

Din Torah

The Case Against the Vaccine

Part 1

הנסתרת לה' אלקינו והנגלת לנו ולבנינו עד עולם לעשות את כל דברי התורה הזאת

פ' נצבים [דברים כט:כח]

וכ' רש"י: הנגלות לנו ולבנינו לבער הרע מקרבנו, ואם לא יעשה דין בהם יענשו את הרבים

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Bais Din - Baltimore, MD

7/7/2022

ע"ש פ' זאת חקת התורה תשפ"ב

Rabbi [REDACTED], et al

v

**Rabbi Yaakov Hopher, in his official capacity as President of the Vaad HaRabbonim /
Rabbinical Council of Baltimore**

Background & Facts:

1. On November 21, 2018, a statement of the Vaad HaRabbonim/Rabbinical Council of Baltimore (the "Vaad") was published on baltimorejewishlife.com, written by Rabbi Moshe Hauer, and approved by Rabbi Yaakov Hopher (the "letter"), which reads in part:

On Wednesday, November 21, 2018, 13 Kislev, 5779, a meeting of the Vaad HaRabbonim/Rabbinical Council of Baltimore unanimously declared the following:

We consider it a Halachic obligation for every member of the community – adults and children – to be properly vaccinated according to the standards and schedules established by the medical community as outlined by the CDC

<https://www.cdc.gov/vaccines/schedules/index.html>

...ignoring or undermining the policy of universal vaccination endangers the community and is Halachically wrong.

As such: 1. Schools, playgroups and shuls should refuse entry to unvaccinated children or adults. 2. Medical exemptions that are based on a specific individual's medical history, granted by physicians who are wholly supportive of the vaccine program, should be respected. Religious exemptions for people of the Jewish faith should not be respected. 3. Individuals who choose not to vaccinate themselves or their children must avoid public places and group settings of all kinds, as their presence poses a serious risk to the community at large.

We recognize that the fear generated by the anti-vaccine movement has made it genuinely difficult for a number of well-meaning parents to vaccinate their children. We hope and pray that they will be able to overcome these fears and vaccinate, so that we can all benefit from their full and complete participation in our community.

2. As it turns out, the entirety of the above letter is fictitious. There is partial truth, however, in the first sentence of the letter: a meeting did indeed take place on 11/21/18. But what transpired during that meeting, which is the substance of the rest of the letter, is false. Multiple sources, the details of which I will share at the Din Torah, revealed that the only vaccine mentioned during the meeting was MMR. The other 17+ vaccines referenced in the link to the CDC website were not discussed at all during the meeting, and a unanimous declaration on those vaccines could not have taken place. At best, the unanimous decision was that everyone is Halachically required to get MMR, and every institution should reject anyone who does not receive MMR. However, I spoke to a few rabbis who attended the meeting, and I asked them: if I come to your shul with my kids, knowing that we have not received MMR, would you throw us out of your shul? They responded no, they would not throw us out. Clearly, even regarding MMR, there was not a unanimous decision that every shul should reject those who are not vaccinated. In fact, I am not aware of a single orthodox rabbi in the Baltimore community, perhaps with the exception of Rabbi Hauer, the author of the letter, who would have rejected anyone from his congregation for not being vaccinated.

3. I met with Rabbi Hopfer on five separate occasions to discuss some of the practical and Halachic aspects of the letter: Our first discussion was at a wedding in April, 2022. Next, we met briefly on Friday, May 6th at 11:40am at The Adas on Park Heights. We met at his office Sunday May 15th 10-10:40am. We met again at his office Sunday, May 22nd, 10:30-11:45am. The last meeting was Wednesday, May 25th at Machzikei Torah on Biltmore, 10-10:15pm. A friend of mine joined me for the two meetings that took place at Rabbi Hopfer's office.

4. During the course of our discussions, I pointed out the following contradictions:

Rabbi Hopfer made it clear early in the conversation that he had strong concerns about the risks and dangers of Covid-19, which has reportedly killed over 1 million people in the US. The Vaad therefore put out a statement on 12/21/20 that they "urge the members of our community to take the [Covid] vaccine as soon as it becomes available, unless otherwise advised by your personal physician." There are some notable differences between the 2020 statement on the Covid vaccine, and the 2018 letter on vaccines in general: **A.** They gently "urge" everyone to get the Covid vaccine, but it is not a "Halachic obligation", as it is with other vaccines. **B.** Anyone who declines measles, chicken pox, or any other vaccine "endangers the community and is Halachically wrong", but not so with the Covid vaccine. **C.** "Schools, playgroups and shuls" are unequivocally instructed by the Vaad to "refuse entry to unvaccinated children or adults." But only for the 17+ vaccines that existed prior to 2020, not for Covid. **D.** In 2018, the Vaad instructed the community to ignore their doctor's advice if the doctor was not "wholly supportive of the vaccine program". But in 2020, we should follow our doctor's advice regardless of their personal view on vaccines, even if they are not "wholly supportive" of the Covid vaccine program and are among the tens of thousands of doctors who believe NOBODY should receive the Covid vaccine. **E.** In 2018, anyone who missed any of the recommended vaccines, per the direct instructions of the Vaad, "must avoid public places and

group settings of all kinds, as their presence poses a serious risk to the community at large.” But no such directive was given regarding someone who declined the Covid vaccine.

These inconsistencies are especially puzzling when comparing the danger of the diseases. Covid, as we said, killed over 1 million people in the US. Measles, on the other hand, even before we had a vaccine, killed around 400 people per year. **Exhibit A** is a page taken from *Vital Statistics of the United States 1962* showing the number of reported deaths from measles the year before the vaccine was invented. I gave a copy to Rabbi Hopfer during one of our meetings. That was in the 60s. With modern healthcare, there would likely be zero deaths even without a vaccine. It seems bizarre that for a risk of a million lives, the Vaad simply recommends the vaccine. But when it comes to a risk of somewhere between 0 and 400 lives, it is a full-scale persecution against anyone who dares defy even one vaccine on the schedule.

To the best of my recollection, Rabbi Hopfer did not offer a resolution or explanation to any of these glaring contradictions.

5. Another contradiction I pointed out was regarding children: The 2018 letter refers to the vaccine schedule on the CDC website as the basis for a “Halachic obligation”, with the clear intention that besides the current list, any vaccine added in the future is also obligatory. They are constantly adding new vaccines. The total number of shots increased nearly five-fold since 1986 when vaccine manufacturers were given full immunity to liability. If you go to the webpage provided in the letter, one of the first things you will see is a recommendation for everyone ages 5 and up to get the Covid vaccine, recently updated to 6 months and up. Therefore, according to the plain reading of the letter, every child and infant has a “Halachic obligation” to get the Covid vaccine and must not appear anywhere in public until they do. The 2020 letter as well, which urges all “members of our community” to take the Covid vaccine “as soon as it becomes available”, appears to include children and infants in the recommendation.

However, an email from Rabbi Seidemann (**Exhibit B** pages 6-8) reads: “When it comes to children it is a completely different calculus as far as what we currently know, and that is a question that each parent may analyze with the Pediatrician whom they trust and have experience with. The Vaad HaRobbonim has never addressed nor issued any statement one way or the other regarding the 5 to 12 age group. We have until now been encouraging adults to get vaccinated.” He also wrote: “The Vaad HaRobonim has not made any recommendation re children. . . we simply have not gotten involved in it”. The published literature indicates that the Vaad is requiring and urging every child to get vaccinated. But in reality, they have no opinion on the matter.

During our first conversation, I asked Rabbi Hopfer if the Vaad will clarify in writing that the first two letters are not referring to children. He responded: “we might have to”. But in the end, he was unwilling to issue any such statement or clarification.

6. During our first meeting, I informed Rabbi Hopfer of a local doctor who had told me that in his/her opinion, chicken pox, hepatitis, and Covid vaccines are “unnecessary” for children in the

Jewish community. I asked Rabbi Hopfer if he would call this doctor to discuss the matter. He said he would. I asked, based on this advice, would the Vaad exclude those vaccines from their statement in 2018? If those specific vaccines are “unnecessary”, it would not be sensible to refer to them as a “Halachic obligation”, nor would it be rational to expel children from Yeshiva who are missing one of those vaccines. At the next meeting, I asked Rabbi Hopfer if he had called the doctor. He said “not yet, but I really should”. At each subsequent meeting, he again confirmed that he had not reached out to the doctor, and in the end, it was clear he had no intention of doing so, and had no plans to amend or clarify the statement of the Vaad.

7. We discussed the Tiferes Yisroel¹ who paskened on the smallpox vaccine that under certain circumstances, it was permissible to take it. The implication is that if those conditions are not met, the vaccine is אסור. But notably, he does not say any חיוב exists. I also pointed out the opinion of Rav Moshe² who similarly paskened on vaccines which were available during the 70s, that under certain conditions, they are מותר. If those conditions are not met, they are אסור. But again, like the smallpox vaccine, there is no חיוב. Rabbi Hopfer did not offer any alternate interpretation to these two opinions.

8. I showed Rabbi Hopfer the psak din from Rav Chaim Kanievsky זצ"ל who ruled in a Din Torah that a Yeshiva in Lakewood should not exclude students who are not vaccinated. **See Exhibit C.** He did not respond as to whether he accepts the psak din. The implication is that he rejects it.

