

Stun-gun-wielding rabbi kidnappers fail to convince court they were just 'practicing their faith'

By Washingtonpost.com



The holy man's words were blunt, the subtlety and pretext all peeled off. "What we are going to be doing is kidnapping a guy for a couple of hours and beating him up and torturing him and then getting him to give you the 'ghet,' (Jewish divorce) Rabbi Mendel Epstein told his two visitors.

"We take an electric cattle prod," the bearded man continued later in the conversation on Aug. 14, 2013, according to court documents. "If it can get a bull that weighs five tons to move ... You put it on certain parts of his body and in one minute the guy will know."

Epstein believed the guest across the desk from him in his home office in Lakewood, N.J., was desperate, an Orthodox Jewish woman trapped in an unloving marriage because her husband refused to grant her a ghet, a religious document in the Jewish faith granting the dissolution of a marriage. Without it she'd be agunah, or chained to the union, unable to remarry. But now, with her brother, she was seeking guidance from Epstein on another, less talked-about option. There were situations when a group of rabbis and "tough guys" could force a husband to sign a ghet, the rabbi explained.

Before leaving, the woman and her brother handed Epstein a check for \$10,000, a law enforcement affidavit later stated. "Consultation" was inked in the memo line.

But the man and woman who visited the rabbi that day were actually two undercover agents from the FBI. Within a month, Epstein and a group of rabbis were caught up in a government

sting. In May 2014, they were indicted on federal charges. A year later, Epstein and two other rabbis — Jay Goldstein and Binyamin Stimler — were convicted of conspiracy to commit kidnapping.

Other documents related to the case talk about up to 20 known kidnappings involving the rabbis, but the original complaint outlines three, including a 2009 incident when a husband was lured to New Jersey with a job offer, then was “placed in a van, tied up, beaten and shocked with a stun-gun until he agreed to give his wife a ghet.”

The case wasn't done, however. For the last year, the rabbis' attorneys have been pressing an appeal. In part, they've hoped to upend the conviction by pitting church against state, teeing up a familiar question about when spiritual practice trumps the secular law. **Citing the 1993 Religious Freedom Restoration Act, the rabbis argued the government is barred from engaging in anything that burdens an individual's religious practice** and here that's exactly what the Orthodox holy men were doing. This week, the U.S. Court of Appeals for the 3rd Circuit finally ruled in favour of the government. Crime, the three judge panel unanimously ruled, can't be shoved beneath the umbrella of religious practice.

The Orthodox Jewish law governing divorce and the ghet is strict. “The ghet is a dated and witnessed document wherein the husband expresses his unqualified intention to divorce his wife and sever all ties with her,” Chabad.org states. The document is prepared by a special scribe — a sofer. The transmission of the document only goes one-way, from husband to wife, and must be completed before two witnesses.

When a husband refuses his wife a ghet, however, she can appeal to a rabbinical court of three rabbis, known as a beth din. This body can then issue contempt orders — psak kefiah — against the husband to force his hand. In the Orthodox faith, assisting an agunah to secure her ghet is considered a mitzvah, a good deed.

“A husband who engages in such behaviour in violation of a rabbinic decree that he provide a ghet for his wife is an evil person,” Rabbi Yitzchok Breitowitz, a rabbinical scholar, wrote in a February 2015 declaration to the court in support of the three

rabbis. “He effectively prevents a religious wife from ever remarrying under Jewish Law. The names of husbands in the United States who persist in refusing to authorize a ghet notwithstanding rabbinic decrees that they do so are published every week in the Jewish Press so that the reading public will hold them in disrepute.”

Breitowitz also explained that there is textual backup in Jewish law for force being used to compel a stubborn husband. He pointed to Maimonides 12th century Code of Jewish Law, which states “When a man whom the law requires to be compelled to divorce his wife does not, the court should have him beaten until he consents, at which time they should have a ghet written.”

This all looked a little different in 21st century New York and New Jersey. It also wasn’t cheap. According to the original federal complaint against Epstein, Goldstein and Stimler, **Epstein told the undercover agents \$10,000 was needed for the beth din to issue an order for the kidnapping and beating, plus \$50,000 to \$60,000 to pay for the “tough guys” who would swing the punches.**

Epstein also told the undercover agents he performed this particular service every year to a year and a half.

In his recorded meeting with the agents, Epstein stated he hoped the threat of violence would be enough to force a husband’s hand. “We prefer not to leave a mark,” he told the agents, explaining that if the husband does go to the police, traces of harm are an obvious problem. “Basically the reaction of police is, if the guy does not have a mark on him, then, ‘Uh, is there some Jewish crazy stuff here?’ They don’t get involved.”

After the first August 2013 meeting, Epstein introduced the agents posing as suffering brother and sister to other members of the kidnapping plot. Epstein and Jay Goldstein checked out an isolated warehouse in Middlesex County for the crime. A beth din was held, and an order was issued “authorizing the use of violence to obtain a ghet.”

On Oct. 9, 2013, Goldstein, Binyamin Stimler and six other men piled out of two dark vans at the warehouse. Inside, “they discussed how they planned to grab the husband, pull him down, tie him up, and take his phone,” the complaint states. When law

enforcement raided the area, they found the men with “rope, surgical blades, a screwdriver, plastic bags, and items used to ceremonially record the ghet.” Some of the men were wearing masks and bandannas over their faces. One wore a garbage bag over his clothes, another a Metallica T-shirt.

Ten men were originally charged with federal crimes related to the kidnapping plot. Some of those charges were dropped, while others pleaded guilty to lesser charges and worked with the state. In April 2015, Epstein, Goldstein and Stimler were convicted by a jury of conspiracy to commit kidnapping; they were sentenced to 120 months, 96 months, and 39 months, respectively (Goldstein and Stimler were also each convicted on an attempted kidnapping charge).

The three rabbis launched a number of arguments in their appeal, ranging from issues regarding cellphone evidence to jury questions. **But the heart of their appeal to the higher court rested on religious grounds.**

They argued that under the Religious Freedom Restoration Act (RFRA), the government could not engage in conduct that “substantially burden[s] a person’s exercise of religion;” in this case, the rabbis said, the FBI’s sting was keeping them from practicing their faith. **They also argued that by entering into an Orthodox Jewish marriage, the victims here — husbands — essentially consented to the use of force outlined in Jewish law.**

On Monday, the appeals panel — Judges Luis Felipe Restrepo, Jane Roth and Michael Chagares — replied to the rabbis’ arguments. The higher court didn’t buy it. “The defendants fail to cite, nor can we identify, any cases in which any court has allowed RFRA to shield individuals in the commission of violent crimes,” Roth wrote for the panel.

“Respect for religious beliefs cannot ... trump all other legitimate, and sometimes competing, government objectives,” the court wrote. “This appeal asks us to clarify the balance between religious freedom and public safety. The balance here clearly lies on the side of public safety.”