain false and defamatory statements.

As set forth above, any story regarding the Hasidic schools that characterizes all of the schools as a unified system, fails to provide the proper context for statistics and stereotypical characterizations, and implies that crimes are being committed against the state or the public would constitute defamation and cause irreparable harm to the Hasidic schools and the Hasidic community my client serves.

In order to avoid unfair and unwarranted damage to this community, including inciting further violence against the community which has already been on the rise, we respectfully request that any article you publish provide fair balance, proper context, and a clear statement that the Hasidic school community is not a uniform school system, nor do certain issues attributed to individual schools apply to the system as a whole. The Hasidic community is proud of the education that it provides to its students—all of whom attend at their parents' choice for a religious education—and has many, many accomplished and successful graduates. Should you be interested in these success stories, please let us know and we will provide you with names and contact information.

Finally, in addition to the facts provided above, if you proceed with publication of your story, we request that you also include the following statement:

"Entities that are trying to manipulate and remove from parents the right to educate their children is an outright violation of our constitutionally protected religious liberty," said Rabbi Moshe Margaretten, President of Tzedek Association, a humanitarian organization. "We are united as a community and we will stand strong together in combatting the misleading, inaccurate, and untrue allegations that have been published, which will only fan the flames of antisemitic hate, especially with the current rise in hate crime against the Orthodox Jewish community."

The totality of this letter can be considered on the record and attributed to a letter the New York Times received from me as counsel for the Tzedek Association. Please contact me with any further questions. I hope this letter and the information provided will help redirect your article and ensure it is accurate and not defamatory.

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Very truly yours,

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