9. The above two opinions [§7] clearly cannot be used as a source that vaccination is a חיוב. What, then, is the Vaad’s source that vaccines are a “Halachic obligation”? At one point during the conversation, he said that his source is Shulchan Aruch [או"ח ס' תריח]. I asked him to explain how he extrapolates his opinion from there, but my friend and I do not recall receiving a clear explanation. I suggested that perhaps he means to say as follows: although the Shulchan Aruch rules we follow the minority who say there is a risk of death, but if the majority also say there is a risk of death, we follow the majority. Rabbi Hopfer concurred with my explanation. I then asked him to name one doctor who says that a healthy child or teenager is in serious danger of dying from Covid if they don’t get vaccinated. Rabbi Hopfer could not provide even one name, which is puzzling. You would think that if there is a majority of doctors, it shouldn’t be difficult to name at least one of them.

10. It is even more puzzling in light of the two opinions quoted above [§7] that no חיוב exists to get vaccinated. If Rabbi Hopfer is correct, that the Shulchan Aruch indicates an obligation to get vaccinated, is he saying that the Tiferes Yisroel and Rav Moshe זצ"ל never opened a Shulchan Aruch? Or is he saying they opened it, but they don’t know how to read it?

11. Another approach Rabbi Hopfer seemed to take as a basis for a “Halachic obligation” to get vaccinated was as follows: In general, when faced with danger, you are obligated to take precautions. He asked me, as an example, if I am visiting someone in the hospital who has a

¹ מס' יומא פרק ח משנה ז, בועז ס"ק ג

² אגרות משה או"ח ח"ד ס' קא סוף אות ג

deadly disease, am I obligated to wear a mask? I paused for a moment, and he repeated, "I'm asking a simple question, do you have to wear a mask?" I tried to explain that it depends on several variables: how deadly is the disease? How contagious is it? If I catch it, what are my chances of surviving based on my age and overall health? What type of mask do you want me to wear? Does the mask help? He again insisted that I answer his "simple question". It is an important question, but simple it is not. Before the next meeting, I had prepared the following answer, most of which I did not have the opportunity to share with him:

The question is, does one have an obligation to take precautions when faced with a dangerous situation? **Answer:** If the danger rises to the level of פיקוח נפש, in certain cases, you are obligated to take precautions. It is debatable what that level is. For a healthy person, even during a pandemic, the chance of death from the illness must be at least 20/1,000 to be considered פיקוח נפש. For someone who is already infected, it can be as low as 1 per thousand. It depends on whether it is considered סכנה לפנינו, which the Poskim discuss at length. One could argue that even if I am not infected, it is considered סכנה לפנינו during a pandemic, and even a risk of 1/1,000 is פיקוח נפש, but I believe that argument is incorrect. But at a minimum, even according to the incorrect argument, the chance of death would have to be at least one per thousand.³ If the preventative action itself carries a risk of פיקוח נפש: if the risk of the prevention is greater than or equal to the risk you are trying to mitigate, or if it is unknown which risk is greater, we would say שב ואל תעשה עדיף.⁴ If the risk of the prevention is lower, it would be permissible to take action, but not required.⁵ If the prevention carries a low risk which, according to ALL expert opinions, does NOT rise to the level of פיקוח נפש, one would be required to act in order to avoid a situation of פיקוח נפש.

When it is not a situation of פיקוח נפש: if, according to ALL experts, the prevention is benign and harmless, then it is permissible, but it is not required. If the precaution itself has a risk of harm of any type, or if it will significantly disrupt your life or the life of others, it is אסור. The חזון איש explains that when you have an extremely unlikely risk, it is אסור to take precautions which carry even the slightest chance of causing harm since in many cases, there will be unintended consequences and it may cause much greater harm than good.

12. We got into a discussion about autism. I explained that CDC conceded in writing that none of the vaccines given within the first year of life have ever been tested to show if they cause autism. Rabbi Hopfer responded that he is not surprised since autism isn't detected until later. It is true, autism isn't detected until 18 months. But the reason this is important is because additional doses are given over the next several months and years, and none of the vaccines, regardless of which dose, were ever tested. For example, DTaP is given at 2 months, 4 months, and 6 months. A 4th dose is given at 15-18 months, and a 5th dose is given at 4-6 years. The complaints in VAERS from parents and doctors who witnessed their child regress into autism

³ חזון איש הל' אהלות ס' כב ס"ק לב ד"ה בפ"ת, שו"ת נו"ב תניינא יו"ד ס' ר', תשובות והנהגות ח"ה ס' שצט

⁴ מחצית השקל או"ח ס' שכח ס"ק ו

⁵ תפארת ישראל שם

immediately after vaccination, is most reported after receiving DTaP. Perhaps one could argue that the first 3 doses are unnecessary to be tested, but the same argument can't be made for the 4th and 5th doses. And yet, CDC admitted in writing that no study has ever been conducted to determine whether a causal relationship exists between DTaP and autism.

But even assuming the argument is valid, that studying the vaccines given within one year are unnecessary, we went on to discuss which types of studies *are* necessary and *should* be done to detect if vaccines cause autism. Rabbi Hopfer stated he has no doubt CDC had conducted several large-scale studies proving vaccines do not cause autism. For example, he explained, all they have to do is look at a group of kids who are fully vaccinated and compare them to a group of kids who have never been vaccinated. I told Rabbi Hopfer I agree, it would be helpful to look at that study, but we can't because it doesn't exist. CDC has never done a vaccinated vs unvaccinated study, and they admitted it in writing. This is highly problematic. Forget about autism. There are infinite complications a drug can potentially cause, and without doing a simple comparison, we will never know if it is safe. Rabbi Hopfer was shocked. He could not believe such a basic study was never done. He even went so far as to call me "dishonest". I assured him I was telling the truth and I would provide him with proof. Sure enough, about an hour later, I returned to drop off a letter from CDC shown as **Exhibit D**, a clear and concise admission of guilt straight from the horse's mouth.

Rabbi Hopfer is not the only one who believes this simple and basic study can and should be done. The Institute of Medicine issued a report in 2013 which stated: "it is possible to make this comparison [between vaccinated and unvaccinated children] through analyses of patient information contained in large databases such as VSD". CDC even published a paper in 2015 describing precisely how such a study should be designed.⁶ Learn more about this topic here.⁷

13. At the next meeting, which was our last, I was eager to learn how Rabbi Hopfer would react to the document I had dropped off at his office a few days earlier. But to my dismay, not only was he no longer shocked about what I had showed him, he didn't even want to talk about it. I asked him if there was a problem with the document. He responded that the paper which I showed him was "incorrect", but he declined to explain what he meant by that. I asked, is it fraudulent? If it is, I would like to know, and I will stop sharing it with people. But he would not explain what he meant. He said, "even if I tell you, you will still share it with people". He must not have been too confident about his explanation if he couldn't even tell me what it was.

14. Unfortunately, he did not give me the opportunity to explain just how serious of a problem it is: when you're looking back at historical data to compare different groups, although it is helpful in determining safety, it is not the most effective and accurate method. Even had they done the study, which they did not, many factors can affect the results. Retrospective studies

⁶ https://www.cdc.gov/vaccinesafety/pdf/WhitePaperSafety_WEB.pdf

⁷ <https://youtu.be/n-64eHyESE4>

have their limitations, as Dr. Plotkin explained in the video referenced in footnote #7. Instead, the gold standard in safety studies is a randomized prospective double-blind placebo-controlled trial. The results are much stronger and more reliable. Rabbi Hopfer was justifiably shocked that a retrospective study was never done. But it is far more shocking that the industry never conducted a placebo-controlled study on any of the childhood vaccines. At the Din Torah, I will provide literature from the vaccine manufacturers detailing what was used, if anything, as a placebo control. With many of the childhood vaccines, no control was used at all. With some of them, a different vaccine was used, which itself was never tested against a control. And in some instances, they removed the virus and used the remaining ingredients, which includes well-known and verified neurotoxins and carcinogens.

Although I am happy to provide all necessary documentation, the burden of proof is on the defendant to demonstrate proper safety studies for a product which they are demanding and coercing everyone in the community to take. It does not require much effort. Just ask any doctor to provide evidence that an inert placebo was used in a safety trial on any of the vaccines on the CDC schedule within the first decade of life.

15. Instead of explaining why my document is “incorrect”, Rabbi Hopfer changed the subject and asked why I was never in favor of masking and lockdowns. I explained that thousands of doctors were recommending only the elderly and sick to lock down. But the rest of us are extremely low risk. He asked, how many deaths were there? I said, for completely healthy children and teenagers, maybe 100. He was visibly emotional when he sarcastically responded: “it’s just 100 deaths!”, and that was the end of our conversation.

This line of questioning was his way of responding to my concerns over vaccine safety: Since I demonstrated a complete disregard for human life by objecting to the lockdown policies, I am a hypocrite and have no business complaining about other people who act irresponsibly. I would like to respond to this argument. Although it is not directly related to my claims, it will shed some light on the underlying dispute.

People tend to get emotional over Covid. But we need to understand that in Halacha, when you want to determine our responsibilities and obligations to ourselves and others, we cannot approach it emotionally. It must be approached factually and objectively. For example, Rabbi Hopfer was emotionally concerned about 100 deaths, which is understandable. It’s very sad for the families of those individuals who didn’t survive. But that does not necessarily translate to a Halachic obligation or an appropriate public health mandate. Before you accuse me of being cruel and irresponsible, let me prove my point: Around 40 thousand people die each year in motor vehicle accidents in the US, which makes driving a car thousands of times more lethal than Covid for the young and healthy population. Rabbi Hopfer was appalled that I wanted to let children go to school, and young parents make a living and go to shul, while risking a few hundred lives. I asked Rabbi Hopfer the following question 2 years ago when he insisted on closing down life as we know it, and I asked him again a few weeks ago during our meeting. I have yet to receive an answer: If you feel compelled to shut down everyone’s life for two years

because you think it may save a few hundred lives, why don't you place a ban on cars? Are you not concerned about 40 thousand lives? Do you not care about human life? Think about it. We are obligated to turn our lives upside down to save a few hundred lives. Why not do the same to save 40 thousand? Kids can learn from home, and people can work from home, or walk. Imagine if the Vaad would unify all the communities around the country to outlaw cars, except for emergencies. One voice! One voice! One voice! "What's the shayla? Are we playing games?" Sell your car. "Now! Now! Right now!" And if we actually did this, we would save thousands of lives in Jewish communities around the country.

