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**UNITED STATES DISTRICT COURT**  
**Eastern District of New York**

Dr. David Schwartz,  
  
Plaintiff,  
  
v.  
  
The City of New York and  
Lorelei Salas, in her official capacity as  
Commissioner of the Department of  
Consumer Affairs,  
  
Defendants.

Case No.: 1:19-CV-463

DECLARATION OF  
RABBI DR.  
TZVI HERSH WEINREB

Rabbi Dr. Tzvi Hersh Weinreb declares as follows:

1. I am the Executive Vice President Emeritus of the Union of Orthodox Jewish Congregations of America (“OU”). I am the Editor-in-chief of the Koren Talmud Bavli, a bilingual edition of the Talmud (Koren Publishers).
2. I am the former Executive Vice President of the OU and Senior Rabbi of Congregation Shomrei Emunah of Baltimore, Maryland.
3. My educational credentials include a B.A. from Brooklyn College, an M.A. from the New School for Social Research, a Ph.D. in Human Development from the University of Maryland and a Certificate in Group Psychotherapy from the Washington School of Psychiatry. I received my Rabbinic Ordination from the Rabbi Jacob Joseph Seminary.

4. For many years I practiced as a licensed psychologist in the State of Maryland, where I served as Chief Psychologist of the Potomac Foundation for Mental Health in Bethesda, MD. I was also the Senior School Psychologist of Prince George's County, Maryland, and have held various other positions in the fields of psychology and education.

5. I am an active member of the Rabbinical Council of America, the American Psychological Association and the American Group Psychotherapy Association.

**The Lubavitcher Rebbe (“the Rebbe”)**

6. Rabbi Menachem Mendel Schneerson was the leader of the very large Chassidic movement, known alternatively as either Lubavitch or Chabad, from the year 1951 until his passing in 1994. As such, he was the supreme authority of a movement of thousands of Jews throughout the world.

7. Rabbi Schneerson's influence extended well beyond the members of his movement to include Jews and of all backgrounds as well as members of other faiths and traditions.

8. Indeed, though the term “rebbe” (literally, “teacher”) is generically used to refer to a religious leader or teacher, only Rabbi Schneerson – as a reflection of his global impact and universal acclaim – came to be known to all as simply “the Rebbe.”

9. The Rebbe's guidance and blessings were sought by political leaders from mayors of New York City to prime ministers of Israel. His accomplishments were recognized far beyond the Jewish community and included world-famous scientists, artists, writers, and world leaders, including Presidents of the United States of America.

10. His worldview was informed by his advanced secular education in the universities of pre-World War II France and Germany. His published works number in the hundreds, and

include many volumes of his personal correspondences which offer sophisticated and humane counseling and advice to individuals of all religions and from all walks of life.

11. The Rebbe was born in 1902. He studied mathematics, physics, and philosophy at the University of Berlin. In 1933, after the rise of the Nazi party in Germany, Schneerson left Berlin and moved to Paris, France. He continued studying mechanics and electrical engineering at the distinguished ESTP, one of Grandes Ecoles (the leading French institutions for engineering and management) and graduated July 1937. In November 1937, he enrolled at the Sorbonne, where he studied mathematics until World War II broke out in 1939.

12. In 1951, he accepted the position of the seventh rebbe of the Lubavitcher Hasidic Jewish community, a dynasty extending back into the 18th century.

### **The Rebbe's Teachings and Impact**

13. The Rebbe became recognized as a uniquely gifted teacher and an ultimate authority on Judaism and Jewish ethics. He was particularly noted for his ability to offer practical and informed guidance on all aspects of human life. His advice was invariably based upon his rare combination of faith, erudition, compassion, humanity, good humor, and common sense.

14. With time, the Rebbe became recognized as the most influential Jewish leader of the 20th century. Upon his passing, Israeli Prime Minister Yitzhak Rabin cited Schneerson's contribution to world Jewry, proclaiming: "The Rebbe's loss is a loss for all the Jewish people." Similar acclaim was heard from Jewish leaders of every persuasion and from all corners of the world.

15. Perhaps most remarkable was the Rebbe's universal influence. He was recognized far beyond the boundaries of the Jewish community as a moral guide whose message was relevant to all mankind.

16. President Carter honored the Rebbe by declaring 1977 the “Year of Education.”

That year, the United States of America celebrated its first “Education Day, USA” on the Rebbe’s Hebrew birthday. A joint congressional resolution, signed by the Congress and the President, stated:

Congress recognizes a need for the Nation to set aside on the calendar a day devoted to the importance of education to the lives of its citizens and to the general well-being of the Nation; and the Lubavitch Movement, which conducts educational activities at more than sixty centers in twenty-eight States as well as around the world, is especially committed to the advancement of education and has proposed the establishment of an “Education Day, U.S.A.”; and world Jewry marked in 1977 the seventy-fifth birthday of the revered and renowned Jewish leader, the head of the worldwide Lubavitch Movement., Rabbi Menachem Mendel Schneerson. . . .

The following year, President Carter issued Proclamation 4562 (1978), which declared:

I, JIMMY CARTER, President of the United States of America, do hereby proclaim Tuesday, April 18, 1978, as Education Day, U.S.A. and I ask all Americans to observe that day in such manner as reflects their commitment to education and their recognition of its importance to the welfare of this Nation.

