

To whom this may concern:

Jewish law, called *halacha*, prioritizes Torah education above all else.

In addition to the Biblical commandment to teach one's own children, the Torah education of children is a communal obligation. This halachic requirement applies to every single Jewish community without exception.<sup>1</sup>

The education of children transcends all other communal obligations. It supersedes all other Biblical commandments, including the construction of the Holy Temple of Jerusalem, the holiest shrine in Judaism.<sup>2</sup>

All Jews, even those who have no children or whose children are grown, are equally responsible to ensure that every Jewish child in their community receive a proper Torah education.

In halacha, the education of children reigns supreme. Normal laws of infringement or town ordinances do not apply to it. No one has the right to interfere with the education of children. No one is permitted to prevent children from attending a class with the teacher of their parents' choice,<sup>3</sup> even if there are other schools nearby.

A teacher is not permitted to neglect his students, and may not deny a student entry, even if the child is not grasping his studies.<sup>4</sup> Any teacher who neglects his students due to other preoccupations, or due to lack of sleep or nutrition, or for *any reason*, is strongly condemned by halacha. The Biblical proscription "Cursed be he who performs the Lord's work deceitfully"<sup>5</sup> is invoked upon this errant teacher.

The only reason a teacher is exempted from teaching a student is actual illness of the student or teacher.<sup>6</sup> Actual illness, not theoretical illness based on statistical constructs or probabilities.

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<sup>1</sup> Talmud, Bava Basra 21a

<sup>2</sup> Code of Jewish Law, Yoreh Deah, 245:13.

<sup>3</sup> Bava Basra 20b. Mishneh Torah, Laws of Talmud Torah 2:7.

<sup>4</sup> Yoreh Deah ibid 245:9

<sup>5</sup> Jeremiah 48:10. Yoreh Deah ibid 245:17.

<sup>6</sup> Code of Jewish Law, Choshen Mishpat 334:4.

In halacha, any town or community that doesn't provide Torah education to its children is excommunicated until they hire teachers for all children six years old and older. And if they refuse, then the community is to be destroyed (!) and its inhabitants must move away, since the world only exists in the merit of the Torah studied by young children in their teacher's class!<sup>7</sup>

Our sages taught that the Holy Temple in Jerusalem<sup>8</sup> was destroyed because children were prevented from studying Torah and attending their teachers' classes.<sup>9</sup>

The destruction of Jerusalem 1950 years ago is the single-most traumatic and cataclysmic event in Jewish history which we continue to mourn to this day, perhaps more so than the recent Holocaust in which six million of our people were murdered, including 1.5 million Jewish children.

Children being prevented from studying Torah is a destruction that is on par with, and perhaps even worse than, the destruction of Jerusalem and all the collective trauma that our people have experienced since then.

Our ancestors risked their lives throughout history to teach Torah to Jewish children, even in the face of harsh oppression. From the Seleucid Greeks, to Rome in Hadrian's times, up until quite recently in the former Soviet Union, cruel regimes attempted to uproot our religion by banning the teaching of Torah to children. And in each of these bitter periods in our history, heroic Jewish men and women sacrificed their lives to teach Torah to their young.

Interfering with Jewish children's ability to attend Torah classes is worse than preventing Jews from attending a synagogue, or from observing any religious ritual. As mentioned above, a Torah class of children may not be interrupted for any reason, even to construct the Holy Temple.

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<sup>7</sup> Talmud, Shabbat 119b, Mishneh Torah, Laws of Talmud Torah 2:1. Yoreh Deah ibid 245:7.

<sup>8</sup> Judaism's holiest and central shrine which all Jews worldwide pray towards three times daily

<sup>9</sup> Shabbat ibid: "Rav Hamnuna said: Jerusalem was destroyed only because schoolchildren there were interrupted from studying Torah, as it is stated: '[And I am filled with the wrath of God, I cannot contain it], pour it onto the children in the street...' (Jeremiah 6:11). Rav Hamnuna explains: What is the reason that the wrath is poured? It is because 'children are outside in the streets' and are not studying Torah.

Coercing me to exclude Jewish children from my class, school or synagogue, is a gross violation of my First Amendment rights.

It is asking me to violate my religion in the most egregious and unacceptable way.

It is downright un-American, an abomination to everything this great nation stands for. It flies in the face of all the freedoms we hold dear.

As a rabbi and teacher, I am required by my faith to accommodate every single Jewish child in my community, regardless of parents' ability to pay, and irrespective of any parental choices that pertain to the child's health care.

It is irrelevant to me if a child is fully vaccinated or not, or whether the parents' reasons for not vaccinating are valid or invalid according to New York State health officials.

Personally, I might agree that they ought to be vaccinated, but that is irrelevant to my capacity as a Torah teacher.

I cannot bar a child from attending a Torah class, or from participating in any educational program we offer in our community.

The very notion (of preventing a child from studying Torah with other children) is an anathema in my faith, the antithesis of my deepest-held religious values, and a betrayal to my commitment to the Torah and my community. It is an egregious betrayal to my holy ancestors, due to whose perseverance and devotion to Jewish education we are here today.

It is unreasonable for New York State to expect me to bar children from attending classes and programs at my school and/or synagogue.

Even if this new ordinance were to affect one single child, it would unthinkably verboten for me, but is even more appalling considering the fact that it affects scores of families and children in my community.

Moreover, it disrupts my class, my school, my community. It affects the peers of those children being excluded. It adversely affects our schools and causes them financial harm, as they have hired teachers for more children.

In short, it will have a disastrous and deleterious effect on my community. I fear it will cause irreparable harm to the greater Jewish community here in New York.

But all that aside, it is squarely against my religion.

The only halachically-valid reason to exclude a child from school, as I mentioned above, is actual illness of the student, or if the student poses an actual and present danger to other children.

An imagined and anticipated danger (in event the child contracts a disease in the future) is not sufficient grounds to exclude a child in the present.

In halacha, only actual life-threatening danger would permit me to exclude a Jewish child from studying Torah.

A healthy child may not be excluded.

How much more so if a child is not vaccinated for diseases which aren't even contagious to others, like Tetanus, Hepatitis B, and HPV.

While I might personally appreciate the State's efforts to encourage herd immunity and to promote vaccination in attempt to protect all children from any or all preventable diseases, my religion simply does not allow government policy to prevent a Jewish child from attending Torah classes with other children.

As a rabbi and community leader, I must protest and resist this oppressive enactment in the strongest of terms.

Moreover, I strongly encourage all my rabbinic and lay-leader peers to do the same.

I cannot and will not remain silent.

It is an unspeakable violation of the First Amendment.

If this shameful law remains in effect, I will have no choice but to encourage civil disobedience and noncompliance. My religion and my holy forebearers would expect no less of me. Please understand my predicament. I am not a contentious person, but simply standing up for my religious rights.

It is my fervent hope that sanity will return to the legislature of the State of New York and that truth and peace shall prevail.

Sincerely,

Rabbi Michael Green