Rabbi Hopfer never answered the question. Why is the Vaad terribly concerned about 400 measles deaths and a few hundred Covid deaths, but they don't care about 40k motor vehicle deaths? I'll tell you the answer. It's because CNN told them to be scared of Covid and measles. But CNN never told them to be scared of driving a car.

I remember the day when I received the horrific news in my inbox: "someone in the Baltimore community has unfortunately been diagnosed with measles". Panic, mass hysteria and anxiety spread throughout the community. Why? Because someone came down with a rash, a fever, and a snuffle, and they told us on TV to be scared.

If the Vaad HaRabbonim/Rabbinical Council of Baltimore is going to advise the community on these matters, I would expect it to be based on Halacha, not CNN. Let's take an objective look at these cases, and see what Halacha has to say:

First let's talk about driving. Collectively, it is estimated that Americans drive 3.2 trillion miles per year. With 40k deaths per year, each mile carries a risk of 1 in 80k. Driving a car is not considered סכנה לפנינו since there is no direct risk unless a collision and injury takes place. Therefore, it is not פיקוח נפש unless the risk reaches 1 in 50. In theory, if you are planning a 1,600-mile road trip, the overall risk would reach 2%. But you can minimize the risk by staying within the speed limit, not driving if you get tired, and putting away your phone. Therefore, looking back at §11, it would be אסור to cancel your family road trip. Your wife and kids will be mad at you, and it will cause friction and שלום בית problems. Although banning driving for everyone will definitely save thousands of lives, it is אסור. If you have an option between a short drive and a long drive, and your family will be just as happy either way, it is מותר to choose the shorter trip to minimize the risk, but there is no חיוב.

Lockdowns are אסור for the same reason. We knew from the very beginning that, for most of the population, Covid is nowhere near פיקוח נפש. For those at higher risk, a full quarantine might have been a good idea, but forcing Covid patients into nursing homes was not. It also was not helpful for the elderly to join large crowds in stores and shuls. Had they actually isolated, it could have been helpful. But closing schools, shuls and businesses was אסור. **Johns Hopkins** was correct when they concluded in a recent study that "lockdowns have had little to no public health effects, they have imposed enormous economic and social costs where they have been adopted", and that "lockdown policies are ill-founded and should be rejected as a

pandemic policy instrument.” The **חזון איש** was also correct when he warned us a century ago that unintended consequences will create a solution that is worse than the problem.

The measles vaccine at best is optional. Worst case scenario, even if everyone in the world follows my evil ways and stops vaccinating, there might be 400 deaths per year, but probably far less. In a population of 330 million, your risk is 1 in 825k. No matter how safe and effective you pretend your vaccine is, there is absolutely no “Halachic obligation” to get it.

Chicken pox was reported to have killed around 100 people each year before the vaccine was invented, around the same number of reports each year of people who are struck by lightning. According to the Vaad, you must get the chicken pox vaccine, and you may not participate in society until you do. Is it also **אסור** to leave your home? You might get struck by lightning. How could you be so irresponsible? Even if it isn't raining right now, but a storm could start any moment, and you might not have enough time to get home before it's too late!!

16. When I began the conversation with Rabbi Hopfer, I assumed it would be an open, productive, and honest discussion. Unfortunately, my assessment was wrong. Even after assuring me that he would speak to the doctor regarding unnecessary vaccines, he failed to follow through. As soon as I proved my point that CDC never conducted a vaccinated vs unvaccinated study, he ended the conversation. Both are indications to me that there is something else going on here. I had a similar experience with Rabbi Seidemann who told me that according to most doctors, perfectly healthy 18-year-olds are at high risk of dying from Covid. I asked him if he could please provide the name of one of those doctors. Instead of answering a simple question, he accused me of harassment and ended the conversation.

It is disappointing that the Vaad HaRabbonim/Rabbinical Council of Baltimore misrepresents the Halacha, and when confronted, refuses to respond. **A. או"ח ס' תריח** – Over 15 thousand doctors on record believe the Covid vaccine either kills, or directly causes life threatening disorders, at a rate equal or greater than one per 1,000. For every doctor who opposes the vaccine publicly, at least ten oppose it privately in fear of losing their job, license, or both. At least 150 thousand doctors believe the Covid vaccine is hazardous and deadly. The number of doctors who disagree might be much greater, but the **שלחן ערוך** rules that we follow the minority opinion. The Vaad dismisses the explicit Halacha by claiming there is a majority opinion that one in every thousand 18-year-olds, in perfect health, will die from Covid, and one in every thousand children will die from chicken pox. The reason they will not provide a name of any doctor who supports their claim is because none exist. **B. יו"ד ס' שלו** – Even if there was truth to their claim, that Covid is deadly for everyone, it would mean that reasonable precautions must be taken. Numerous therapies exist both to treat and prevent Covid. There is no basis in Halacha or common sense to specifically require the vaccine. Also, contrary to the claim of the Vaad, a “Halachic obligation” to childhood vaccination does not exist. In fact, childhood vaccines are **אסור** according to Halacha. Both CDC and the vaccine manufacturers

explicitly admitted they lack the most basic safety protocol recognized and utilized for every other type of drug in the world, as well as every other type of product in the world.⁸

Claim #1:

Duplicity is dealt with in several areas in Halacha. One example is a buyer who verbally agrees to make a purchase, and then changes his mind, earning the title מחוסר אמנה. This relatively minor offense carries some surprisingly harsh consequences:

- A. אין רוח חכמים נוחה הימנו [רמ"א ח"מ ס' רד סע' יא]
- B. יש בלשון זה איסורא נמי ויש לב"ד למנוע דבר זה ולקרותו עבריינא [משפ"ש שם בשם שו"ת מהראנ"ח]
- C. אינו בכלל עושה מעשה עמך והבית דין יכריזו עליו שאינו בכלל שארית ישראל [שם בשם ר"מ מינ"ץ]
- D. נקרא רשע והבית דין מחוייבים להתרות בו ולהוכיחו ולביישו ברבים [שם]
- E. מדינא מכין אותו עד שתצא נפשו אלא שבזמן הזה אין כח בית דין יפה ועל כל פנים מה שבידינו חייבים אנו לעשות עד שיעשה תשובה [שם]

This is consistent with the ר"ש who writes: ויראה שכופין אותו להוציא דחמירא סכנתא מאיסורא וכמו שמחוייבין ב"ד להפריש את האדם מן העבירה כן מחוייבין להפרישו שלא יפשע בנפשו [כתובות פ"ד ס' ג]

When someone is doing an איסור, and certainly if it involves a risk to their health or safety, it is **mandatory** that Bais Din do everything in their power to stop the individual from committing the עבירה and prevent any further dangerous or harmful activity. This concept is not disputed.

Everything quoted above (A-E) is referring to someone who is not willing to keep their word, but at the time they made the promise, they were entirely sincere. Something happened later causing them to change their mind. But it is far worse to knowingly make a false statement, שלא ידבר אחד בפה ואחד בלב [ב"מ דף מט.]. Also, we were talking about being deceitful in monetary matters. But when it comes to איסורים, it is much worse.

For example, a kashrus organization stated that every mashgiach who works for them inspected company X, and unanimously concluded that all twenty products produced by company X is 100% kosher all year round. But in reality, only one out of the twenty products was inspected and determined to be kosher by only one mashgiach. Also, the mashgiach admitted in a private conversation that he "never addressed nor issued any statement one way or the other" regarding the other 19 products which were never inspected, and that he "simply has not gotten involved in it". Bais Din has a חיוב to force the kashrus organization to clarify their public statements and to stop misleading the public into possibly eating food that is not kosher.

Even worse than misleading the public on איסורים, is misinforming and misguiding them on matters of health and safety. As the ר"ש said: חמירא סכנתא מאיסורא.

⁸ כ' הטור [יו"ד ס' שלון] תנא דבי רבי ישמעאל ורפא ירפא מכאן שניתנה רשות לרופא לרפאות. שלא יאמר מה לי לצער הזה שמא אטעה ונמצאתי הורג נפשות בשוגג. והוא שיזהר מאד מאד כמו שראוי ליזהר בדיני נפשות. וכן כ' הש"ך שם.

For example, many people in the community rely on the Vaad for advice whether to vaccinate themselves and their children, especially when varying medical opinions exist. The Vaad stated that they unanimously declared every vaccine on the CDC schedule is a “Halachic obligation”, and anyone who disobeys “endangers the community” and “must avoid public places and group settings of all kinds”. Compare that to the reality, which is: one or two rabbis made the above statements. The vast majority of rabbis, however, only discussed one vaccine (MMR), on which they determined it is advisable to take, but you are NOT Halachically obligated, you do NOT endanger the community if you choose not to take it, and you need not avoid public places and group settings of all kinds. And that was only regarding one vaccine. The other 17 vaccines were never discussed, and the majority of rabbis have no opinion on the matter. Bais Din has a חיוב to compel the Vaad to publicly clarify their opinion. Many people may have made different decisions had they been truthfully informed.

Schools, shuls, and other institutions may not have rejected those who declined some or all vaccines had they known the truth, that only one or two rabbis instructed them to “refuse entry” to the unvaccinated, but the vast majority of rabbis did not.