17. In 1982, President Reagan issued Proclamation 4921, designating April 4, 1982, the Rebbe’s 80<sup>th</sup> birthday, as “National Day of Reflection:”

A Proclamation Amid the distractions and concerns of our daily existence, it is appropriate that Americans pause to reflect upon the ancient ethical principles and moral values which are the foundation of our character as a nation.

We seek, and steadfastly pursue, the benefits of education. But education must be more than factual enlightenment—it must enrich the character as well as the mind. One shining example for people of all faiths of what education ought to be is that provided by the Lubavitch movement, headed by Rabbi Menachem Schneerson, a worldwide spiritual leader who will celebrate his 80th birthday on April 4, 1982. The Lubavitcher Rebbe’s work stands as a reminder that knowledge is an unworthy goal unless it is accompanied by moral and spiritual wisdom and understanding. He has provided a vivid example of the eternal validity of the Seven Noahide Laws, a moral code for all of us regardless of religious faith. May he go from strength to strength. In recognition of the Lubavitcher Rebbe’s 80th birthday, the Senate and the House of Representatives of the United States in Congress assembled have issued House Joint Resolution 447 to set aside April 4, 1982, as a “National Ante, p. 60. Day of Reflection.”

18. Further testimony to the Rebbe's significant impact was the letter of condolence tendered by the President Clinton upon the Rebbe's passing. It read in part: "He was a monumental man who, as much as any other individual, was responsible over the last half-century for advancing the instruction of ethics and morality to our young people."

19. Rabbi Schneerson was posthumously awarded the Congressional Gold Medal for his "outstanding and enduring contributions toward world education, morality, and acts of charity." In the words of President Clinton, "the late Rebbe's eminence as a moral leader for our country was recognized by every President since Richard Nixon."

### **The Rebbe's Influence Upon Me**

20. I am not a member of, nor in any way officially affiliated with, the Lubavitcher Hasidic movement. However, I have found Rabbi Schneerson's writings invaluable to me in my roles as a husband, father and grandfather, as a professional psychologist, as a teacher and writer, and as a rabbinic leader in the segment of Orthodox Jewry usually known as Modern or Centrist Orthodoxy.

21. I had only one conversation with the Rebbe, which has remained with me for almost 50 years. In it he encouraged me to trust my own judgment, to have self-confidence, and to think for myself.

### **The Rebbe's Teachings Concerning Family Life, Same-Sex Attractions, and the Human Capacity for Personal Change**

22. The Rebbe taught that human beings are obligated to struggle against wrong inclinations in order to conform to spiritual goals and commands. He insisted that humans have the capacity to control their passions and instincts.

23. He further taught that Jews are obligated to help each other obey God's commands. The Rebbe personally exemplified this teaching, designating and sending thousands of "shluchim" (emissaries) to even the most remote locations worldwide, for the sole purpose of returning the wayward back to their Jewish roots, known as "kiruv r'chokim" (bringing the distant closer).

24. A primary value for the Rebbe was the importance of marriage and family. He emphasized that for traditional Judaism marriage is a monogamous heterosexual relationship whose major purpose is to raise up future generations to follow in the Almighty's path. According to the Rebbe, Jewish faith commands observance of and adherence to these principles.

25. The Rebbe authored a well-known letter to a man struggling against same-sex attraction. In this letter he warmly conveys his understanding of the correspondent's predicament, but emphasizes his conviction that we are all obligated to strive against even "congenital" tendencies if they are contrary to divine law. He encouraged the correspondent by enunciating his conviction, based upon evidence that he well knew, that the individual has the ability to overcome even the strongest of internal tendencies.

26. The Rebbe believed and taught that every individual has the ability and affirmative religious duty to control, regulate, modify and even overcome internal tendencies of all sorts, including same-sex proclivities.

27. Moreover, the Rebbe believed and taught that it is every Jew's religious obligation to overcome such tendencies, and to help other Jews overcome them.

28. The Rebbe's teachings were by no means merely philosophical or theoretical; they were rooted in Torah, halacha (Jewish law) and deep-seated Jewish traditions. For example, the Rebbe's emphasis on "ahavat Yisrael," helping other Jews return to their faith, was well-grounded in the ancient tradition of "kol Yisrael arevim zeh lazeh" (all Israel is responsible for one another),

and in the biblical directive “ve’ahavta le’re’acha kamocho” (love for fellow person as yourself) (Leviticus 19:18).

29. Even today, some 25 years after the Rebbe’s passing, his teachings remain central to the religious obligations of his followers. To Lubavitcher Hassidim, the “mitzvah” (“commandment,” i.e., religious obligation) of helping another Jew become closer to his or her faith and live in the ways of the Torah is a religious imperative.

**Concluding remarks**

30. There can be no question that Rabbi Schneerson was a broad-minded, sophisticated, well educated, humane individual whose moral teachings are relevant to all mankind, especially in our times.

31. Those of us who are aware of his moral teachings are well-advised to take them very seriously.

32. Those who are affiliates of the Lubavitcher movement are duty bound to abide by the Rebbe’s guidance in their personal and professional lives.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed on April 10, 2019.



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Rabbi Dr. Tzvi Hersh Weinreb