Parents may not have given their teenagers, children, toddlers and infants the Covid vaccine had they known the truth: that the Vaad has absolutely no opinion on the matter. The 2018 letter, however, gives the impression that it is a Halachic obligation even for those age groups. The 2020 letter “urges” EVERYONE to get it, although it includes the caveat “unless otherwise advised by your personal physician”. One interpretation, consistent with the 2018 letter, stipulates that not *every* doctor should be trusted. Only those who are “wholly supportive” of the vaccine program. But any doctor (over 100 thousand of them) who rejects the CDC recommendation to give Covid vaccines to children, should not be trusted. Or, perhaps that stipulation was only for childhood vaccines. But for the Covid vaccine it is permissible to follow your doctor’s advice even if they are against the vaccine entirely. It is unclear, but it would be nice if the Vaad would clarify. And Bais Din has a חיוב to force them to do so. It is irresponsible to leave everyone confused with false, misleading and contradictory statements, especially on matters relating to personal health and safety of the entire community.

Claim #2:

The false information published by the Vaad has caused, and continues to cause, innumerable damage throughout the community, including difficult שלום בית problems sometimes even destroying marriages, and שנאת חנם between neighbors, friends, and extended family members. The instructions given to schools to “refuse entry” to any child missing any of the 17 vaccines listed on the CDC website causes a tremendous amount of friction between couples. With an all-or-nothing approach, very often one spouse will agree to vaccinate so the child can go to school. But the other spouse would rather home school or move out of town. Had the Vaad been honest that only MMR was voted to be required, but all other vaccines are optional,

a great amount of conflict could have been avoided. Very often, both parents will agree to give one vaccine, but they will not both agree to give 17 of them.

Also, the language in the 2018 letter is extremely offensive and provocative, claiming that anyone who declines any of the recommended vaccines “endangers the community”. This type of language encourages hatred and violence. What is the הלכה of a רודף? Had the Vaad been honest, and reported that some or most rabbis recommend MMR, or even that it is an obligation, it would not lead to nearly as much שנאת חנם. But to falsely indicate that I am a רודף is completely out of line. Even the claim that there is some type of “Halachic obligation” is baseless, at least in Judaism. If you would like to invent a new religion, you can make up any “obligation” you want. In fact, Rav Moshe זצ"ל pointed out back in the 70s the terrible trend he was noticing, especially when it comes to vaccines, that many people worship the medical establishment as if it is עבודה זרה.⁹

Much of the damage the defendant has caused and continues to cause falls under the category of גרמא – an indirect damage. Although Bais Din will not impose monetary compensation for a גרמא, they are obligated to do everything in their power to prevent the defendant from causing further damage.¹⁰ The majority of the 2018 letter, if not all of it, needs to be publicly retracted, and the 2020 letter needs to be modified and clarified.

Claim #3:

Based on the undisputed opinion of the טור and ש"ך, it is אסור to take a medication that was never tested or monitored for safety [see footnote #8]. Every drug in the world is tested in a trial against a placebo prior to going to market. But not childhood vaccines. Studies are done every day analyzing historical data on all sorts of products, including drugs. But not vaccines.

As I quoted previously from the רא"ש and other Poskim, Bais Din has a חיוב to get involved in matters pertaining to health and safety. Bais Din must give a psak, and do everything in its power to enforce it. The Halacha is perfectly clear. Medicine which lacks basic safety measures is אסור. I know, it is politically incorrect to say vaccines are אסור. But as religious Jews, we are supposed to follow Halacha even if it is politically incorrect.

I would also request a clarification from Bais Din: what specifically does the טור require when it comes to medicine? How much testing and research is required to ensure safety? Zero, which is approximately the amount currently utilized, is obviously insufficient. A bag of potato chips won't qualify for kosher certification with zero oversight and verification. But the Vaad found it appropriate to certify an experimental injection with zero safety oversight. It is outrageous, and Bais Din has a חיוב to intervene.

⁹ מסורת משה חלק ב דף שיג

¹⁰ רמ"א ח"מ ס' שפו סע' ג בשם שו"ת הרשב"א

Claim #4:

I can easily present 30 hours of expert testimony showing a disturbing level of carnage caused by these vaccines. And that will only scratch the surface. It will become clear that the Covid vaccine is by far the deadliest and most devastating vaccine in history. It is even worse than the smallpox vaccine, which the תפארת ישראל admitted killed one in every thousand recipients. Bais Din will be required to take a very serious stance on the matter and warn the community against taking the vaccine. In fact, numerous Batei Din in America and in Israel have done just that. After hearing several hours of expert testimony, they issued written rulings vehemently against the Covid vaccine. They strongly opposed the vaccine for children, and some of them even opposed its use for adults. However, for the sake of saving time, I am willing to omit this last claim. The first three claims are more than sufficient.

It is important to note, however, that in some instances personal liability may exist for vaccine injuries. For example, a young, healthy friend of mine suffered a stroke immediately after a Covid booster shot. If his decision to take the shot was based on the false "unanimous" declaration of the Vaad, they would be personally liable for damages. And certainly, in cases where parents are coerced by schools to vaccinate their child, and the child is נ"ח injured, board members as well as the Vaad are personally liable. Many of these cases fall under the category of גרמי.¹¹ If time permits, I would like to clarify the Halacha in Bais Din so that *when* (not if) cases come forward, we will already have a basis for liability established.

In closing, a lot is at stake. Anyone can keep the Torah when it's easy and convenient. The real test is: will we follow Halacha even when faced with social pressure? Or, will we justify our actions by twisting the Halacha to support the socially acceptable view? The Torah itself is quite literally at stake. If the rule of law can be twisted to say whatever we need it to say, there is no rule of law. Politicizing the rule of law is a huge problem in this country, and it is our responsibility to interpret the law objectively, setting an example for the rest of the world.

Is it possible I am wrong? Is it possible the Shulchan Aruch obligates us to vaccinate? Of course it's possible. But then you will be forced to take the position that Rav Moshe and the Tiferes Yisroel didn't know how to read the Shulchan Aruch. Personally, I am more comfortable with the position that they knew perfectly well how to read the Shulchan Aruch, and they were correct when they said no חיוב exists to vaccinate, and in some cases, it is אסור. The idea that we are "Halachically obligated" to vaccinate is a fabricated concept with no basis in reality, invented to accommodate a personal agenda. But if the defendant truly believes I am wrong, by all means, prove it.

¹¹ נתיבות ס' קכט ס"ק ב, וערוה"ש שם סע' ג

Exhibit A

Table 1-20. Deaths and Death Rates for Each Cause, by Color and Sex: United States, 1962—Con.

(See headnote at beginning of table)

SEVENTH REVISION OF INTERNATIONAL LIST, 1955		NUMBER								RATE					
Number	Cause of death	Total			White		Nonwhite		Total			White		Nonwhite	
		Both sexes	Male	Female	Male	Female	Male	Female	Both sexes	Male	Female	Male	Female	Male	Female
I. Infective and parasitic diseases—Con.															
Spirochetal diseases, except syphilis—Con.															
074	Other spirochetal infections-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.0	Rat-bite fever due to <i>Spirochaeta morsus muris</i> (sodoku)-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.1	Other-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
080-096	Diseases attributable to viruses-----	2,933	1,384	1,549	1,122	1,258	213	242	1.6	1.5	1.6	1.4	1.6	2.1	2.2
080	Acute poliomyelitis-----	60	37	23	29	17	7	5	0.0	0.0	0.0	0.0	0.0	0.1	0.0
.0	Specified as bulbar or polioencephalitis-----	35	21	14	17	9	4	4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
.1	With other paralysis-----	7	4	3	4	2	-	1	0.0	0.0	0.0	0.0	0.0	-	0.0
.2	Specified as nonparalytic-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.3	Unspecified-----	18	12	6	8	6	3	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0
081	Late effects of acute poliomyelitis-----	123	57	66	51	60	4	6	0.1	0.1	0.1	0.1	0.1	0.0	0.1
082	Acute infectious encephalitis-----	582	283	299	235	238	38	48	0.3	0.3	0.3	0.3	0.3	0.4	0.4
.0	Arthropod-borne encephalitis-----	17	4	13	4	10	-	2	0.0	0.0	0.0	0.0	0.0	-	0.0
.1	Lymphocytic choriomeningitis-----	74	36	38	32	27	3	9	0.0	0.0	0.0	0.0	0.0	0.0	0.1
.2	Lethargic encephalitis-----	4	2	2	1	1	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0
.3	Other and unspecified infectious encephalitis-----	487	241	246	198	200	34	37	0.3	0.3	0.3	0.3	0.2	0.3	0.3
083	Late effects of acute infectious encephalitis-----	80	52	28	45	26	4	-	0.0	0.1	0.0	0.1	0.0	0.0	-
.0	Postencephalitic Parkinsonism-----	54	38	16	35	14	2	-	0.0	0.0	0.0	0.0	0.0	0.0	-
.1	Postencephalitic personality and character disorders-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.2	Postencephalitic psychosis-----	1	1	-	1	-	-	-	0.0	0.0	-	0.0	-	-	-
.3	Other postencephalitic conditions-----	25	13	12	9	12	2	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0
084	Smallpox-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
085	Measles-----	408	190	228	126	153	51	69	0.2	0.2	0.2	0.2	0.2	0.5	0.6
.0	Without mention of pneumonia-----	156	71	85	56	66	13	17	0.1	0.1	0.1	0.1	0.1	0.1	0.2
.1	With pneumonia-----	252	109	143	70	87	38	52	0.1	0.1	0.2	0.1	0.1	0.4	0.5
086	Rubella (German measles)-----	8	3	5	3	5	-	-	0.0	0.0	0.0	0.0	0.0	-	-
087	Chickenpox-----	134	74	60	65	56	7	4	0.1	0.1	0.1	0.1	0.1	0.1	0.0
088	Herpes zoster-----	69	25	44	20	42	3	2	0.0	0.0	0.0	0.0	0.1	0.0	0.0
089	Mumps-----	43	20	23	18	19	1	3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
090	Dengue-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
091	Yellow fever-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
092	Infectious hepatitis-----	911	386	525	317	436	52	69	0.5	0.4	0.6	0.4	0.5	0.5	0.6
093	Glandular fever (infectious mononucleosis)-----	18	11	7	10	7	1	-	0.0	0.0	0.0	0.0	0.0	0.0	-
094	Rabies-----	1	1	-	1	-	-	-	0.0	0.0	-	0.0	-	-	-
095	Trachoma-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
096	Other diseases attributable to viruses-----	496	255	241	202	199	45	36	0.3	0.3	0.3	0.3	0.2	0.4	0.3
.0	Herpes febrilis-----	19	7	12	6	11	1	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
.1	Infectious keratoconjunctivitis-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.2	Psittacosis and ornithosis-----	1	1	-	1	-	-	-	0.0	0.0	-	0.0	-	-	-
.3	Cowpox-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.4	Epidemic hiccup-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.5	Epidemic myalgia (Bornholm disease)-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.6	Foot and mouth disease-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.7	Sandfly fever-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.8	Rift Valley fever-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
.9	Other-----	476	247	229	195	188	44	35	0.3	0.3	0.2	0.2	0.2	0.4	0.3
100-108	Typhus and other rickettsial diseases-----	16	10	6	8	5	2	-	0.0	0.0	0.0	0.0	0.0	0.0	-
100	Louse-borne epidemic typhus-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
101	Flea-borne endemic typhus (murine)-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
102	Brill's disease, not specified as louse- or flea-borne-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
103	Tabardillo (Mexican typhus), not specified as louse- or flea-borne-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
104	Tick-borne typhus-----	12	7	5	5	4	2	-	0.0	0.0	0.0	0.0	0.0	0.0	-
105	Mite-borne typhus-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-
106	Volhynian fever (trench fever)-----	-	-	-	-	-	-	-	-	-	-	-	-	-	-



1-42

SECTION 1 - MORTALITY

Exhibit B

(10 pages)

7"01

Associated's COVID-19 Vaccination Town Hall Meeting for the Orthodox Jewish Community, follow-up questions.

10/20/21: An email was sent out to the community which stated the following:

On Sunday night, October 24th at 7:30pm, the Baltimore City Health Department and The Associated will host a **live virtual Town Hall meeting** with the Orthodox Jewish community about COVID-19 vaccination. You've got questions and concerns, let's bring those to the table and hear answers from experts and community leaders. The panel of presenters will include Rabbi Jonathan Seidemann, Dr. Kendra McDow, Dr. Naor Bar Zeev, Dr. Susan Lipton, and Councilman Yitzzy Schleifer, and will be moderated by Laura Kurcfield - VALUE Baltimore's Vaccine Coordinator for our community. We will cover all of the topics on people's minds relating to COVID-19 vaccination – breakthrough cases, kids and teens vaccination, fertility concerns, myocarditis, boosters, DNA, and more!

The email continues with the following statement:

Questions are highly encouraged to be submitted in advance online to bit.ly/questionscovid19.

Later that day, I submitted the following question to the panel. I also submitted an additional question, but this is the only one they addressed at the meeting:

As Orthodox Jews, we are supposed to follow the guidance of the Shulchan Aruch. In O.C. 618:4, we are told that if 2 doctors say there is a danger, we are required to follow their advice even if 100 doctors disagree. The general rule is that the phrase "even 100" really means "even 1,000". But even if you want to say that it is strictly 100, at least 2% of doctors are against giving the covid vaccine to children and teens due to minor side effects such as heart inflammation, blood clots, and death, and due to the fact that it is completely unnecessary to vaccinate them. (Tens of thousands of doctors are also against the covid vaccine for adults.) Do any of the experts on this panel say that covid is dangerous for perfectly healthy children and teens? If yes, please provide a source. If no, why are we ignoring the Shulchan Aruch? Perhaps you will argue they need to vaccinate to protect grandma. A. The vast majority of literature (including a statement from the CDC Director) indicates that if anything, you are putting grandma in GREATER danger by removing the child's symptoms, while most likely NOT preventing transmission. B. Even if you come up with a "study" showing that it does offer some protection from transmission (against the vast majority of literature), Shulchan Aruch (C.M. 426) is clear that it would still be forbidden. Pischei Teshuva (426:2) quotes a dispute whether it would be permissible to put oneself in possible danger to save someone else. But they only disagree where the other person is definitely in danger. But when the other person is only in "possible" danger, everyone agrees it is forbidden to put yourself in possible danger. The only way to justify vaccinating children and teens would be to say that if they are not vaccinated, people around them will DEFINITELY die, AND that by taking the vaccine, those people will DEFINITELY be saved. That is a huge stretch to say the least, and even then, it would still be a dispute whether or not it would be permissible to vaccinate.

The 2nd speaker in the panel addressed part of this question. The video of the full town hall meeting was posted on baltimorejewishlife.com on 10/27/21. You can also find the video on youtube at: <https://youtu.be/XvtABIK7YrA>

The following is an email conversation between myself and Laura Kurcfeld, the moderator.

10/25/21: I wrote:

I missed the zoom meeting. Did they answer my questions?

10/26/21, 9:01am: Mrs. Kurcfeld responded:

HI -----,

Sorry I didn't get a chance to respond yesterday. I actually did include one of your questions and had Rabbi Seidemann respond to it. I will be posting the recording link once I get it.

Thanks for the meeting link.

All the best,
Laura

10/26/21, 9:46am: I wrote:

Great. Can you please email me a copy of both of my questions? Which one did you use? How many questions were submitted?

Thank you

10/26/21, 10:47am: Mrs. Kurcfeld responded:

I'll send you a link to the recording when I get it. That will give you the most complete information. Thank you for submitting questions. We of course did not have time to get to all the questions unfortunately but did the best we could.

Have a great day!

10/27/21, 6:47pm: I wrote:

Please email me a copy of my questions.

Did you forward the question to him exactly as I wrote it?

10/28/21, 7:38pm: Mrs. Kurcfeld responded:

HI -----,

I'm on vacation and could not answer your calls today. Here is the link to the recording of the Town Hall: ...

Below are the questions you sent me. {see above, page 1}

10/28/21, 7:46pm: I wrote:

Thank you. Sorry to bother you on your vacation. I'm assuming you forwarded the entire question to Rabbi Seidemann exactly as I wrote it?

10/28/21, 7:52pm: Mrs. Kurcfeld responded:

Yes, he saw your entire question. When you listen to the recording you will hear what I needed to ask for the sake of time.

10/29/21, 9:27am: I wrote a follow-up question. For the most part, there is nothing new. It is just repeating and clarifying that which I submitted in my original question.

Mrs. Kurcfeld,

Thank you for sending my question to Rabbi Seidemann. I have a few follow up questions. He can feel free to respond to me directly:

First, I want to clarify my question. When Rabbi Seidemann repeated my question, saying that there might be 2% of doctors who are "nervous about the vaccine", I believe he mischaracterized their position when he quoted them as saying (12:25) "it's too short of a time table, it's untested, no vaccine has ever been brought to market in such a short time frame." The position of tens of thousands of medical experts around the world is not simply that they are nervous because it's rushed and untested, and who knows what affects the vaccine will cause. 16,000 people are dead in the US alone. There is no dispute as to whether or not those people are dead. The only dispute is, did all 16,000 people coincidentally die within hours of the vaccine, or were the deaths a direct result of the vaccine? There might also be a category of doctors who are unsure if it was a coincidence or a direct cause. But I am referring to the tens of thousands of experts around the world who are confident that it was a direct cause. They are NOT saying "who knows, maybe it can cause death?" They are saying "this vaccine is killing people". Also, as I explained in my question, I don't think you need 2%. You would only need 0.2%. And as I explained, I am primarily asking about children and teenagers. I have spoken to local doctors who are specifically against vaccinating children and teenagers. Also, most people agree that the government reporting system which shows the 16k deaths, is underreported and very inaccurate. According to a Harvard study, only 1% of adverse events are reported. The most conservative estimate I have heard is 10%. That means at a minimum, you have to multiply the results by 10. There are also hundreds of thousands of permanent injuries reported as a result of the vaccine. The high school athletes who turned into vegetables within minutes of taking the vaccine, are definitely vegetables. There's no question about it. The only question is, were they all a coincidence? According to tens of thousands of medical experts around the world, it is no coincidence.

Rabbi Seidemann answered my question by saying: "it's just the opposite. If a person cares about saving lives, then he really doesn't have an option but to follow the majority who say that this is what a person must do to save lives, and certainly to save his own life."

Please provide me with the name of a single physician on the planet who asserts that **healthy** 5-12 year olds are at high risk of death from covid-19. You say that according to Jewish code of law, we have "no option but to follow the majority...to save his own life". If you have the majority, it shouldn't be difficult to find one doctor who maintains that position. Around 50 healthy children have died from covid. But you also had 50 people who died from being struck by lightning. Keep in mind, the only information we want from the expert is the number of deaths, not their opinion on how afraid we should be. If an expert tells us that 50 people were struck by lightning last year, and therefore we all need to be terrified and never leave our homes, would you comply? We can believe the expert on the number of fatalities, but we should ignore the "expert" advice that we all need to live in fear. I would like you to provide the name of a doctor who says that thousands of perfectly healthy children died from covid. Not an expert who says that 50 children died, and therefore it is a deadly disease. If you are using או"ח ס' תריח to require us to vaccinate our children, stating that their life is in danger while unvaccinated, I would like to know which doctor gave you that information.

You also assert that we must vaccinate because according to the majority, "this is what a person must do to save lives, and certainly to save his own life." When you say "to save lives", you are clearly referring to other people's lives. In other words, I must vaccinate my child to save other people from dying. As I explained in my question, this is wrong on numerous accounts: 1. According to the CDC Director, as well as all the literature, vaccines **can't** stop infection and transmission. Therefore, not only are you not saving anyone's life, you are putting them in greater danger. Since the vaccine allegedly lowers or blocks the symptoms, you could be spreading the disease without even knowing it. Had you not vaccinated, you would have gotten a small cough, stayed home, and not infected everyone else. 2. Even if you somehow make the argument that vaccinating yourself will save other people's lives, it would be forbidden according to Shulchan Aruch. See my original question for the exact source. One must not enter even a possibly dangerous situation in order to save someone else from a possible danger.

Thank you in advance for your prompt reply on this very urgent matter.

11/1/21, 12:42pm: I had not received any response, so I sent another follow-up email:

Good afternoon,

Did you forward my email to Rabbi Seidemann? Please ask him when I should expect a response.

I would also like to add some information to my previous email. Here are a few sources supporting what I said, that a more accurate ratio should be 0.2%, instead of 2%.

תוס' ב"ב דף כג. ד"ה והתניא, יד רמה ב"ב דף קמו. ד"ה והא

I thought I remember seeing a more explicit source, but I was unable to find it.

Here is another important factor to keep in mind. The Gemara we are discussing is talking about two doctors who thoroughly examined the patient, and both came to the conclusion that fasting could lead to a סכנת נפשות. One hundred doctors also conducted a thorough examination of the patient, and each of them came to the opposite conclusion, that there was no risk. Normally we follow רוב דעות, the majority opinion. But this is an exception to the rule.

This discussion only begins when you are dealing with דעות, expert opinions. Each doctor examined the patient and based on his/her findings, came to an expert assessment of the situation. But what would you say in the following case? 2 doctors who examined the patient said there is a risk. 10 doctors examined the patient and concluded that there is no risk. And one million doctors who never examined the patient, and don't even know any details about the patient, tell us that they trust the 10 doctors who said there is no risk. Do each of those million doctors count as a separate דעה? Is it 2 vs 10, or is it 2 vs 1,000,010?

I think it is obviously 2 vs 10. That doesn't mean the million doctors' opinion is worthless. It is a valid opinion. It just has no direct relevance to the discussion of whether or not this particular patient is at risk. Their opinion is only relevant if you want to determine if the 10 doctors are competent. Regardless if the 10 doctors are competent or not, the patient may not fast since we are concerned that the 2 doctors might be correct. Even if it is true that the 10 doctors are MORE competent than the 2 doctors, we still listen to the 2 doctors.

רמ"א או"ח ס' תריח סע' ב שער הציון ס"ק יא

But what would you say if all million doctors who said that the 10 doctors are competent, would lose their license and get fired from their jobs if they said otherwise? And what would you say if the 10 doctors were caught lying on numerous occasions over the last 2 years? Please show me where it says in Shulchan Aruch that we must follow the advice of liars? I don't see how anyone can make the argument that the 10 doctors are in fact more credible than the 2. But like I said, even if you argue that they are more credible, it is irrelevant.

11/4/21, 2:06pm: I did not receive any response. I also tried calling Mrs. Kurcfeld a few times on her direct line, but she never answered the call and she never called me back, so I sent the following email:

I would appreciate a response.

11/8/21, 3:00pm: It has been 11 days since the last time I heard from Mrs. Kurcfeld. I sent her and Rabbi Seidemann the following email:

Mrs. Kurcfeld and Rabbi Seidemann,

Someone recently asked me the following question: There are many doctors and many rabbis who say that we should get vaccinated. There are also many doctors and many rabbis who say we shouldn't. How do we know who we should listen to?

It's a good question. It can be confusing to know what is the correct thing to do. A Bais Din in America recently convened, heard hours of testimony from experts, and ruled that it is forbidden, under any circumstance, to give the vaccine to children and teenagers. A different Bais Din in Israel issued a similar ruling. But there are many rabbis who say that everyone is obligated to get the vaccine according to הלכה. How are we supposed to know who to listen to?

I responded that it is extremely simple to determine who we should listen to: Every rabbi and every doctor in the world (all tens of thousands of them) who are either partially or fully against the vaccine, if you were to approach them with questions, whether you agree with them or you are trying to challenge

them, they will give you all the time in the day and they will give you a very thorough response. If you have a follow-up question, no problem. They will take hours out of their busy day to give you all the answers you want.

In contrast, if you approach any rabbi or any doctor who is in favor of the vaccine, 99.9% of the time they will refuse to talk to you if they sense that you might not be fully supportive of their views. If you're lucky, you may get a brief irrelevant response, but most of the time they will either ignore you or call security.

It makes absolutely no sense to follow the advice of people who refuse to support and validate their own opinion. On a rare occasion, such as the recent town hall event, you will have a few rabbis and doctors who claim they would like to answer our questions. You claim you want to address the concerns of those who are hesitant to take the vaccine. However, the one question of mine that you responded to was a non-answer. You ignored 3/4 of what I submitted. I am aware of the answer that people have given, that since most doctors say it is a סכנה if you don't vaccinate, we should revert to the standard rules of following the majority. That's why I asked if you have any medical source to support that claim. I am aware of the answer that we have to protect grandma. That's why I asked if you have any source in הלכה to support that statement. But you just went ahead with the typical bumper sticker response, a complete non-answer. What did you think you were trying to accomplish by ignoring 3/4 of my question?

THIS IS EXACTLY WHY WE ARE HESITANT. Because you refuse to substantiate your views, and you refuse to answer our questions. Furthermore, it is a tremendous חילול ה' to publicly twist the תורה to say something it does not, and to make it look like your personal views are based on הלכה, when they are not. I am not expecting either of you to agree with me, and to risk getting fired from your positions. But to make a public statement, twisting and misrepresenting the words of the תורה, is unacceptable.

11/9/21, 4:20pm: The next day, Rabbi Seidemann responded to me, and cc'd Mrs. Kurcfeld:

Dear -----,

Mrs. Kurcfeld forwarded me your question re the Covid vaccines for children ages 5 to 12. I had never addressed that part of it in any forums . Everything I said was regarding adults . When it comes to children it is a completely different calculus as far as what we currently know , and that is a question that each parent may analyze with the Pediatrician whom they trust and have experience with .

The Vaad HaRobbonim has never addressed nor issued any statement one way or the other regarding the 5 to 12 age group.

We have until now been encouraging adults to get vaccinated.

Rabbi Jonathan Aryeh Seidemann
Kehilath B'nai Torah Congregation
6301 Green Meadow Parkway
Baltimore, Maryland 21209

11/9/21, 4:22pm: I asked:

What about teenagers?

11/9/21, 4:29pm: Rabbi Seideman responded:

It seems the local general communal Rabbinic perspective has been to treat them as adults regarding this , and it seems that the local pediatricians by and large have this perspective, and my understanding is that the local Yeshivos have come to that conclusion as well, however, presumably, as long as the child still is young enough for pediatric care , then that can be a conversation and analysis to have with one's pediatrician.

11/10/21, 12:23am: I said:

Thank you for your response.

Mrs. Kurcfeld informed me that she forwarded you my original question in its entirety, where I specified three times that I was specifically referring to "children and teens". Therefore, when you addressed my question during the zoom meeting, I took the liberty to assume you were referring to children and teens. But thank you for clarifying that you had "never addressed" children's covid vaccines in any forum, and that everything you said was regarding adults.

To clarify, the Vaad HaRobbonim has been "encouraging adults to get vaccinated". But when it comes to children, although the FDA voted 17-0 to approve the vaccine for children, and although the CDC "recommends **everyone ages 5 and older get a covid-19 vaccine** to help protect against covid-19", you are telling me that the Baltimore Vaad HaRobbonim is NOT encouraging parents to vaccinate their children against covid-19, at least through age 11, and possibly until age 17 ("as long as the child still is young enough for pediatric care"). Rather, each parent should have a conversation with the pediatrician whom they trust. Is that correct? I am curious to know why the Vaad HaRobbonim rejects the advice established by the medical community, as outlined by the CDC. If it is because you do not trust the FDA and the CDC, I completely understand.

To clarify further, I have a few children between ages 5 and 17. I had spoken at length with the pediatrician whom I trust, and I was instructed that under no circumstance should I give my children the covid vaccine. Are you saying it is the official position of the Vaad HaRobbonim that in my specific case, as well as anyone in a similar situation, that we should NOT vaccinate our children for covid-19?

Also, what about **perfectly healthy** 18 or 20 year olds? You are telling me that their lives are in danger if they don't get vaccinated, according to the majority of doctors. As I requested previously, please provide me with the name of the doctor who gave you this information.

Thank you

11/10/21, 4:23am: Rabbi Seidemann responded:

I am saddened that you insist on taking my words out of context, and it is probably better if we just allow this to be the last correspondence on this matter, as whatever I respond apparently you will twist to your preference.

The Vaad HaRobonim has not made any recommendation re children; we didn't "vote" to "reject" FDA / CDC, we didn't vote to accept, we simply have not gotten involved in it. Please don't spend your time and mine spinning imaginary conspiracies and stating things in ways I didn't say.

If you have an approach regarding Covid vaccines which you are following, you are going to do whatever you are going to do regardless. Please don't harass Robbonim and others who see things differently than you.

11/10/21, 4:37pm: I said:

I received an email on October 20th informing me of the Associated's COVID-19 Vaccination Town Hall Meeting for the Orthodox Jewish Community, taking place on Oct 24th, moderated by Laura Kurcfield. The email stated that "questions are highly encouraged to be submitted in advance". I never approached you. YOU solicited ME. You even "encouraged" me to submit my question, which I did. I am simply asking you to clarify your answer, and you respond by asking me to stop harassing you. Unbelievable.

THIS IS EXACTLY WHAT I WAS TALKING ABOUT. Without exception, every time a rabbi or doctor in favor of the vaccine is questioned by someone who might not agree with them, the most you will get out of them is a bumper-sticker response. The minute you try to go into the slightest amount of detail, the conversation is over. Many people in the community want to know who they should listen to. What they need to understand is that it makes absolutely no sense to follow the advice of those who refuse to explain themselves or answer any questions. If you would like us to follow your advice, which I assume you do, continuing with the same pattern is counterproductive.

The question I submitted was clearly addressing vaccination for "children and teens". I assumed, therefore, that you were responding to my question. You then informed me that "everything you said was regarding adults". And that's fine. That's why we are having a conversation, so that I can better understand your position. There's no need to get sad or make accusations about "spinning imaginary conspiracies", whatever that means.

You said regarding children, "that is a question that each parent may analyze with the Pediatrician whom they trust". Then you said "The Vaad HaRobbonim has never addressed nor issued any statement one way or the other regarding the 5 to 12 age group." I assumed, therefore, that the first statement was the current advice that the Vaad HaRobbonim was giving parents. As you explained in the next email, they did not vote to reject or accept. But למעשה, what should parents do right now? I think it was a perfectly reasonable interpretation of your words that the first statement, that each parent should "analyze with the Pediatrician whom they trust", is what the Vaad is currently recommending. Now you inform me that I misunderstood your words. Please forgive me. But again, there's no need to be sad.

We now know that the statement, "each parent may analyze with the Pediatrician whom they trust", was NOT the official advice of the Vaad HaRobonim. Then whose advice was it? Can I assume that it

was YOUR advice? In that case, let me reword my statement: although the FDA voted 17-0 to approve the vaccine for children, and although the CDC "recommends **everyone ages 5 and older get a covid-19 vaccine** to help protect against covid-19", you, Rabbi Jonathan Aryeh Seidemann, do not, as of today's date of 11/10/2021, accept the advice of the FDA and CDC. Had you accepted their advice, you would have told me to vaccinate my children. But alas, you have NOT advised me to vaccinate my children. Rather, you advised me to "analyze with the Pediatrician whom I trust". I then informed you that the pediatrician whom I trust has instructed me not to vaccinate my children. In effect, your advice to me today is that I should not vaccinate my children. Correct?

You said "If you have an approach regarding Covid vaccines which you are following, you are going to do whatever you are going to do regardless." First of all, I DID follow your advice regarding children, as described above. Also, you refuse to answer most of my questions. That's the main reason it would be foolish for anyone to follow your advice in general. But if you would be more forthcoming and provide complete answers and explanations, I very well might take all of your advice. For example, you said that 18-20 year olds are required to vaccinate according to Shulchan Aruch since the majority of doctors say that their lives are in danger if they don't vaccinate. I asked you for the name of even one doctor who said that, but you refused to respond. I asked you for a basis in Halacha that an 18-20 year old is required to vaccinate to protect others. But you refused to respond. I asked if there are any doctors who say that children's lives are in danger if they don't vaccinate. I understand that "the Vaad HaRobonim has not made any recommendation re children", and that they have not voted one way or the other. I am asking you, Rabbi Jonathan Aryeh Seidemann, is there any reason we should ignore the explicit ruling of the Shulchan Aruch? Again, you refused to respond.

Should you choose to respond to my questions, I would be more than happy to continue this very important and productive conversation. But please let me know either way. There are many people in the community who would like to know if you have anything substantive to convey in response to my questions, and I don't want to keep them waiting.

Thank you

11/10/21, 4:52pm: Mrs. Kurcfeld piped in:

Hi -----,

With all due respect, you have crossed the line into harassing Rabbi Seidemann, and I need to ask you to please stop.

You sent in your question to the Town Hall, and as noted in the event's information, we did our best to present questions that could best be addressed within the time constraints we had. I have since then been very busy and apologize for not being able to address your emails from last week. I was going to send your full question to Rabbi Seidemann yesterday for him to get back to you and address in full, when you sent an email to both of us. I asked Rabbi Seidemann to respond to your original questions. Rabbi Seidemann did so, and went beyond that answering your next question as well. Since his first response you have engaged in a combative dialogue. I wish we were able to respond in a way that satisfies you more, and acknowledge that we are unable to do so. At this point we will not be responding to your questions on this matter further.

If Rabbi Seidemann wishes to add anything to this, he is surely welcome to do so. If I may be so bold, I will speak on behalf of both of us and wish you well as you navigate through your concerns about the vaccines and the Rabbis' approach to communicating about them.

All the best,
Laura

11/10/21, 9:00pm: I concluded:

As they say, Laura, if you can't take the heat, get out of the kitchen.

You never learned in Yeshiva, but this is what it's supposed to look like. מלחמתה של תורה. It's a war zone. This is the only way to get to the truth. But I assure you, it's nothing personal.

These are life and death questions. Frankly, I don't have time to "navigate through my concerns". I want answers.

It is perfectly clear to anyone reading this conversation that the question which I submitted, as well as any subsequent questions, were not answered. Had you or the rabbi told me that you can't answer my question, that would have been fine. But to pretend to answer my question, especially to claim that your ideology has a basis in הלכה when in fact it does not, is unacceptable.

I asked you on Oct 27th and again on Oct 28th if you forwarded my question in its entirety to the rabbi. On Oct 28th you responded "Yes, he saw your entire question". Through his own admission, he did not respond to my question. He had plenty of opportunities to respond, but he refused.

Thank you for your efforts. I think we accomplished a lot. This is further proof that those who support the vaccine will never be willing to substantiate their position. Ask any of the doctors you know if they are willing to enter into an open public debate. I will pay you \$1,000 if you can find even one expert. I can probably offer you \$100,000, because I know you won't be able to find anyone. In contrast, give me 30 minutes, and I'll find you 30 medical experts to argue against the vaccine who will show up to a public debate, any time, any place. Is it a coincidence? Of course not. The science is against the vaccine. The statistics, the math, the logic, *everything* is against the vaccine. The vaccine is nothing more than a religious belief with absolutely no basis in logic, and certainly no basis in הלכה.

Case closed.

Have a good night.

Rabbi Eliezer Dunner
Rav Adath Yisroel Congregation
Member of Badatz Shearis Yisroel
5 Tzanz St B.B

אלוועזער הלוי דוננר
רב דקיק עדת ישראל
חבר הדב"ץ שארית ישראל
רח"צ צאנז 5 ב"ב

בסייד, יום ג' כ"ב שבט ה'תשנ"ב

To Whom It May Concern

Concerning children whose parents don't allow them to be vaccinated, I asked if one has the right to stop them coming to school or synagogue because they might cause other children to become ill in ; He answered that one cannot stop them from coming to school or synagogue.

I understood from him that the llr that those not-vaccinated children could cause other children [who were vaccinated] to become ill, is so remote, that this llr cannot be taken into consideration as a reason to stop the not-vaccinated children from coming to school or synagogue.

He added that if there are parents of vaccinated children who are scared that their children might become ill because of those children who are not vaccinated, then they should keep their vaccinated children at home, but I understood from him that since the llr is so remote, that they don't have to be moved.

אשר נשאלתי על שאלה זו
בשם הרב אלוועזער הלוי דוננר
ביום ג' כ"ב שבט ה'תשנ"ב

Letter written by Rav Eliezer Dunner who asked Rav Kanievsky about keeping unvaccinated children out of school

To whom it may concern,

Concerning children whose parents don't allow them to be vaccinated, I asked Rav Kanievsky shlita, if one has the right to stop them coming to school or cheder because they might cause other children to become ill, chas v'shalom.

He answered that one cannot stop them from coming to school or cheder.

I understood from him that the chashash that those unvaccinated children could cause other children (who were vaccinated) to become ill, is so remote, that the chashash can't be taken into consideration as a reason to stop the not vaccinated children from coming to school or cheder.

He added that if there are parents of vaccinated children who are scared that their children might become ill because of those children who are not vaccinated, they should keep their vaccinated children at home, but I understood from him that since the chashash is so remote, that they don't have to be scared.



Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

July 29, 2020

SENT VIA EMAIL

Elizabeth Brehm
Siri & Glimstad
200 Park Avenue, 17th Floor
New York, 10166
Via email: foia@sirillp.com

Dear Ms. Brehm:

This letter is in response to your Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry (CDC/ATSDR) Freedom of Information Act (FOIA) request of July 13, 2020, for:

"All documents in the CDC's possession which compare the health outcomes between children that have received vaccines and children that have never received any vaccines."

A search of our records failed to reveal any documents pertaining to your request. The CDC has not conducted a study of health outcomes in vaccinated vs unvaccinated populations.

You may contact our FOIA Public Liaison at 770-488-6277 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Deputy Agency Chief FOIA Officer, Office of the Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, Suite 729H, Washington, D.C. 20201. You may also transmit your appeal via email to FOIARequest@psc.hhs.gov. Please mark both your appeal letter and envelope "FOIA Appeal." Your appeal must be postmarked or electronically transmitted by November 2, 2020.

Sincerely,

Roger Andoh
CDC/ATSDR FOIA Officer
Office of the Chief Operating Officer
Phone: (770) 488-6399
Fax: (404) 235-1852

#20-02002-FOIA

Emails

7/8/22 - Me

Good morning.

Please forward a copy of the attached complaint to the defendant.

As you can probably imagine, I am not the only individual in the community with these complaints. I am compiling a list of community members who would like to join me as plaintiffs in the Din Torah. I can provide a list of names next week.

Please respond through email after you receive a response from the defendant, and please let me know if you have any questions.

Thank you

7/12/22 - Me

Please confirm that you received my email from July 8th.

7/12/22 – Bais Din

Yes-received.

7/14/22 - Me

Did you deliver a copy of the claims to Rabbi Hopfer?

7/14/22 – Bais Din

Yes.

7/14/22 - Me

Thank you. What did he say?

7/15/22 – Bais Din

He said that he has previously discussed this issue with you.

7/15/22 - Me

That's right. The first nine pages describes many of the details that we discussed.

But if you take a look at Pages 10 to 13, there is a list of four claims which he has not yet addressed. Did he have anything to say in response to any of those four claims?

7/17/22 – Bais Din

No.

7/17/22 - Me

I'm available any day this week.

Is he willing to have a Din Torah? What was his intention when he said that he "previously discussed this issue" with me? Is he not willing to go to Bais Din?

7/20/22 - Me

I sent a request for a Din Torah 12 days ago. I spoke with Rabbi Rosenfeld today, and he informed me that he does not have any additional information to give me. I would appreciate a response on the status of this case. Should I expect an answer in the next day or two, or should I contact a different Bais Din?

7/22/22 - Me

Please respond.

7/24/22 – Bais Din

-----, Your claim has been given to Rav Hopfer shlita to review, and we are waiting for his response. Thank you.

7/28/22 - Me

Good morning,

When should I expect a response?

7/29/22 - Me

When should I expect a response?

7/31/22 - Me

Good morning,

Please ask Rabbi Hopfer if and when he intends to respond. It's a very simple request.

Thank you

8/3/22 - Me

Please respond.

8/4/22 - Me

Are we giving the defendant a deadline when he needs to respond?

It has almost been a full month since I submitted my claims.

8/8/22 - Me

I would appreciate a response.

8/9/22 – Bais Din

Dear R' -----,

We are awaiting a response from Rav Hopfer. We will respond to you when we receive it.

Yosef Rosenfeld, Mazkir, Baltimore Bais Din

8/9/22 - Me

Thank you for getting back to me. I have no doubt you will let me know when you receive his response, as you have stated on 7/24.

The questions that I asked on 7/28, 7/29, 7/31, 8/3, 8/4, and 8/8, for which I have yet to receive a response, is the following:

1. Would you kindly contact Rabbi Hopfer and ask him if and when he intends to respond?
2. Is there a deadline?

These are perfectly reasonable questions, and I would appreciate some answers.

If he feels he needs 5 years to respond, is that how long I will have to wait? He should be able to give you a reasonable time frame as to when he expects to provide a response. If he can't do that, Bais Din should give him a deadline.

If you disagree, and you think my requests are unreasonable, please let me know and I will find a different Bais Din.

Thank you

8/9/22 – Bais Din

Dear R' -----,

We have contacted Rav Hopfer and are awaiting his response- Yosef Rosenfeld, Mazkir, Baltimore BD

8/12/22 – Bais Din

We have followed up again in contacting Rav Hopfer, and were told that he is actively considering and preparing his response, which we will inform you of upon receipt.

8/12/22 - Me

Thank you for the update.

8/19/22 - Me

Can you please give me a general idea of when to expect a response? Is it going to be a few days, months, millennia? It's a little surprising that it is taking this long. When a rav paskens on דיני נפשות, it is based on a tremendous amount of research of both the facts and the relevant הלכה. If Rabbi Hopfer believes his psak is correct, it should not require more than a few days to provide a thorough response based on all his prior research. Please let me know what is going on.

Thank you

8/29/22 - Me

Good afternoon.

Can you please give me an update?

8/31/22 - Me

I spoke to Rabbi Hopfer this morning. Apparently, there is a question as to whether or not Bais Din has jurisdiction over my claims, and he is waiting for a letter from someone who will answer the question. I'm not sure why you felt it was important to withhold that information from me.

Please email me a copy of the question that was submitted. It makes a big difference how you ask the question, which information was included, and which information was excluded.

Did he submit the question, did Bais Din submit it, or was it a joint effort? If Bais Din was involved in any way, I'm not sure why you communicated with him about the case without my knowledge. Please send me a copy of all correspondence including the written question that was submitted.

If Rabbi Hopfer submitted the question entirely on his own without any involvement of Bais Din, he can use the response as a claim, but it will be useless without a copy of the exact question that was asked. As I said, the way the question was asked makes a huge difference. And even if I am agreeable with the way he asked the question, the answer is not binding. I can also ask a rabbi and get a response stating the opposite. These are claims that can be discussed with all parties present. There is no need to hide anything. I asked Rabbi Hopfer if I will get a copy of the answer when it is received. He said "of course". But I also need to see a copy of the question. Please email it to me immediately.

Thank you

And just for the record, I asked Rabbi Hopfer, "if the letter comes back and says my claim isn't valid, will you still answer my questions?". Just as Bais Din has a חיוב דאורייתא to explain their psak din, a Rav also must explain the reason for his psak. He said that he already spoke to me for several hours. I said "but you left me with unanswered questions. We had a discussion about vaccinated vs unvaccinated studies. As soon as I proved my point, you ended the conversation." He said that he doesn't think it proved my point. I said, of course it proves my point. You said several studies were done. I said no studies were done. The letter from CDC explicitly states that NO studies were done. It couldn't be any clearer. He shrugged his shoulders.

9/2/22 - Me

I would appreciate a response.

9/6/22 - Me

Good afternoon.

I'm still waiting for a response to my August 31st email from about a week ago.

If you can't communicate with me, I am more than happy to contact a different Bais Din. Please let me know either way no later than tomorrow morning at 10:00 a.m.

Thank you

9/7/22 - Me

Is there a problem?

9/7/22 – Bais Din

We are awaiting a response from Rav Hopfer.

9/7/22 - Me

Did you see my email from 8/31?

Did he submit the question, did Bais Din submit it, or was it a joint effort?

9/9/22 - Me

I'm asking again for the third time: the question that was asked regarding jurisdiction, was Bais Din involved in any way in the submission of that question?

Please respond.

9/13/22 - Me

Good morning,

I spoke to Rabbi Hopfer about 15 minutes ago. He confirmed that the question regarding jurisdiction was sent by him, and it was in writing. I informed him that I will need to see a copy of the written question. I then asked him if he had discussed the letter with Rabbi Shuchatowitz, but he refused to answer the question.

Rabbi Shuchatowitz, I am asking for the fourth time, did you discuss this matter with Rabbi Hopfer? A simple yes or no will suffice.

Thank you

9/13/22 – Bais Din

Dear -----,

When parties are in Bais Din they can pose questions to the Bais Din, but the Dayanim do not take questions in advance. We are waiting for Rav Hopfer's response and will communicate further at that point.
Yosef Rosenfeld, Mazkir, Baltimore Bais Din

9/16/22 - Me

Good morning.

I understand you would rather not answer my question. It's a free country. I must point out, however, I am getting the impression that this Din Torah is not being handled objectively and in accordance with Halachah.

אסור לדיין לשמוע דברי בעל דין האחד שלא בפני בעל דין חבירו [ש"ע ח"מ ס' יז סע' ה]

It is at least an איסור דרבנן, and according to many opinions it is an איסור דאורייתא. There is also a dispute as to whether it is לכתחילה, or if the Dayan is disqualified [פ"ת שם ס"ק ח].

This is why I asked you to forward my claim to Rabbi Hopfer when it was initially submitted on 7/8/22. I didn't think it was proper to submit arguments to Bais Din without immediately giving a copy to the defendant. I voluntarily included some of the arguments in support of my claim, although I did not have to [אג"מ ח"מ ח"ב ס' ו].

The defendant is apparently arguing that my claim is invalid for some reason, and the case should be dismissed. If the argument was discussed, or even mentioned to a Dayan, we have a problem. The תומים writes that if a Rav is approached, and he does not know if he will end up acting as a Dayan on the case, he may hear the arguments. And if he later ends up acting as a Dayan, it is permissible. However, it is only permissible if the previous discussion with litigant A is disclosed to litigant B. But if litigant B is unaware that the Dayan had previously discussed the case with litigant A, litigant B can claim "אדעתא דהכי לא נתרצתי לדון לפניו". And that's if the Rav had no idea he would end up acting as a Dayan on the case, and there was איסור in hearing the arguments. But when the Dayan is expecting to hear the case, and an איסור was done, it is far worse.

It is fair to assume that Rabbi Hopfer had mentioned and/or discussed this argument with Rabbi Shuchatowitz, from the fact that both of you refuse to answer a simple question. Had the answer been "no", neither of you would have hesitated to respond. Also, I would respectfully challenge the policy that "Dayanim do not take questions in advance" by providing several examples from other cases where you personally answered questions in advance before the parties came to Bais Din. It is common practice for a Dayan to answer procedural questions, or any questions not addressing specific arguments, prior to the Din Torah.

As obvious as my assumption is, it is still an assumption, and I will patiently wait for a final answer to my question, which I asked four times. But I will be perfectly clear: When this "letter" arrives, I will need to see a copy of it in its entirety, as well as a copy of the written question that was submitted. Also, as the תומים ruled, I have a right to know exactly what was discussed between the defendant and one of the Dayanim, if anything. I prefer to get an answer now, but at a minimum, I will need an answer before proceeding with any type of decision from Bais Din on any aspect of this case. I insist we follow the Halachah. I'm assuming that isn't too much to ask.

Please forward a copy of this email to Rabbi Hopfer.

Thank you

To be continued. . .